



Overview of Health Law

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Dear Editor,

I am excited to be able to write a letter worth reading to your journal. Since the day you started publishing, I have been eager to write an article on the subject of “health law”, which is my area of interest, with the hope that it will contribute to your readers. I would like to take this opportunity to thank and extend my respects to my esteemed professors who have taken the responsibility and contributed to the thought and design phase, which is the first step in bringing your journal to life.

Although the phrase stating that law is necessary when two people come together is a common expression, even nature, animals and natural resources are in need of the legal system the moment they come into contact with humans. The factors that can be understood from living together are expanding day by day. Every contact, interaction and being present require the concepts of living in order, rights and responsibility. While a legal system designed by considering the needs and expectations of the society tries to meet this expectation, private law rules try to regulate life.

Health law occupies a different position with its aspects concerning both private and public law. The importance of health law will be better understood when the responsibility of the state for compensation arising from health services is considered, along with the fact that physicians and other health personnel are faced with the crimes of reckless killing, negligent injury and misconduct during or after the provision of health services.

As long as we live, it is obvious that all the attitudes and behaviors we display in the flow of life, from large systems that we define as complex, such as health services, to familiar and simple activities, have legal consequences. In fact, we see that some legal consequences continue even if the vital functions of individuals who receive health care services come to an end.

We see that the emotional tendencies in interpersonal relations are replaced by the concepts of logic and satisfaction, together with technological developments, sociological, psychological and ecological awareness, especially with economic and demographic changes. For this reason, the perception that law is needed only in case of conflicts has been transformed and its role as a relationship regulator has begun to be accepted in every moment of life. The doctor-patient relationship, which could be defined as “private” in earlier times, has also taken its share from developments. I think we would not be wrong if we defined the “legal” relationship between a doctor and a patient as more distant and cautious than in previous years, even if he/she does not see the patient physically, as can be understood from the example of telephone consultation, which is believed to start with the doctor’s acceptance of the patient. So

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much so that this special relationship between the patient and the physician is going through a separate test with the concept of “defensive medicine”, which is a new definition due to the rapidly increasing cases of malpractice.

Defensive medicine is a medical behavior that involves physicians requesting additional tests and examinations, additional research from patients, or avoiding examination or even treatment of high-risk patients even though they are not medically necessary. Physicians aim to protect themselves from medical malpractice lawsuits with their attitudes and behaviors within this scope (1). It should be kept in mind that every over or under intervention, whether it is a defensive medicine practice, can bring about a violation of rights (2).

And yet, in the difficult process that started with medical school, i am of the opinion that our doctors' following technological developments in diagnosis and treatment, as well as different disciplines closely related to the practice of their profession, will expand their range of action and increase their power in medical intervention.

For instance, when I went through the studies evaluating the opinions and practices regarding the meaning of informed consent, which is one of the most important elements of the concept of medical intervention and we think almost all health personnel know about, on the part of health professionals, i understood that people, mostly doctors, nurses and midwives, had not taken enough lessons about informed consent during their years of education and there is no consensus on the correct application of consent. Although the low number of personnel and negative working conditions are suggested among the reasons why consent was not obtained at the desired level, i believe that the

incompatibility between the legally requested work and the action is due to the lack of understanding of the legal grounds of the issue.

As can be seen from the results of this research on “informed consent”, which has formed the basis of numerous Supreme Court decisions, keeping multidisciplinary training activities alive could be a method that would reduce conflicts both in terms of individual attitudes and behaviors of all healthcare professionals, especially physicians, and in terms of the safety of the service delivery, which they are a part of. The fact that health personnel, request training from their institutions, especially in law, and put them into practice will not only reduce the time spent on disputes and financial losses, but will also be a psychological shield with the power of knowledge.

If we consider that social sciences are necessary in terms of law and order in scientific practices, i would like to draw attention to the fact that effective communication, empathy, courtesy and solidarity are necessary for less legal disputes. You, our esteemed professors, know how satisfying the healthcare service, which will be provided with care and loyalty and supported by the trust of having the legal knowledge needed on the basis of correct medical knowledge and practices, will be very satisfying for a physician.

Kind regards...

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