

# REPORTS



**CURRENT HEALTH LAW ISSUES IN CENTRAL  
AND EASTERN EUROPE  
(LUBLIN, 3 JUNE 2016, CONFERENCE REPORT)**

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On 3 June 2016 an international conference on *Current Health Law Issues in Central and Eastern Europe* took place at the John Paul II Catholic University of Lublin. The conference was organised by the Department of Administrative Law at the Faculty of Law, Canon Law and Administration under the honorary patronage of the European Association of Health Law (EAHL). The aim of the above-mentioned meeting was to create the platform for exchange of experiences and sharing views by researchers and experts from the field of health law from post-communist countries where transformation processes caused many changes in the health system, also in the perspective of their EU memberships. The foreign research centres represented at the conference were the Masaryk University in Brno from the Czech Republic, the National Academy of Management in Kiev and the Legislation Institute of Verkhovna Rada of Ukraine from Ukraine, the University of Ljubljana from Slovenia, and the Kauno Kolegija University of Applied Sciences from Lithuania. Polish speakers and other participants derived, among others, from the Medical University of Lublin, the Jagiellonian University, the University of Rzeszów and the John Paul II Catholic University of Lublin.

The opening speech was given by Professor Andrzej Herbet (Vice Dean of the Faculty of Law, Canon Law and Administration). He emphasized the importance of the issues discussed by the organisers and participants of the conference, especially regarding protection of basic rights of individuals to health protection and the search for systemic solutions in

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the system of public health. The Dean gave the floor to Rev. Professor Sławomir Fundowicz (Head of the Institute of Law, Head of the Department of Administrative Law) who then gave the floor to Dr Katarzyna Miaszkowska-Daszkiewicz, letting her introduce all participants and present the agenda of the meeting on behalf of the organisers.

The first session – chaired by Professor Jakub Pawlikowski (the Medical University of Lublin/Poland) – started from the lecture under the title “Identification and Public Financing of Innovative Healthcare – Especially if Expensive (with Consideration of EU Patients’ Directive)” given by Dr Filip Křepelka (The Masaryk University in Brno/the Czech Republic). In his speech, he paid attention to the issue of the fundamental right to healthcare in general and patients’ rights to particular treatment that shall be “the best” in the perspective of innovative treatment. The speaker referred to Directive 2011/24/EU on application of patients’ rights in cross-border healthcare as well as to the local legal regulations that are binding in the Czech Republic with regard to the system of public financing of healthcare. He underlined that financing of expensive, innovative treatment – approved, or experimental – can be an extremely sensitive issue, especially if serious diseases are discussed. Other countries, for example Germany, have developed and fine-tuned procedures for evaluation of both medical and economic-social efficacy of innovative treatments. In the author’s opinion, such procedures will also be emulated in the Czech Republic.

Next Dr Anna Kosińska (the John Paul II Catholic University of Lublin/Poland) drew the attention of the audience to the issue of “Access to Healthcare for Irregular Migrants and Asylum Seekers in V4 Countries. Analysis of the Polish Example.” In the presentation, general migration trends in the EU were underlined and main legal regulations governing the access of migrants to health care were analysed. Additionally, the most burning problems at regional level were signalized and solutions recommended.

The first session was closed by the presentation “Between the Competitiveness of the EU Member States and the Safety of Patients in Clinical Trials” delivered by Dr Katarzyna Miaszkowska-Daszkiewicz (The John Paul II Catholic University of Lublin/Poland). The author presented a few crucial remarks on Regulation (EU) No 536/2014 of the European Parlia-

ment and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC. She stated that the new Regulation aims at restoring the EU's competitiveness in clinical research and the development of new and innovative treatments and medicines by reduction of bureaucratic procedures and bringing patient-oriented research back to Europe.

The second session was chaired by Dr Katarzyna Melgieś (The John Paul II Catholic University of Lublin/Poland) and started by the Ukrainian speaker Ivan Demchenko from the National Academy of Management in Kiev and the Legislation Institute of Verkhovna Rada of Ukraine who delivered a speech on "The Status of Healthcare Reform in Ukraine". The speaker showed the legal, social and economic background for the current and future reform of the healthcare system in Ukraine and emphasized difficulties connected with establishing and implementation system. The author presented the National Health Reform Strategy for Ukraine 2015-2020 and discussed the key features of such strategy, i.e. liberalization of medical service market, reduction of overregulation of healthcare sector, financing principles, autonomy of medical institutions.

The next paper on "Contemporary Issues of Slovenian Healthcare System – Where Are We Now and Where Are We Going?" presented by Dr Bruno Nikolić (The University of Ljubljana/Slovenia) was an interesting discourse with the previous presentation. The issue was viewed from the perspective of Slovenia, a much more experienced country in the field of healthcare system. The author shared his observations connected with sovereign debt crisis. The Slovenian healthcare system is based on the Bismarck model, which is common in the Central and Eastern European countries, with the predominant source of financing deriving from the state and mandatory healthcare insurance. The speaker tried to find the answer to the following question: Are we going to stay on the traditional, liberal path, promoted by majority of the population, or is now the time to switch to a more conservative paradigm, highly uncommon in the entire region?

The next two authors, Dr Iveta Vitkutė Zvezdinienė (The Kauno Kolegija University of Applied Sciences/Lithuania) and Dr Jolanta Pacian (The Medical University of Lublin/Poland), gave a comparative presentation on "Legal Issues of Regulations on Nutrition in Lithuania and

Poland”. The presented comparison showed that the national systems are in accordance with the EU law.

The last speaker in the second session, Dr Tomasz Sroka (The Jagiellonian University/Poland), presented a paper titled “Can the Dutch Public Health Care System Be a Model for the Polish System?” The researcher referred to the Dutch health care system, based on the Bismarck model, as to one that is ranked the highest according to the Euro Health Consumer Index 2015. The remarks focus on comparison of both systems and an attempt to find common solutions.

The last session, chaired by Dr Katarzyna Miaskowska-Daszkiewicz was devoted to legal regulations in the field of health law in Poland and concerns expressed about them. Dr Anna Jacek (The University of Rzeszów/Poland) shared her views on the matter while presenting the paper on “Legal Conditions Governing the Exercise of Medical Professions – Simplification or Obstacle in Access to Health Care?” The speaker discussed relevant Polish laws regarding medical professions regulated comprehensively (e.g. nurse, physician, midwife, diagnostician, chemist, physiotherapists) and uniformly outstanding medical professions (e.g. nutritionist, electro-cardiology technician, medical analytic, school hygienist, optician, and dental assistant). She concluded that there are still problems with treatment of citizens residing outside the European Union as regards the strict regulations that Poland should respect.

The next presentation “Informatization in Polish Health Care System – An Easy Way to Effectiveness?” prepared by Dr Renata Pal (The John Paul II Catholic University of Lublin/Poland) drew the attention of the audience to the issue in question and summed up the considerations by indicating a few basic obstacles to the effectiveness of the Polish system. These obstacles are the lack of proper coordination between the projects, continuing lack of sufficient legal instruments used in order to fulfil the system’s assumptions, continuous delays in launching subsequent stages of the e-projects, the lack of adequate consultation with the medical community and a huge lack of knowledge about the e-health system among Polish citizens. The research shows that only some part of the society knows something about e-Health, e-services, and telemedicine.

The final presentation on “Public and Private Entities in Polish Health Care System – Synergy or Competition?” given by Dr Katarzyna Melgiesz

(The John Paul II Catholic University of Lublin/Poland) focused on the current situation of the Polish health care system vividly discussed by politicians, especially the Minister of Health. In an attempt to find the solution to the problem posed at the beginning, the author emphasized that since 2010 only a little over 4% of the Gross Domestic Product has been spent on health care in Poland, while the average expenditure in the OECD countries has been over 6% of the GDP. On the other hand, the core health care services should be secured by public entities – for constitutional reasons. Finally, the speaker concluded that private entities could be a serious source of funds for investments in the health care system.

On behalf of the organisers, Dr Katarzyna Miaskowska-Daszkiewicz closed the Conference by highlighting the stimulating role of the platform for exchange of views and experiences provided by the Conference on the “Current Health Law Issues in Central and Eastern Europe”. She also expressed hope that another meeting would take place next year.

