

DIANA RENATA BOŹEK

Liability of the doctor, the medical entity and the insurer for failed transplantation

SUMMARY

Transplantation of cells, tissues and organs is one of the most controversial medical procedures because it also concerns issues of the ethics and the outlook. In the recent years without a doubt we have been observing a development of transplantology because of the progress in medical sciences and changes in the mentality of the society.

Transplantology is also one of the most risky branches of medicine since following good medical practices gives no guarantee of success. The article brings closer the issue of unsuccessful transplantation – both because of the negligence of a doctor or a medical entity, as well as a defensive reaction of the body. The author presents different types of failed transplantation. In the second part of the article the author describes the rules of civil liability of doctors and other employees of medical entities for damage to patients, and points out differences between the liability of a perpetrator of the damage and an insurer. Third part of the article presents the liability of the insurer for failed transplantation on the basis of the Regulation of the Ministry of Finance on the compulsory third-party liability insurance of the entities conducting medical activity.

KEYWORDS: civil liability, transplantation, compensation, third party liability insurance