

“PATIENT RIGHTS” AND “INFORMED CONSENT” IN UNIVERSITY CURRICULA AT PUBLIC UNIVERSITIES IN BOSNIA AND HERZEGOVINA

Marin Šunjić¹  & Kaja Mandić² 

¹ School of Medicine, University of Mostar, 88 000 Mostar, Bosnia and Herzegovina

² Faculty of Health Studies, University of Mostar, 88 000 Mostar, Bosnia and Herzegovina

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ABSTRACT

Education in Bosnia and Herzegovina (B&H) is the responsibility of the entity the Republic Srpska (RS), ten counties in the Federation of Bosnia and Herzegovina (FB&H) and Brčko District (BD).

Higher education in Bosnia and Herzegovina is regulated by the Framework Law on Higher Education in Bosnia and Herzegovina.

The rights of patients are determined by the Law on Rights, Obligations and Responsibilities of Patients, which determines the rights, obligations and responsibilities of patients in health care, rules of those entitlements, the protection and improvement of those rights, as well as other issues related to rights, obligations and responsibilities of patients.

Informed consent, as one of patients' rights, is a free manifestation of the patient's will, i.e. his consent to the implementation of the proposed medical measure or participation in research, and for its validity the patient's competence, adequacy of information and voluntariness are required.

The aim of this paper is to review available curricula and programs on the websites of organizational units at public universities in Bosnia and Herzegovina, and to see how much the concepts of "patient rights" and "informed consent" are studied at public universities in Bosnia and Herzegovina.

Keywords: education, higher education, patients' rights, informed consent, curriculum, university, Bosnia and Herzegovina

Correspondence author: Marin Šunjić, LL. B.; marin.sunjic@mef.sum.ba

INTRODUCTION

Education in Bosnia and Herzegovina (B&H) is the responsibility of the entity Republic of Srpska (RS), ten counties in the Federation of Bosnia and Herzegovina (FB&H) and Brčko District (BD).

Although education in the Federation of Bosnia and Herzegovina is the exclusive responsibility of the counties, the Ministry of Education and Science of the Federation of Bosnia and Herzegovina was established on February 14, 2003 (1).

Higher education in Bosnia and Herzegovina is regulated by the Framework Law on Higher Education in Bosnia and Herzegovina (2). This law establishes the organization of higher education in Bosnia and Herzegovina, the responsibility of competent authorities in this area, establishes bodies for the enforcement of laws and international obligations of Bosnia and Herzegovina, and the method of ensuring quality in the field of higher education. Also, the Law established the basic principles and standards for higher education in Bosnia and Herzegovina, in accordance with the relevant provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its protocols, by the Recommendation of the Committee of Ministers of the Council of Europe on the recognition and assessment of the quality of private higher education institutions [R(97)1], the Recommendation on access to higher education [R(98)3] and the Recommendation on the research at universities [R(2000)8], and other relevant principles of internationally recognized legal instruments whose contracting state is Bosnia and Herzegovina, and in

accordance with the Council of Europe/UNESCO Convention on the Recognition of Qualifications in Higher Education in the European Region (ETS No. 165, 1997).

Based on the Framework Law on Higher Education, the Law on Higher Education was harmonized in the Republic of Srpska, ten counties in the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina, whereby Bosnia and Herzegovina completely transitioned to the Bologna system of education (3).

The most significant legal act that regulates the area of patients' rights in the FBiH, and therefore their consent, i.e. informed consent for taking certain medical measures, is certainly the Law on the Rights, Obligations, and Responsibilities of FBiH Patients, which recognizes and defines the right to self-determination and consent, and gives the right that the patient can freely decide on everything concerning his life and health, except in cases where it directly threatens the life and health of others. Furthermore, without the patient's consent, no medical measure may, as a rule, be taken on him (4).

The aim of this paper was to review available curricula and programs on the websites of organizational units at public universities in Bosnia and Herzegovina, and to see how much the concepts of "patient rights" and "informed consent" are studied at public universities in Bosnia and Herzegovina.

PATIENT RIGHTS AND INFORMED CONSENT

The end of the 20th and the beginning of the 21st century is marked by

the strong development of IT knowledge, permanent technological progress, and numerous political changes (the creation of the European Union, the collapse of communism, and the creation of numerous states in the South-East and Eastern Europe...(5).

The rights of patients are determined by the Law on the Rights, Obligations and Responsibilities of Patients, which determine the rights, obligations and responsibilities of patients using health care, the manner of using these rights, the way of protection and improvement of these rights, as well as other issues related to rights, obligations and responsibilities of patients. This Law guarantees patients the right to access health care, including the right to emergency medical assistance, the right on information, the right to be informed and participate in the treatment process, the right of free choice, the right to self-determination and consent, including the protection of the rights of a patient who is not able to give consent, the right to confidentiality of information and privacy, the right to confidentiality of data, the right of personal dignity, the right to prevent and alleviate suffering and pain, the right to respect the patient's time, the right to inspect medical documentation, the right to voluntarily leave the healthcare facility where medical research is carried out, the right to preventive measures and information on health preservation, the right to object, the right of compensation, the right to nutrition in accordance with the worldview, the right to maintain personal contacts, the right to perform religious ceremonies (6, 7).

Informed consent is a statement by a patient or subject of a scientific study

that authorizes a doctor or medical researcher to carry out certain measures, therapy or to include the subject in the research protocol (8).

In order for informed consent to be valid, the following conditions must be met: patient competence, adequacy of information and voluntariness.

Competence is a person's ability to understand information relevant for decision making, understand the importance and significance of information in a given situation, draw conclusions using information, and choose and express their choice. If the patient is incompetent, the closest family member or guardian assigned by the court will have the right to make decisions on his behalf. Adequacy of information refers to the moral duty of the doctor to explain to the patient in a in a comprehensible manner how the intervention will be carried out, what are its possible consequences, present possible alternatives and its consequences. Good communication between doctor and patient is of key importance for this form of informed consent.

Voluntariness implies the patient makes a decision voluntarily, free of any influence, coercion, deception or manipulation. Voluntariness can easily be violated in the medical practice, first of all due to the disparity in knowledge and power between doctors and patients, then in cases of extremely vulnerable patients such as mental disability, psychiatric patients, convicts, children, and homeless people (9).

The legal rights of patients include civil rights for patients and the duties of healthcare professionals. Knowledge of legislation and the ability to put juridical

norms into practice are among the main aspects of professionals (10).

Direct interaction with patients constitutes a key feature of medical curricula, leading to the development of knowledge, clinical reasoning, communication skills, and professional attitudes among medical students (11-13).

In the realm of healthcare, informed consent has evolved into an act of both legal and ethical-deontological significance (14). From an ethical perspective, getting informed consent is good medical practice and the training of students is not an exception. Undeniably, a lack of valid informed consent represents a breach of proper medical practice, potentially leading to disciplinary, civil or criminal repercussions for the physician responsible (15).

It is important to mention that medical students, like clinical teachers, can be liable for damages caused to the patient, including those arising from infringement of the right to self-determination. Indeed, from a legal perspective, a failure to provide prior information to the patient and secure valid informed consent can be viewed as a factor contributing to liability for healthcare professionals (14).

PUBLIC UNIVERSITIES IN BOSNIA AND HERZEGOVINA

There are currently eight public universities in Bosnia and Herzegovina: University of Sarajevo, University of Banja Luka, University of Mostar, University of "Džemal Bijedić" in Mostar, University of Tuzla, University of East Sarajevo, University of Zenica, and University of Bihać.

There are a total of 108 organizational units at eight public

universities in Bosnia and Herzegovina, and there are a total of 988 majors or study programs at the same universities. Of the total number of study programs, 97 did not have available curricula on the websites of the organizational units, and the website was not functional for three study programs.

The concepts of "patient rights" and "informed consent" are studied at a total of 9 organizational units.

1. There are ten organizational units (faculties or academies) at the University of Mostar. The concepts of "patient rights" and "informed consent" are not studied in the curricula of seven organizational units, and five of them do not have available III cycle curricula on their websites.

At the University of Mostar, the term "patient rights" is studied at three organizational units (School of Medicine, Faculty of Pharmacy and Faculty of Law), and the term "informed consent" is studied at two organizational units (School of Medicine and Faculty of Law).

2. There are eight organizational units at the University of "Džemal Bijedić" in Mostar. The concepts of "patient rights" and "informed consent" are not studied seven of the eight available curricula.

The concepts of "patient rights" and "informed consent" are studied in one organizational unit (Faculty of Law).

3. There are eight organizational units at the University of Zenica. The concepts of "patient rights" and "informed consent" are not studied in the curricula of seven organizational units.

The term "patients' rights" is studied in one organizational unit (Faculty of Law).

4. There are seven organizational units at the University of Bihać. The

concepts of "patient rights" and "informed consent" are not studied in the curricula and programs of three organizational units, and the curricula of four faculties are not available on their websites.

5. There are eighteen organizational units at the University of East Sarajevo. Curricula and programs are not available on the websites of seventeen organizational units.

At the University of East Sarajevo, the concept of "patient rights" is studied in one organizational unit (Faculty of Medicine).

6. There are thirteen organizational units at the University of Tuzla. The concepts of "patient rights" and "informed consent" are not studied in the curricula of twelve organizational units.

The mentioned terms are studied at one organizational unit (Faculty of Law).

7. There are seventeen organizational units at the University of Banja Luka. In the curricula and programs of sixteen organizational units, the terms "patient rights" and "informed consent" are not studied, and in five organizational units the curricula are not available online.

At the University of Banja Luka, the terms "patient rights" and "informed consent" are studied in one organizational unit (Faculty of Medicine).

8. There are twenty-six organizational units at the University of Sarajevo. In the curricula and programs of seventeen organizational units, the terms "patient rights" and "informed consent" are not studied, and in eight organizational units the curricula are not available on their websites.

The concepts of "patient rights" and "informed consent" are studied at two

organizational units (Faculty of Dentistry and Clinics and Faculty of Health Studies).

CONCLUSION

After reviewing the available curricula at all public universities in Bosnia and Herzegovina, it is evident that the terms "patient rights" and "informed consent" are studied the most at the University of Mostar, namely the term "patient rights" at three organizational units, and the term "informed consent" at two organizational units, and then at the University of Sarajevo, where the concepts of "patient rights" and "informed consent" are studied at two organizational units. At the University "Džemal Bijedić" in Mostar, the University of Tuzla and the University of Banja Luka, the concepts of "patient rights" and "informed consent" are studied at only one organizational unit, while at the University of Bihać and the University of East Sarajevo, the concept of "patient rights" is found at only one organizational unit. At the University of Bihać, the terms "patient rights" and "informed consent" are not studied among the available curricula.

If we consider that in the second half of the 20th century and in the 21st century, a series of documents were adopted that regulate, promote and raise the rights of patients in Europe to a higher level (the Declaration of Helsinki from 1975, the Declaration on the Promotion of Patients' Rights in Europe from 1994, the European Convention on Human Rights from 1997, the European Charter on Patients' Rights from 2002), it is clear that Bosnia and Herzegovina must follow this path. The knowledge on patient rights and informed consent in healthcare should be more represented in higher education in Bosnia and Herzegovina, especially among

university educated individuals. Public universities should take effective measures to improve the overall awareness of their students for the issues concerned. This can certainly be achieved on several levels, and one of them is the educational process, especially if we take into account that Bosnia and Herzegovina has adopted and implemented the Bologna process of education. Namely, students in the field of biomedicine and healthcare and the field of law, but also in the fields of psychology, educational rehabilitation, social work and other similar fields, should definitely be more educated about patients' rights, and informed consent, as well as possible consequences of ignorance the same.

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"PRAVA PACIJENATA" I „INFORMIRANI PRISTANAK“ U NASTAVNIM PLANOVIMA I PROGRAMIMA NA JAVNIM SVEUČILIŠTIMA U BOSNI I HERCEGOVINI

Marin Šunjić¹  & Kaja Mandić² 

¹ Medicinski fakultet, Sveučilište u Mostaru, 88 000 Mostar, Bosna i Hercegovina

² Fakultet zdravstvenih studija, Sveučilište u Mostaru, 88 000 Mostar, Bosna i Hercegovina

SAŽETAK

Obrazovanje u Bosni i Hercegovini (BiH) u nadležnosti je entiteta Republika Srpska (RS), deset županija u Federaciji Bosne i Hercegovine (FBiH) i Brčko Distrikta (BD).

Visoko obrazovanje u Bosni i Hercegovini regulirano je Okvirnim zakonom o visokom obrazovanju u Bosni i Hercegovini.

Prava pacijenata utvrđena su Zakonom o pravima, obvezama i odgovornostima pacijenata, kojim su određena prava, obaveze i odgovornosti pacijenata prilikom korištenja zdravstvene zaštite, način korištenja tih prava, način zaštite i unaprjeđenja tih prava, kao i druga pitanja u vezi s pravima, obvezama i odgovornostima pacijenata.

Informirani pristanak, kao jedno od prava pacijenata, predstavlja slobodno očitovanje volje pacijenta odnosno njegovu suglasnost za provođenje predložene medicinske mjere ili sudjelovanja u istraživanju, a za njegovu valjanost potrebni su kompetentnost bolesnika, adekvatnost informacije i dobrovoljnost.

Cilj ovog rada je pregledati dostupne nastavne planove i programe na mrežnim stranicama ustrojbenih jedinica na javnim Sveučilištima u Bosni i Hercegovini, te vidjeti koliko se pojmovi „prava pacijenata“ i „informirani pristanak“ izučavaju na javnim sveučilištima u Bosni i Hercegovini.

Ključne riječi: obrazovanje, visoko obrazovanje, prava pacijenata, informirani pristanak, nastavni plan i program, sveučilište, Bosna i Hercegovina

Osoba za razmjenu informacija: Marin Šunjić, dipl. iur.; marin.sunjic@mef.sum.ba