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**SUMMARY OF THE DOCTORAL DISSERTATION**

**LEGAL FORMS OF WORK AND SERVICES RENDERED BY DOCTORS  
IN POLISH LAW**

The dissertation focuses on legal forms of physicians' activity regulated in Polish law. The main scientific objective of the thesis is a comprehensive presentation and analysis of the existing legal solutions in the field of organizational and legal forms of practicing this medical profession and related issues, and determining the legal forms of practicing the profession of a physician in order to eliminate possible doubts regarding the permissible and legally binding forms of the job. It has been divided into the introduction, five chapters and a summary concluding previous considerations.

The first chapter includes preliminary considerations, of the doctor's profession, being a liberal occupation, a profession of public trust, and a regulated profession. The current law does not define these terms, however. Therefore, this chapter analyzes these concepts in detail and presents the scope of the professional activities it entails, as well as possible restrictions that occur on a daily basis, regardless of the form of their professional activity. The subject matter of the medical profession is important from the point of view of the forms that regulate and govern its scope, as it to them they predominantly relate. Providing health services is the primary task of the doctor. However, certain elements, inherently irrelevant to the profession and activities not restricted to doctors or characteristic of this profession have also been described in legislation. They may also be the subject of professional activity of representatives of other professions, including non-medical personnel and thus certain "idea

fix” has been introduced by the legislator, recognizing that doctors perform the activities indicated in legal provisions, despite the fact that they have not been regarded as inherently or traditionally doctor’s job. It concerns, for example, the need to conduct research in the field of medical sciences, manage a medical entity or employment in administrative positions in entities obliged to finance health care services from public funds or in offices serving those entities. By introducing such regulations, the legislator ensures that those doctors who have worked as civil servants or managers and subsequently do not have a break in doing their job and do not need to regain professional qualifications if they want to consent to treating patients again. The break in practicing this medical profession entails additional training.

With reference to liberal professions and professions of public trust, it is indicated that the scope of legal provisions in which they can be performed should be specified. In case of this profession, there is not a single regulation defining these provisions, but the regulations which have been designed are dispersed into several legal acts. The degree of regulations of legal provisions in which doctors can practice their profession differs from the very indication of these provisions in some cases to the total lack of any in others. In addition, the existing regulations often give rise to interpretation doubts. Moreover, there is no catalog which would include all these provisions or regulations listed or gathered in one Act of Law. Determining the scope of these provisions poses difficulties and creates discrepancies in the doctrine, to which the Act of 15 April 2011 *on Medical Activity* (consolidated text, Journal of Laws of 2018, item 2190, as amended) contributed as well. What is more, the aforementioned distinction in the field of professional activities of physicians means that it is necessary to separate the areas of activity that are performed by a professional doctor from those which are not, with particular reference to applying specific legal provisions to the former.

The second chapter presents the historical evolution of the profession of a doctor and changes in legal provisions governing it in particular periods. The legal forms and regulations currently in force, are also presented in the next part of the dissertation. The second chapter discusses various types of legal provisions of physicians’ profession in history and in current Polish law. There are various legal forms regarding liberal professions, but not all of them concern doctors. The healthcare sector is highly regulated. However, the binding provisions do not specify the legal forms for this occupational group in one catalog.

Three subsequent chapters include a detailed analysis of the legal forms of physicians’ activities, in which two separate chapters discuss the key legal acts i.e. the Act of 5 December 1996 *on Physician and Dentist Professions* (consolidated text, Journal of Laws of 2019 item 537, as amended) and the Act of 15 April 2011 *on Medical Activity* (consolidated

text, Journal of Laws of 2018, item 2190, as amended). Due to the fact that these laws are crucial for the professional activity of doctors, each of them is discussed in detail in a separate chapter of the dissertation. The third chapter presents the analysis of legal provisions governing the profession of doctors determined in the Act of December 5, 1996 *on Physician and Dentist Profession*. Whereas, the fourth chapter includes the analysis of the legal forms of professional activity of doctors referred to in the act on therapeutic activity. This Act entered into force on July 1, 2011 and defines legal provisions for conducting medical activities. This act applies to all medical professions, not only to the profession of a physician. The fifth chapter presents the analysis of specific regulations regarding the subject matter dispersed in other than the afore-mentioned legal acts, such as forensic experts, forensic doctors, volunteers or the adjudicating activity of doctors.

The last part of the dissertation is the summary of the previous considerations as well as the most important conclusions and hypothesis of *de lege ferenda*.

The legal provisions dispersed in the many legal acts regarding the medical profession and doctors' activities, as well as the level of detail of these regulations are extremely varied. On the one hand, in some cases, the legislator strictly determines the legal forms governing the manner of exercising the given activity, while in others states nothing, thus allowing total freedom of interpretation in this matter. Based on the analysis, a catalog of legal forms for physicians has been created, including the occupational activities reserved for doctors.

However, the subject of the regulations of legal forms of the physician's profession also involves issues related to their performance in a manner appropriate to the nature of such professions. The binding regulations should be used to ensure that they are carried out freely. Considering the nature of medical professions it goes without saying that performing it entails independence of decision making in each case of their professional activity. It is particularly important in case of doctors, the more that the binding provisions do not describe or include a guarantee of their independence and professional autonomy. Introducing such guarantees into the existing regulations would be a factor strengthening the attainment of these liberal professions attributes, irrespective of the legal forms of their activity, and so in situations that may involve threats to their violation (for example in case of employment).

The profession of a doctor is regarded as an independent medical profession, despite the lack of such a statement in the binding regulations. Yet, implementing certain procedures may not go without problems. Therefore, it is necessary to introduce guarantees of doctor's independence and autonomy irrespective of the type of legal form in which the profession is

carried out. It will allow to use the potential of the job and enable its performance as an independent, liberal profession, regardless of the legal form in which the given professional activity takes place. It applies to every physician, irrespective of the legal form of his activity or type of medical activity being the subject of his professional performance. Introducing such changes will allow to recognize that the legal provisions guarantee doctors do their job in the manner appropriate to all liberal professions.