

Summary

Mediation, as an alternative dispute resolution, was implemented into disciplinary proceedings of physicians and dentists in legal act regarding to the medical chambers, dated on 2009. Physicians and dentists, are subject to professional liability for violation of the principles of medical ethics and regulations related to the professional practice.

Since 2010, the legislator provided that disputes in matters of professional liability may also be resolved by participants in the proceedings thanks to mediation.

The choice of topic was dictated by my professional experience acquired at work within the professional self-government of physicians and dentists since 2014, consultations with screeners for professional liability, members of medical courts and patients, as well as didactic activities and work with students. It turns out that mediation has many benefits for both injured patients and accused doctors. It allows the patient to express emotions related to the dispute, to present his point of view, as well as to develop a non-standard solution that would not be possible in a medical court proceeding. An example of this is the physician's obligation to repair the damage, to cover the costs of further treatment, and to guarantee continuation of treatment by another specialist. There are situations, when the source of conflict is the lack of proper communication, words spoken by a doctor under the influence of stress, emotions. In such matters, the mediator's creation of a platform enabling the parties to amicably resolve the dispute, based on discussion, conversation and hearing, will allow for faster conclusion of the case, satisfying both parties.

Interpretative dilemmas arise in connection with the mediator's role in proceedings regarding the professional liability of doctors. It should be pointed out that at the moment only a trustworthy physician or dentist elected by the medical chamber may become a mediator – it can be questionable in the light of neutrality of mediation.

In my PhD I based on the results of file research and analysis of cases that were referred to mediation proceedings in the course of proceedings. In addition, in order to illustrate the specifics of the proceedings on the professional liability of physicians and dentists, I refer to the Supreme Court's cases. A complete list of literature on the subject of the dissertation is included in the bibliography.

In Chapter I: "Professional liability of physicians and dentists", in order to show the specifics of mediation in the professional liability, I describe the differences between professional

liability and disciplinary liability. I also indicate the principles of professional liability, subjective scope and the basis of professional liability. I also address the issue of professional liability of physicians in the light of resolutions and positions of bodies of medical chambers, as well as the increasingly important problem of professional liability of physicians and dentists for acts committed abroad.

In Chapter II: "Proceedings regarding the professional liability of physicians and dentists" I characterized the procedure before the screener for professional liability and the medical court. I also refer to the possibility appealing to Supreme Court, which allows the internal corporate case law to be reviewed by the Supreme Court, which administers justice in the Republic of Poland.

In Chapter III: "Mediation in proceedings regarding the professional liability of physicians and dentists" I refer directly to the provisions regulating the issue of mediation proceedings in the proceedings regarding the professional liability of physicians and dentists, in particular regard to: definitions and basic principles of mediation, the possibility of mediation only by a mediator, who is a physician and mediation in the medical chamber, the rights and obligations of the mediator in the field of reading the files of the proceedings, informing the parties about mediation, as well as preparing a report after the mediation. I also referred to the catalog of cases which, in my opinion, should in particular be directed to mediation proceedings and the consequences of concluding a settlement before the mediator of the medical chamber for the proceedings regarding the professional liability of physicians and dentists.

In Chapter IV: "Mediation in proceedings regarding the professional liability of physicians and dentists" I represent the results of my researches and I formulate *de lege ferenda* demands.