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Summary of doctoral dissertation

„Privatization of the medical entities with reference to the right to healthcare”

My doctoral thesis “Privatization of the medical entities with reference to the right to healthcare”, was written under the supervision of Professor Tadeusz Kocowski.

The main purpose of my thesis was the legal analysis of the legal position of the individuals, with a reference to the privatization of the medical entities. The Constitution of the Republic of Poland in article 68 paragraph 1, provides that every individual has the right to healthcare. In the Polish jurisprudence there is no absolute consent, that the right to healthcare should be qualified as a public subjective right.

After the verification, if the right to healthcare is a public subjective right, the second – and the main – purpose was the answer about the change of the legal position of the individuals, with a reference to the privatization of the medical entities. I was focused especially on the privatization of the Independent Public Healthcare Center (SPZOZ – operating under the Healthcare Institutions Law), because this entities are primary in the Polish public healthcare system.

In my doctoral dissertation, in the summary, there are two main conclusions. First one – the right to healthcare is a public subjective right. The legal position of the individuals is changing with regard to privatization of the medical entities (especially Independent Public Healthcare Centers). Actually there is no legal regulation that would guarantee the continuity of the healthcare services financed from public funds.

As a consequence, privatization of the medical entities, in currently valid regulations, have an adverse impact to the legal position of the individuals. Therefore

there could be a violation of the proper realization of the right to healthcare as a public subjective right.

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