

Healthcare: Complaints involving healthcare

Can the Defender (Ombudsman) help me if I am dissatisfied with the healthcare services I received?

(S)he cannot. The Defender does not have a mandate to inquire into the procedures of healthcare services providers (hospitals, physicians, healthcare staff etc.). (S)he cannot order them to pay a compensation to you.

What should I do?

It is generally best for all parties involved to find a mutually acceptable solution and agree on a **settlement**.

If this is not possible, you can:

➤ lodge a court action

You can seek a compensation or apology in this way. However, a lawsuit may be a time consuming and expensive affair. Therefore, you should first consult an attorney-at-law specialising in medical law. For more information, see the Legal aid leaflet.

➤ file a complaint

Filing a complaint can facilitate an investigation and can lead to a remedy (if possible in the given situation).

Where should I file the complaint?

You must first file a complaint with the relevant **healthcare services provider**, i.e. the hospital director or directly with the physician (if your complaint concerns a general practitioner, dentist or another specialist).

If you are not satisfied with the manner in which your complaint was resolved, you need to contact the **administrative authority** which has licenced the provider. **This is usually the regional authority with administrative jurisdiction over the particular healthcare facility.**

Specialised facilities may fall under the jurisdiction of:

- the **Ministry of Justice** (if the previous complaint was addressed to the Czech Prison Service); or
- the **Ministry of the Interior** (if the previous complaint was addressed to the Regional Healthcare Facility in Plzeň); or
- the **Ministry of Defence** (if the previous complaint was addressed to the Central Military Hospital – Military University Hospital in Prague, military hospitals in Olomouc and Brno, the Institute of Aviation Medicine in Prague, or Military Spa and Recreational Facilities).

What's the procedure at a regional authority (or ministry)?

If you do not supply all required information, the regional authority or ministry (depending on the case) **will ask you to supplement your complaint**. In most cases, the authority will also **ask for your consent to peruse your medical records**.

In order to resolve matters requiring professional expertise, the regional authority (or ministry) can appoint an **independent expert** or an **independent expert commission**. If that is the case, the authority will inform you that an independent expert or an independent expert commission has been appointed and give you the name(s) of the experts. If an independent expert commission is appointed, you will also be informed of the date when it will meet so that you can attend the session.

The regional authority (or ministry) must resolve your complaint:

- within 30 days** of the date it was filed (the deadline can be postponed by another 30 days in justified cases);
- within 90 days** if an independent expert was appointed (counted from the date the expert

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was appointed; the deadline can be postponed by another 60 days in justified cases);

- **within 120 days** if an independent expert commission was appointed (counted from the date the expert commission was appointed; the deadline can be postponed by another 60 days in justified cases).

If an error on the part of a hospital or a physician is confirmed, the regional authority (or ministry) **can request a remedy**. If remedy is not possible, they **will strive to make sure such an error does not occur in future**. However, the regional authority (or ministry) **cannot order the healthcare services provider to pay a financial compensation**. This can only be ordered by a court of law.

For more information on the complaint procedure, see the website of the relevant regional authority (or ministry).

When can the Defender help?

Is the regional authority (or ministry) inactive in terms of resolving your complaint? Did the regional authority (or ministry) fail to answer all matters included in the complaint? Did the regional authority (or ministry) fail to provide you with a name of the appointed independent expert?

You can contact the Defender with regard to these and other objections. The Defender will inquire whether your complaint was resolved in compliance with the applicable legal regulations and principles of good governance – especially whether it was resolved properly and in due time.

Which documents should I attach to my letter of complaint to the Defender?

- a copy of your original **complaint** sent to the regional authority (or ministry) if you have

it available (official authentication is not required), and

- a copy of the regional authority's or ministry's **response** to your complaint (official authentication is not required).

Do not forget to mention in your letter of complaint to the Defender **which errors**, specifically, on the part of the regional authority (or ministry) **you object to**.

Can the Defender inquire into the procedure of professional chambers (e.g. the Czech Medical Chamber and the Czech Dental Chamber)?

(S)he cannot. These are not administrative authorities and the Public Defender of Rights Act does not authorise the Defender to interfere with the activities of the chambers in any way.

Useful links:

The **Czech Patient Association** co-operates with lawyers who are ready to represent patients, especially in cases of harm to a person's health resulting from healthcare services provided. For more information, go to www.pacienti.cz, e-mail: poradna@pacienti.cz, phone: +420 737 204 911.

The Ministry of Health. Patients may ask the Ministry for information and send their complaints. For more information, go to www.mzcr.cz, e-mail: propacienty@mzcr.cz, phone: +420 224 971 111.