

1. Record Nr.	UNINA9910483202503321
Titolo	Compensation Schemes for Damages Caused by Healthcare and Alternatives to Court Proceedings : Comparative Law Perspectives // edited by Dobrochna Bach-Golecka
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2021
ISBN	3-030-67000-7
Edizione	[1st ed. 2021.]
Descrizione fisica	1 online resource (458 pages)
Collana	Ius Comparatum - Global Studies in Comparative Law, , 2214-689X ; ; 53
Disciplina	344.0411
Soggetti	Private international law Conflict of laws International law Comparative law Mediation Dispute resolution (Law) Arbitration (Administrative law) Medical laws and legislation Public health Private International Law, International and Foreign Law, Comparative Law Dispute Resolution, Mediation, Arbitration Medical Law Public Health
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Compensation schemes and extra-judicial solutions in case of medical malpractice. A review of contemporary arrangements -- L' indemnisation des dommages résultant des soins de santé et les alternatives aux procédures judiciaires - Rapport belge -- Compensation schemes for damages caused by healthcare in Brazil -- La responsabilité médicale et hospitalière en droit civil québécois : Principes généraux et alternatives à la voie judiciaire -- Medical mal

practice and mediation in Cyprus – Mediation as a potential way of resolving medical mal practice disputes -- Compensation schemes for damage caused by healthcare and alternatives to court proceedings in Czech Republic -- Compensation Schemes for Damages in the Cases of Medical Malpractice: Estonian Perspective -- The French Medical Accident Compensation Scheme. A Critical Assessment of the Patients' Rights Act of 4 March 2002 -- Legal questions concerning medical malpractice liability: substantive law and its enforcement. Country report Germany.-Challenges and Contradictions about Medical Malpractice in Hungary -- Compensation schemes for damages caused by healthcare and alternatives to court proceedings in Italy -- Liabilities for Damages Resulting from Medical Treatment and Dispute Resolution System in Japan -- Innovating Compensation for Medical Liability in the Netherlands -- Medical Injury in New Zealand -- Medical Negligence Proceedings in Singapore: Instilling a Gentler Touch -- Damages in medical malpractice cases and alternatives to court proceedings: a Slovenian perspective -- Excessive litigation for harm arising from medical malpractice in South Africa: underlying reasons, deleterious consequences and potential future reform -- Compensation schemes for damages caused by healthcare and alternatives to court proceedings. National report Taiwan -- Alternative Compensation Schemes for Medical Malpractice in the United Kingdom -- ANNEX: Questionnaire: „Compensation schemes for damages caused by healthcare and alternatives to court proceedings”.

---

#### Sommario/riassunto

The book discusses compensation mechanisms and other non-judicial means that offer alternatives to court proceedings, designed and provided for within national legal regimes. Such schemes are primarily of a civil or administrative character and are mainly intended to supplement criminal liability for medical negligence. As such, the book focuses on medical malpractice and prospective medical harm from a civil law perspective. It examines the contemporary perspective of a patient-physician relationship, which has evolved from a relation of a quasi-patrimonial character into a partnership of quasi-equal parties, dealing with a medical treatment procedure as a scientific endeavor. It also reviews the extra-legal conditions that are taken into account in compensation arrangements, particularly the need to satisfy a psychological urge for conciliation and empathy on the part of medical personnel. Lastly, the book explores the responsibility of public authorities and healthcare providers to guarantee access to healthcare that is of a sufficient quality, based upon standards provided for in international (and European) law.

---