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SECOND SILESIAN CONFERENCE ON MEDICINE AND LAW Katowice, 24.05.2015

On 24 April 2015, in the *prof. Witold Zahorski* assembly hall of the Medical University of Silesia in Katowice, the second edition of the Silesian Legal and Medical Conference took place. The event was organised by the union of Ph.D. candidates at the Law and Administration Faculty of the University of Silesia along with the Medical University of Silesia, the Polish Bar Council and the Silesian Medical Chamber in Katowice.

The meeting once again drew a number of people interested in legal and medical matters. Over 400 representatives of public trust professions participated at the conference: both young adepts of medical and legal practice, as well as experienced specialists. Scientists from several academic centres came to Katowice. A significant number of practitioners, including medical doctors, advocates, judges, prosecutors and legal advisers were present. Many of the listeners were Ph.D. candidates and students.

The conference was divided into two parts. In the first part, all the issues were presented from two perspectives – each of the topics was presented by a doctor and a lawyer. Two formulas of presentations were accepted – individual lectures and discussion panels. This method of organising the meeting turned out to be a good idea that diversified the meeting and highlighted its interdisciplinary character. The second part of the meeting was dedicated to practical matters. The participants of the conference were able to look into the practice of a forensic medic, as well as participate in a presentation and lessons on administering first aid.

A ceremonial greeting was made by the hosts, prof. Ph.D. M.D. Krystyna Olczyk, vice-rector of the Medical University of Silesia, and advocate Roman Kusz, the chairman of the Commission for the External Image of the Polish Bar Council. On behalf of the organisers, their representatives took the floor – HM Rector of the Medical University of Silesia prof. M.D. Przemysław Jałowiecki, Vice-Rector of the University of Silesia prof. Andrzej Kowalczyk, the Chairman of the Silesian Medical Chamber M.D. Jacek Kozakiewicz and Vice-Dean of the District Bar Council in Katowice advocate Grzegorz Kopeć. The special guest at the conference was Prof. Ph.D. M.D. Władysław Nasiłowski, celebrating his 90th birthday – a senior of the Silesian forensic medicine and a *honoris causa* doctor of the Medical University of Silesia. HM Rector of the MUS wished the jubilant all the best on behalf of the whole academic community, and emphasised the professor's huge contribution to the education and upbringing of many generations of doctors, for whom he had become an unquestioned authority.

The meeting started with an inaugural lecture given by Prof. Piotr Kruszyński – a practising advocate and chairman of the Commission for Criminal Law Codification. The speaker presented the legal aspects of a patient's consent to medical surgery. In his lecture, the speaker noted how the patients are informed about the surgery and its consequences, as well as possible consequences of declining such surgery. Professor Kruszyński also made a few important comments on the liability of doctors for damages, emphasising a well-developed market of insurance services in the USA, which may be a good reference point for Polish experiences.

Another lecture, entitled “Evidence in the form of an opinion of an expert M.D. in cases related to medical malpractice – an insight of a lawyer and forensic medic”, was prepared by two scientists – Prof. Kazimierz Zgryzek, Chairman of the Department of Criminal Proceedings of the Law and Administration Faculty of the University of Silesia, and Ph.D. M.D. Czesław Chowaniec, Chairman of the Faculty and Institute of Forensic Medicine and Forensic and Medical Toxicology of the Medical University of Silesia. Starting with the concept of an expert in judicial proceedings, Prof. Zgryzek presented a number of issues related to medical opinions in criminal proceedings. He referred to institutional and private opinions, the conditions of their admissibility, the impartiality of the experts, forms of conducting examinations and the issue of teamwork in preparing opinions. The professor noted that: “in judicial decisions, there is a grounded standpoint whereby the study method used by the experts is regarded as special information. The bodies of the proceedings cannot, therefore, oblige the expert to conduct an examination using a method indicated by the proceeding body”. The deliberations on purely a medical level were continued by Ph.D. M.D.C. Chowaniec. The speaker made a synthetic characteristic of typical cases related to medical malpractice. From the point of view of a forensic medic, such cases may be characterised by, according to the speaker: a very small number of disputes that are referred to mediation proceedings, the extraordinary activity of the injured party (auxiliary prosecutors and their representatives) and usually the passive attitude of suspected doctors at the initial phase of proceedings.

A discussion panel related to contemporary problems of transplantology, moderated by prof. Ph.D. M.D. Jan Duława, Vice-Rector of the Medical University of Silesia, was also an interesting point of the conference. The discussion was started by Ph.D. prof. of the University of Silesia Tomasz Pietrzykowski, an assistant professor in the Department of the Theory and Philosophy of Law at the Law and Administration Faculty of the University of Silesia, who set out legal problems with transplanting organs. In the Speaker's opinion: “...a legal sanction and the introduction of a second donor registry, regardless of the currently functioning register of objections, may be a good solution to improve the transplantology system...” Prof. M.D. Marian Zembala, the Chairman of the Department and Clinical Cardiovascular Surgery and Transplantology Division of the Medical University of Silesia pointed out that: “...there are too many critical views expressed by specialists regarding the controversy occurring in Polish transplantology...” He added that this area of medicine is very difficult to develop when artificial problems are being created. An analytical assessment of the current state of facts was made by M.D. Jarosław Wilk, a transplantation coordinator of Poltransplant, who recalled medical and legal solutions used in western countries such as Germany or Spain. Another speaker, Ph.D. M.D. Teresa Nieszporek, an assistant professor in the Department and Clinic of Nephrology, Transplantology and Internal Diseases of the Medical University of Silesia,

shared with the auditorium her doubts regarding kidney transplants. Despite promoting the idea of transplants in Polish society, and observing the most up to date instructions on recovering organs, no substantial increase in recoveries had been recorded. She also emphasised that we are not able to precisely determine what factors influence this negative status. Ph.D. M.D. Tomasz Budziński, a voivodship (provincial) consultant on transplantology, also helped prepare the topic of the panel.

Another discussion panel was dedicated to contemporary matters regarding sex differentiation disorders and was moderated by prof. M.D. Violetta Skrzypulec-Plinta, a voivodship (regional) consultant on sexology. The medical aspects of this session were presented by M.D. Grzegorz Kudela, a consultant on infantile urology, who presented cases of infantile sex differentiation disorders, diagnostic problems occurring in such cases, and medical procedures that are aimed at substantiation of the metrical sex with the sex that would be identified with by a child suffering from a sex differentiation disorder. The value of time, which the doctors should have at their disposal in order to make proper assessments, was emphasised in the lecture. As many as four doctors prepared a topic for the panel “A boy or a girl?...”. This group, in addition to the aforementioned speaker, included: Ph.D. M.D. Aneta Gawlik and prof. M.D. Ewa Małecka-Tendera of the Clinic of Paediatrics, Endocrinology and Infantile Diabetology of the Medical University of Silesia, and Ph.D. M.D. Agnieszka Drosdzol-Cop from the Feminine Health Department of the Health Sciences Faculty at the same university.

The legal aspects focused on procedures of sex determination in public registry files, and were prepared by two lawyers – Ph.D. Magdalena Habdas, Law and Administration Faculty of US, and Katarzyna Palka-Bartoszek, esq. – secretary of the District Legal Advisers’ Chamber in Katowice. The presentations gave a clear view of the inadequacy of procedures related to attributing legal sex in regard to needs generated by cases that are not typical. Polish law currently does not stipulate any possibility of withholding the attribution of sex to a child, specifying very short periods of time for drafting birth certificates. This even concerns situations in which there is a substantial risk of undertaking a wrong decision. Due to the fact that the issue of human “interference” into sex is in Poland a controversial topic, it is very difficult to actualise legal procedures in relation to current medical knowledge and possibilities it creates.

Ethical matters in the profession of a doctor and a lawyer were referred to jointly by advocate Roman Kusz, Vice-Dean of the District Bar Council in Katowice and Ph.D. M.D. Jarosław Markowski, the Chairman of the Commission for Ethics of the Silesian Medical Chamber. Dean Kusz focused his attention on examining the differences between ethical norms addressed to doctors and to lawyers. In his presentation, he stressed the issues of quality of rendered services, professional relationships with clients and the execution of proper ethical attitude among lawyers and doctors.

Mr Markowski discussed the nature and the source of the duty on medical doctors to provide aid. In searching for such a source, he discussed selected provisions of the Code of Medical Ethics, which he related to the provisions of the Criminal Code and the Act on the Profession of Medical Doctor and Dentist. “A universal human obligation to render aid results mostly from the essence of being a human being,” – concluded Ph.D. M.D. Markowski.

In the last discussion panel, entitled “Liability of subjects comprising the health service in regard to underfunding of the activities of hospitals”, on the financial status of the Polish health service and the reasons for the current, disturbing status quo, mgr

Aleksandra Skowronek – vice-marshal of the Silesian Voivodship, mgr Bernadetta Kuraszewska – the chancellor of the Medical University of Silesia and M.D. Dariusz Jorg – Director of the Academic Centre of Ophthalmology and Oncology of the Central Clinical Hospital of the Medical University of Silesia, took part. The discussion was moderated by Prof. M.D. Jan Duława. The participants of the panel indicated the reasons for the poor financial status of the Polish health service. They also focused on problems related to the commercialisation and privatisation of healthcare units and additional health insurance, and then suggested changes that could be made to the health service in the future.

At the end, during the practical part of the conference, the organisers proposed two alternative options of further participation to choose from. The first possibility included a presentation of a rescue action and workshops on basic resuscitation actions, conducted by instructors of the American Heart Association in the Centre of Simulation and Medical Instruction building. The second offer comprised a visit to the Department of Forensic Medicine and Forensic and Medical Toxicology of the Medical University of Silesia.

The second edition of the Silesian Legal and Medicine Conference may undoubtedly be regarded as a successful academic event of an interdisciplinary character. Undertaking important issues arising on the borderlines between law and medicine in the form of discourse between two universities is a venture that provides new, very varied points of view and becomes an inspiration for representatives of both professional groups. We hope that the conference will become a cyclical event and will find its permanent place in the calendar of academic events at the University of Silesia.