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PROBLEMS OF PROTECTING PATIENTS' RIGHTS UNDER
MODERN ECONOMIC DEVELOPMENT

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Abstract

The intensive economic development stimulates the development of other areas of public life. Recently, the main emphasis has been on the development of modern information technologies. The most important achievements and developments using information and communication systems and resources are introduced in the health sector. The use of new technologies, such as electronic document management, telemedicine, the use of artificial intelligence in the provision of medical care - all this affects the quality of medical services and patient satisfaction in receiving them. Any introduction of new technologies should be accompanied by normative legal consolidation of the order and conditions for their application. In practice, the legislative framework does not keep pace with the development of information technology. In health care, this imbalance can lead to problems associated with the violation of patients' rights, and as a result - to problems of protecting their rights. The relevance of the problem under study is due to the limited research material of the topics studied, the lack of a single systemic normative legal act regulating the protection of patients' rights, and the lack of clear legislative consolidation of modern medical technologies in medicine. The study is based on the analysis of international experience and research work of domestic scientists in the field of modern problems of protecting patients' rights during the development of the economy and digital technologies. The results of the study are of value to specialists in the field of jurisprudence, economics, medicine, and those involved in law-making and law enforcement.

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Keywords: Protection of patients' rights, information technology, telemedicine, digitalization, economic development of healthcare.



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1. Introduction

The problems of protecting patients' rights have always been widely confronted by the state and society. They were discussed at various forums, colleges and meetings, in the media, at scientific conferences, in legal and medical communities. Currently, many countries have developed and are actively implementing programs to protect patients' rights.

The economic development, including the introduction and mainstreaming of digitalization, has also affected the health sector. The introduction of modern technologies in Russian medicine is carried out with active state support. In his message to the Federal Assembly (2019), the President of the Russian Federation Putin (2019), highlighted the importance of this direction. He noted that "healthcare informatization should work to increase the availability of medical care. It is necessary to debug the electronic interaction between medical institutions, pharmacies, doctors and patients within three years". The use of the latest research methods using artificial intelligence, electronic document management, telemedicine have put the relationship between the doctor and patients at a higher level than the relationship that developed ten years ago. However, digitalization of healthcare also required a rethinking of the conditions and methods of protecting patients in a new form of interaction with medical personnel.

The use of modern technologies in health care does not always allow us to correctly assess all the possible, including adverse, consequences that may affect the physical and moral state of the patient. An error in the assessment may be related to specialist's competences, his level of knowledge in the field of using the latest medical equipment. This can also be facilitated by the patient's reaction to the impact of technical means on him when providing medical care.

And unfortunately, the doctors' attitude to their own activities and to patients is not uncommon. Initially, putting himself on the other side and positioning himself as an administrative and imperious person who independently decides on the conditions and methods of treatment, the doctor thereby puts the patient in a position dependent on him, negatively opposing himself.

2. Problem Statement

The question of the legal status of the patient in the context of modern economic development was the primary task of the study. We should assess the level of guarantees of patients' rights, taking into account the trends in digital modernization of healthcare, including the intensive introduction of new information technologies, the development of electronic document management, telemedicine and artificial intelligence. The main attention is paid to the problems of protecting patients' rights under modern economic development.

3. Research Questions

Within the framework of certain tasks for the study, the following questions were formulated:

- To find out how modern digital technologies improve the quality of medical services;
- To determine what basic rights of patients should be guaranteed by the state. To establish what problems arise when protecting patients' rights under modern economic development.

4. Purpose of the Study

The purpose of the study is the following:

- To study the development trends of medicine based on world experience.
- Analyzing the current domestic legislation to determine how the introduction of digital technology in medicine is taken into account when securing guarantees of patients' rights;
- Analyzing the practice of application and assessment of patient satisfaction with health care to determine the degree of protection of patients' rights under modern economic development.

5. Research Methods

In the research process, general scientific and private scientific methods of cognition were used: comparisons and generalizations, formal logical, system-structural, normative, methods of analogy, analysis and synthesis, which allow a comprehensive assessment of problems of protecting patients' rights under modern economic development.

The basis of the research methodology was scientific work and publications of domestic and foreign specialists studying various aspects of protecting patients' rights at the present stage of economic development; the established practice of applying the legislative framework for the studied issues.

6. Findings

The problem of protecting patients' rights is defined throughout the world as one of the paramount tasks of a developed state, social society.

Currently, many countries have developed and are actively implementing the programs, including with state support, aimed at protecting patients' rights.

The programs are adopted both at the state level, at the level of organizations providing medical services, and at the level of organizations that are not directly related to the field of medical services: public, legal, political.

These programs include: financial, psychological assistance, as well as legal support services in medical organizations, judicial and law enforcement agencies (Mowbray, Freddolino, Rhodes, & Greenfield, 1985).

The development of informatization made it possible to introduce such modern technologies as electronic medical history, telemedicine technologies, expert systems based on artificial intelligence, etc. into the healthcare system. It is assumed that digital technologies in medicine should become a fundamental factor in improving the quality and accessibility of healthcare services.

According to statistics, in the Digital Evolution Index 2017 rating, Russia is included in a promising country, which is characterized by an increase in the overall level of "digitalization", moving into a group of leading countries, which allows us to identify a number of promising areas of the social sphere of digitalization (Romanova, Klimuk, Andreeva, Sukhoveeva, & Otrishko, 2020).

The scientific community is actively discussing the ethical side of digitalization of healthcare and the introduction of new medical technologies (Groß & Schmidt, 2018), as well as the patient's capabilities to take full advantage of modern medical technologies (Holt et al., 2019).

Today, one of the most talked about topics is telemedicine. Modern information and communication technologies have made it possible to develop a promising area - telemedicine, which allows medical workers to interact remotely with each other, but primarily with the patient and his relatives regarding medical examination and treatment appointment.

Every year, the use of telemedicine technologies is increasing significantly. It is believed that telemedicine has changed the quality of medical services worldwide. But at the same time, it is noted that due to the lack of accuracy and reliability of diagnoses, problems of responsibility arise when using communication technologies in the provision of medical care (Revina, 2020).

In addition, there is an opinion that the rapid development of digital healthcare is a serious problem for protecting patients' personal data (Yuan & Li, 2019), since the regulatory framework governing the processing and protection of patient's personal data does not keep up with the development of modern technologies, including those related to the use and storage of data on electronic media.

In the course of the study, a number of major problems were also identified that impeded the proper protection of patients' rights under modern economic development. The identified problems are both purely individual (local) and large-scale (national) in nature. For example, unfortunately, in Russia it is often forgotten that patients' rights are not limited only to the right to medical care.

The patient's right, as noted in the literature, includes the right to consent to treatment, confidentiality, patient dignity, access to care, respect and communication (Daher, 2015).

The Russian Federation, recognizing the European Charter of Patients' Rights (2002), has fixed the main priorities of the patient in the provision of medical care, including the observance of moral and ethical standards and rules of conduct, as well as a humane and respectful attitude to the patient by medical workers; providing medical care; rational use of patient time; creation of conditions for visiting relatives of the patient, etc. (Article 6 of the Federal Law of November 21, 2011 No. 323-FZ "On the Basics of Protecting the Health of Citizens in the Russian Federation" (2019)).

The patient's basic rights are enshrined in part 5 of Article 19 of the Federal Law of 21.11.2011 No. 323-FZ "On the Basics of Protecting the Health of Citizens in the Russian Federation", which include: the right to choose a medical organization and a treating doctor; proper sanitary conditions when receiving medical care; qualified consultation; pain relief when receiving medical care; clinical nutrition during inpatient treatment; receiving information about your health condition; refusal of medical intervention; protection of information constituting medical confidentiality; compensation for harm caused to him in the provision of medical care; permission of a lawyer and a clergyman to him.

However, in practice, the patient is not aware of his rights, and the medical professional, either from legal illiteracy or from unqualified indifference, does not ensure the implementation of the basic guarantees of human rights and freedoms for medical care.

The problem of protecting patients' rights comes from the problem of communication between the doctor and the patient. The formed mood of confrontation between the doctor on the one hand and the patient on the other is transferred from the relationship that develops in the course of treatment to the relationship after receiving medical care. It is no secret that with a friendly, respectful attitude of medical personnel towards patients, the consequences, no matter how negative they may be, can be smoothed out. Studies, for example, show that even with the most egregious medical errors, affected patients or their

families were most affected not by the most unfavorable medical outcome, but by a lack of explanation, or a simple refusal to apologize (Cohn, 2004).

Foreign practice of disputes between patients and medical companies shows a wide range of legal cases: from social insurance benefits to low-quality medical services. The analysis of the above examples was that, in order to prevent judicial review of the dispute, patients need legal advice at the initial stage of receiving medical care. A promising direction in representing patients' interests and their subsequent protection is medical-legal partnerships that unite lawyers in the healthcare system (Eynon, Robinson, & Smith, 2019).

7. Conclusion

The effectiveness and quality of medical care largely depends on the management, the provision of state guarantees at all levels, from the federal to the intra-organization ones. At the same time, financial support and investment in the healthcare sector play an important role. The economic development aimed at improving, promoting the accessibility and quality of medical care should be accompanied by a reasonable and systematic implementation of information technologies in healthcare. Improving the quality of health care depends heavily on health infrastructure. Recently, the health infrastructure is becoming more and more information technology. The inclusion of new technologies in the healthcare sector has become a must for every public health (Paudel, 2012).

Particular issues of the conflict between the patient and the medical worker should be resolved at a more civilized level with the participation of intermediaries - the college, with the participation of medical specialists, lawyers, and members of the public; or during the mediation process.

A significant problem in protecting patients' rights by many people is the lack of financial support from the state to the healthcare sector. The right to medical care is realized through a set of measures of state and social security through economic, social, scientific, cultural, educational, organizational, technical and legal assistance. Since each country determines the conditions for the right to medical care, accordingly, the state must provide a guarantee for these rights. At the same time, the state should no less provide financial support for their implementation. The main problem of ensuring and realizing the right to health and medical care in many countries is precisely the financing of this industry (Nazarko, Iliashko, & Kaminska, 2019). Accordingly, the issue of economic and financial support for healthcare is not only a domestic, but also an international issue.

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