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## The silesian conference on medicine and law

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## THE SILESIAN CONFERENCE ON MEDICINE AND LAW

The first edition of a scientific conference – The Silesian Conference on Medicine and Law was organized on 25 April 2014 at the Faculty of Law and Administration of the University of Silesia (UŚ). The organisers were the University of Silesia in Katowice, the Medical University of Silesia (SUM), the Silesian Medical Committee and the Regional Committee of Lawyers in Katowice. The project, merging medical and legal circles – as one of the first events of its kind – became a bridge for interdisciplinary communications between researchers and practitioners of both disciplines, and constituted a perfect opportunity to outline the map of current medical-legal problems. The meeting was attended by more than 350 participants representing the medical and legal professions.

The conference was divided into two parts. The first part discussed the subjects prepared in co-operation between scholars of the Faculty of Law and Administration and the Medical University, which included issues of transplantology, telemedicine as well as issues of patient consent. The second part, however, was devoted to complicated and controversial medical-legal problems that doctors and lawyers face every day at work.

The participants of the meeting were welcomed by SUM's Vice-Rector for Postgraduate Affairs Krystyna Olczyk, MD, PhD, Professor of Medicine and by prof. dr hab. Zygmunt Tobor, a Director of the Chair of Theory and Philosophy at the Faculty of Law and Administration of the University of Silesia. Honorary patrons of the event – JM vice-chancellor of UŚ prof. dr hab. Wiesław Banyś, JM vice-chancellor of SUM prof. dr hab. n. med. Przemysław Jałowicki, President of ŚIL dr hab. n. med. Jacek Kozakiewicz and the Dean of ORA in Katowice Jerzy Pinior – took the floor on behalf of the organisers. Czesław Martysz, Dean of the Faculty of Law and Administration at UŚ also expressed his approval for the event.

The meeting began with a discussion panel on the medical and legal problems of transplantology. The special guest of the meeting was the world renowned doctor, prof. dr hab. n. med. Adam Maciejewski, who, in co-operation with his team at the Centre of Oncology in Gliwice, conducted the first pioneering lifesaving face transplantation. Prof. Maciejewski attracted the participants' attention by presenting two spectacular cases of face transplantation. The first one was a 33-year-old man whose face became disfigured as the result of an accident – that particular successful operation received a lot of publicity from the world's media. The second case was a transplant for a 28-year-old patient who had suffered a form of face cancer.

As far as the medical aspects were concerned, the meeting was completed by a speech from dr hab.n.med. Marek Waluga, the Deputy Dean of SUM, who focused on the historical aspect of transplantology, the problem of consent and the presumption of consent in the case of transplantations from dead donors.

An important opinion concerning doubts raised on the field of transplantology, namely consent for organ donation, was phrased by dr hab. Tomasz Pietrzykowski, an assistant professor in the Chair of Theory and Philosophy. The speaker claimed that the "...elimination of written and oral declarations would be a good solution. Entering a register would be the only form of opposition". Professor Pietrzykowski also drew attention to the problem of commercialisation of transplantation from living donors.

Another subject of the conference concerned the role of an expert psychiatrist in a criminal trial. Prof. dr hab. n. med. Irena Krupka-Matuszczyk, a Director of the Chair of Psychiatry and Psychotherapy at SUM discussed areas of research of expert psychiatrists, such as infanticide and paedophilia. However, prof. dr hab. Kazimierz Zgryzek, a Director of the Chair of Criminal Procedure at the Faculty of Law and Administration at UŚ emphasised that, "In the case of infanticide, it should be decided whether the mother committed the act under the influence of labour, or whether, in the situation where a third party participates, it is a case of homicide subject to a penalty that is much more severe".

A presentation on modern aspects of telemedicine was prepared by four speakers. Dr Agnieszka Bielska-Brodziak, an assistant professor at the Chair of Theory and Philosophy and mgr Wojciech Maczuch, an assistant in the same chair, analysed the lawfulness of telemedicine. They emphasised that telemedicine as a modern form of health care has not been explicitly regulated by the legislator. Thus, it is necessary to solve arising dilemmas through the interpretation of already existing regulations. One of the fastest developing disciplines of telemedicine is teleradiology. Doctor Wawrzynek shared the opinion that "Teleradiology should be used only as a form of consultation". Doctor Jarosław Maczuch, an assistant at the Radiology Unit of the Traumatology Hospital in Piekary Śląskie, also took part in working out the subject.

During a speech titled "Patient's consent – legal and ethical aspects", prof. dr hab. Teresa Dukiet-Nagórska, a Director of the Chair of Criminal Law and Criminology and an expert in medical law who has been working on problematic areas for many years, criticized medical law in Poland. She highlighted that doctors should have clear rules as to when and if they can act in discord with a decision of a patient's representative. She added that the current law does not provide enough tools, and so it should be improved. "We all have to get down to work to let patients do well and doctors be safe" – she summed up. The problem of patient consent from an ethical point of view was presented by dr hab. Lesław Niebrój, a Director of the Chair of Philosophy and Liberal Arts at SUM. The speaker considered the issue of patient consent in cases involving children. He explained that it was the role of a doctor to judge whether the parents' decision should be taken into consideration. According to dr Niebrój, we should promote respect for autonomy and privacy, and remember that difficult cases constitute negative law.

The account of the two-year activity of the regional committee adjudicating on medical events, given by Deputy Chairman dr Andrzej Wcisło and members dr Marek Dudziak and r.pr. Przemysław Gątarz was an interesting point of the conference. As the speakers explained, the committee decides whether activities in discord with the medical practice led to a medical event – namely to an undesirable occurrence such as injury to the body, infection or death.

The second part of the meeting, held by dr Agnieszka Bielska-Brodziak and an attorney Roman Kusz, a Deputy Dean of ORA in Katowice, started with a report titled

“Organisational error” prepared by prof. dr hab. Teresa Dukiet-Nagórska and dr Stefan Kopocz, a spokesperson on doctor liability. The speakers discussed the issue of organisational mistakes and criminal liability for making them. They quoted several examples of typical nonfeasance: chaos in documents, wrongly arranged rotas, lack of care as far as the maintenance of equipment is concerned, and neglect when storing dangerous substances.

The participants of the conference enjoyed civil and criminal cases prepared in pairs by legal trainees. A civil case was prepared by legal trainee Bartłomiej Panfil and legal trainee Mateusz Szymura. Criminal issues were discussed by legal trainee Agnieszka Skowron and legal trainee Jakub Hanc.

Finally, dr n. med. Adam Drozd and dr Aleksander Marekwia delivered a lecture titled “Organisational-legal aspects of parenteral nutrition in Poland”. The last lecture was connected with the opening of the first Research and Development Centre of Clinical Nutrition in Poland.

During the First Silesian Conference on Medicine and Law several significant, interdisciplinary subjects were raised, along with their legal and medical entanglements. The discussion will undoubtedly contribute to the development of further, conscious and thorough thought. The event – in the eyes of representatives from more than seven scientific centres – was prepared at the highest level in terms of organisation and factual knowledge. It is worth mentioning that an exhibition of the works of the Academy of Fine Arts in Katowice, organised for this occasion, made the conference even more attractive.

The idea behind the conference was to create a multi-generational platform of thought exchange and to outline a current map of medical-legal problems. Having considered the participants’ interests, the project seemed to become an accurate answer to the need for closer co-operation between medical and legal circles, and working out the language that will enable clear communication. Hopefully the meeting will be remembered in both circles, and subsequent editions will lay the groundwork for common space between seemingly distant worlds.

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