

## SIGNIFICANCE OF MEDICAL LAW IN MEDICAL SCHOOL CURRICULUM

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Incorporating the medical law as a part of medical school curriculum will enable medical students to be fitted and aspired for a lifetime of good practice and learning not just medical skills although improving medical care system in general. Due to acquired knowledge student will be aware and will understand legal, ethical and professional responsibilities that medical care system requires of them.

Acquired knowledge will enable students to develop critical thinking about ethical, legal and professional issues. In that matter the students will be able to respond delicate situations that they will be confronted with. It will make influence in minimizing or eliminated some legal or ethical uncertainty in order to help them to preserve their professional integrity. Also acquired knowledge will enable future doctors to make decisions that are ethically, legally and professionally justifiable, they will be able to respond appropriately to any challenges in medical practice also novelties and results in science and society changes. Thus the knowledge, behavior, skills and attitudes will be integrated into medical practice and medical care system.

It has been said a doctor who knows nothing of law, and a lawyer who knows nothing of medicine, is deficient in essential requisites of their respective, professions.

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### Introduction

Medical law is a branch of law which will ensure the quality and rights of all participants in medical service system. Medical law covers an area of regulations relating to the medical operations, the industry operators, the procedures involved in the medical operations, characteristics of medical experts performing medical operations, as well as the relations that occurred while performing medical activities. The medical law also covers regulative of drugs and other medical devices (1, 2). The studying of medical law and bioethics are recognized as claimed for the medical professionals in every day clinical practice.

Studying the basis of medical law by medical students allows them to be aware of basic elements

of medical law, establishing the basis for the future good medical practice, developing the adequate relationship with patients, exploring the essential needs of patients and medical care system, develops awareness and understanding of ethical, legal and professional responsibilities required of them as students and future doctors, to reflect adequately resolving ethical, legal or professional issue (1, 2). Adopting the knowledge received during studies future doctors will be able to aim high standards of medical practice, insuring that their professional engagement is not only practicing medical techniques but also providing the patients the full care involving respect of their human rights, also following guidelines of good medical practice.

The standards in medical school curriculums must go beyond traditional basic science and clinical subjects. Developing medicine, medical practice and medical law beside them created the need to translate physicians' technical skills in medicine into effective research and medical care for patients (3).

### Core Content of Medical law

The Core Content of Medical law must be determinate as framework of teaching medical law. Students must adopt the basis of medical law which will improve their not just medical skills to become good doctors. Recognizing the foundations of medical law medical students will adopt and apply understanding the framework of good medical practice and duties that are required. Medical students, as

future doctors, will explore and underscore the key importance of good medical practice, health benefits for individual patients and health care system, minimizing malpractice and respecting the patients' autonomy and will, resolving the legal issue and improves reflective and critical thinking of the core content issue (4).

### Foundations of Medical law

Gaining knowledge, skills, behaviors, and aptitudes during medical courses, medical students will develop appropriate attitude to essential ethical and legal issues, methods of ethical reasoning that informed decisions in everyday practice, to establish the framework of medical practice according legal principles and be aware of their duties (2-4).

Mastering these basic elements of medical law will enable medical students to adopt principles that will be incorporated in their practice. Thus, students will master basics of good medical practice, to understand and be aware of their role in medical care system, duties and responsibilities, relations to the patients and patients' health, the importance of confidentiality, good communication, respect of patients' autonomy, honesty, right of patients to be informed of every procedure and its consequences, patients' right to choose if they want to be treated or not to, to provide second opinion and adhere legal responsibilities to protect patients' rights.

Medical law education is often based on the rules, but the recommendation are that medical law focuses also on fundamental of legal reasoning, legal skills and behaviors (4).

As future doctors, students should be able to develop appropriate relationship between everyone included in medical care system and will be able to respond efficiently to any legal issue, errors made during procedures. It is important for students to be able to make difference between moral, legal and human right and how these rights can involve their practice (4).

### Aims of teaching medical law

Incorporating the Medical law as a part of Medical school curriculum will enable medical students to be fitted and aspired for a lifetime of good practice and learning not just medical skills although improving medical care system in general. Due to acquired knowledge a student will be aware and will understand legal, ethical and professional responsibilities that medical care system requires of them.

Understanding some core rules, principles and concepts is important part of medical training (4).

Some Medical schools in their Medical law curriculum focus on future physicians as expert witnesses, other Medical schools lay focus on avoiding lawsuits as defensive medical technique. These two approaches are physicians centered. Medical schools focused on patients centered courses teach medical law more as analyses of ethical questions faced to the physicians, the way to work through boundaries and questions are set by law. These approaches are not exclusive one to another and many Medical schools embody them in one unique approach (5).

Acquired knowledge will enable students to develop critical thinking about ethical, legal and professional issues. In that matter the students will be able to respond to delicate situations that they will be confronted with. It will make influence in minimizing or eliminated some legal or ethical uncertainty in order to help them to preserve their professional integrity. Also the acquired knowledge will enable future doctors to make decisions that are ethically, legally and professionally justifiable, they will be able to respond appropriately to any challenges in medical practice also novelties and results in science and society changes. Thus the knowledge, behavior, skills and attitudes will be integrated into medical practice and medical care system (5).

Medical schools in order to shape their coursework of Medical law must get answers of the questions:

◇ What should medical students learn about the law?

◇ When should they learn about the law?

◇ How should they learn about the law?

◇ From whom should they learn about the law?

◇ *The What*

Medical schools generally teach medical jurisprudence (impact of law to the medicine) and medical forensics (impact of medicine to the law).

◇ *The When*

The standing point of most authors in reviewed literature is that Medical law should be taught during pre-clinical and clinical years, horizontally (across one year) and vertically (through all years of studies).

◇ *The How*

Most Medical schools clumps law and ethics, some of them shaped their courses as a mixture of lecture and group discussions. There are some initiatives to provide trainings among medical and law students as kind of interdisciplinary practice.

◇ *The Who*

The lawyers should be included into Medical law teaching courses or to be a part of team teaching model (that is, adds a J.D. to an M.D. or Ph.D.).

Most of Medical schools involve lawyers into Medical law teaching courses, with faculty appointments ranging from full-time to adjunct, many of them are in legal practice. These kinds of appointments are characteristic to legal systems that allow this kind of arrangements to lawyers.

It is important that physicians encounter law be positive and productive not only for physician's positions, but for the welfare of patients whom medical profession exists to serve, as it is mentioned in paper by Campbell, 2012. (4).

### Medical school curriculum and clinical implications

Teaching medical law and integrating medical law into medical schools curriculum enables medical students to acquire knowledge of basic principles of medical care system.

As a part of medical care system every future doctor must be aware of basic principles of medical law, that are regulated by Act of Health care ("Gazette of RS", no. 107/2005, 72/2009 - other Act, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 - other Act 93/2014, 96/2015 and 106/2015) (6).

Health care regulated by Act of Health care ("Gazette of RS", no. 107/2005, 72/2009 - other Act, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 - other Act 93/2014, 96/2015 and 106/2015) is organized and comprehensive activity of the society with the aim to achieve the highest possible level of preservation of health of citizens and families. Health care includes the implementation of measures for the preservation and improvement of citizens' health, prevention, suppression and early detection of diseases, injuries and other health disorders and timely and efficient treatment and rehabilitation (7).

A student must acquire knowledge of basic principles of health care system. These principles are:

• **The principle of access to health care**

The principle of access to health care is delivered by providing adequate health care to citizens of the Republic of Serbia, which is physically, geographically and economically accessible, and culturally acceptable, especially health care at the primary level (8).

• **The principle of equity of health care**

The principle of equity of health care achieved by prohibiting discrimination providing health care on the basis of race, sex, age, national origin, social background, religion, political or other opinion, property status, culture, language, type of illness, mental or physical disability (9).

• **The principle of comprehensive health care**

The principle comprehensive health care is achieved by the inclusion of all citizens into health care system by implementing integrated measures and procedures of health care that include health promotion, disease prevention at all levels, early diagnosis, treatment and rehabilitation (10).

• **The principle of continuity of health care**

The principle of continuity of health care is achieved by organization of health care as a whole that has to be functionally linked and coordinated on every levels of health care system, from primary through secondary to tertiary level of health care and that provides continuous health care to the citizens at any age (11).

• **The principle of continuous improvement of the quality of health care**

The principle of continuous improvement of the quality of health care is achieved through the measures and activities that are in line with the modern achievements in medical science and medical practice, that increases the possibility of a favorable outcome and reduces risks and other adverse effects on health and the health status of individuals and the community as a whole (12).

• **The principle of efficiency of health care**

The principle of efficiency of health care presents achieving the best possible results related to available financial resources and achieving the highest level of health protection with the lowest consumption of resources (13).

Besides knowing basic health care principles, medical students must understand that providing health care has been accomplished with respect of the highest possible standards of human rights and values, and the right to physical and psychological integrity and security of personality, as well as the appreciation of patients' moral, cultural, religious and philosophical beliefs (14).

International law principles are integral part of Serbian legal system. Republic of Serbia has ratified European Convention on Human Rights and Fundamental Freedoms 1950. Ratification of Convention obliged Republic of Serbia to implement the values of the Convention in Serbian legal system, beginning from Constitution as the highest legal Act to lower legal Acts (15).

There are several Articles at Convention that are relevant to medical law, such as Article 2 (right to life), Article 3 (right not to be subject to inhuman and degrading treatment and torture), Article 5 (right to liberty and security), Article 8 (right to privacy and family life) and Article 12 (right to marry and found a family). Many of these rights are not absolute and are subject to exceptions. Article 8, for example, envisages exceptions to the right to privacy (including confidentiality) in the interests of national security, public safety or the country's economic well-being, for the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others (16) (Table 1).

Global health law has been defined as the legal norms, processes, and institutions that are designed primarily to attain the highest possible standard of physical and mental health for the world's population (17). Also there are limitations of global health that must be considered, as it is specified in Table 2.

**Table 1.** Significance of Medical law in Medical school's curriculum

<b>Core Content of Medical law</b>	<b>D</b> eterminates as framework of teaching medical law. <b>S</b> tudents adopting the basis of medical law which will improve their not just medical skills to become good doctors.
<b>Foundations of Medical law</b>	<b>G</b> aining knowledge, skills, behaviors, and aptitudes during medical courses, medical students will develop appropriate attitude to essential ethical and legal issues, methods of ethical reasoning that informed decisions in everyday practice, to establish the framework of medical practice according legal principles and be aware of their duties.
<b>Aims of teaching medical law</b>	It is important that physicians encounter law be positive and productive not only for physicians positions, but for the welfare of patients whom medical profession exists to serve.
<b>Medical school curriculum and clinical implications</b>	<b>E</b> nables medical students to acquire knowledge of basic principles of medical care system.

**Table 2.** Limitations of Global Health Law (modified by Gostin and Sridhar, 2014)

<b>Limitation</b>	<b>Description</b>
National sovereignty	Countries are reluctant to forgo self-governance or cede authority to international actors.
Rise of nongovernmental actors	Businesses, foundations, and civil-society groups have major effects on health but are hard to govern at the international level.
Divergent interests of emerging economies and high-income countries	High-income countries defend trade liberalization (e.g., intellectual property), whereas low- and middle-income countries focus on health justice (e.g., access to medicines and fair allocation of scientific benefits).
Funding earmarked by private donors for specific sectors, diseases, or regions through multilateral agencies ("multibillion" financing)	Countries route assistance through the WHO and other multilateral agencies but hold tight control over its use, limiting WHO control of its resources and ability to set priorities and diminishing the perceived independence of the WHO
Funding for capacity building	Global health law rarely requires high-income countries to build capacities in lower-income countries to fulfill international obligations.
Compliance and incentives	WHO norms (whether soft or hard) rarely contain effective methods for holding countries and stakeholders accountable
Adjudication and enforcement of norms	The WHO lacks power to adjudicate most disputes and enforce norms.

## Conclusion

Integration of medical law into Medical school curriculum will contribute to the knowledge of basic principles of health care system by undergraduate students. Acquiring knowledge of these principles will lay the foundation of good medical practice. Adopting the essential values, students, as future doctors, will provide health care with the best possible standards of human rights, providing the best

possible medical treatments to all citizens. Finally, it could be cited, a doctor who knows nothing of law, and a lawyer who knows nothing of medicine, is deficient in essential requisites of their respective professions (18).

In modern law, medical paternalism no longer rules' as it was summed previously (3-5). Modern medical law requires physicians seeking consent to provide sufficient information to enable patients to agree to proposed treatment with appropriate know-

ledge of risks, adverse effects and possible alternatives. Central to this is the importance of good communication, as it was specified in the paper by Harpwood, 2016 (16).

Future doctors during their medical studies, trainings and residency, develop anti-patient bias.

The importance of teaching medical law is to bring up to medical students the foundations of medical law, procedures, regulations, doctors and patients' rights, and, in that way, develop the relationship between doctors and their patients. Thus, it will contribute to develop the patients-centered system.

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## ZNAČAJ IZUČAVANJA PREDMETA MEDICINSKO PRAVO NA MEDICINSKIM FAKULTETIMA

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Rad se bavi pitanjem značaja uvođenja predmeta Medicinsko pravo u programe medicinskih fakulteta. Izučavanje medicinskog prava omogućilo bi studentima medicine osposobljenost da prepoznaju pravne, etičke i profesionalne obaveze koje zdravstveni sistem zahteva, što doprinosi unapređenju dobre medicinske prakse i celokupnog sistema zdravstvene zaštite.

Sticanje znanja iz oblasti Medicinskog prava omogućilo bi studentima da razviju kritičan odnos prema etičkim, pravnim i profesionalnim izazovima, i rešavanju delikatnih situacija u praksi. Ovako stečena znanja svela bi na minimum ili u potpunosti eliminisala pravne ili etičke nedoumice, a sve u cilju očuvanja profesionalnog integriteta lekarske profesije. Odluke budućih lekara bile bi u skladu sa etičkim, pravnim i profesionalnim standardima, što bi im omogućilo da na adekvatan način odgovore izazovima u praksi. Stečena znanja, veštine, primeren odnos prema pravima i obavezama postali bi deo medicinske prakse i zdravstvenog sistema.

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**Ključne reči:** *Medicinsko pravo, program medicinskih fakulteta*

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