

SOME ETHICAL PROBLEMS OF MODERN MEDICINE

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In connection with the development of scientific and technological progress and the unfolding democratic processes in society, the content of medicine and interpersonal relations in the health care system are radically changing. High technology allows you to give life through artificial insemination, change its quality parameters (genetic engineering, transsexual surgery), and push the boundaries of life, pushing the time of death (resuscitation, transplantology). However, in the sphere of human relations within the framework of old ethical norms and legislative acts this is not always appreciated by normal phenomena. Therefore, modern medical capabilities need to create a new moral and legal framework capable of forming a bioethical worldview of doctors and patients.

Let's note some problem situations arising in medical practice.

In recent years, there has been a significant specialization and differentiation of medical knowledge. At present, about 300 specialties have been formed in medicine. Objectively, doctors-specialists focus on individual local pathological processes, as a result of which the perception of the patient as an individual begins to lose. This leads to a decrease in the social essence and deformation of the ethical behavior of the doctor. Often, diagnostic decisions and methods of treatment of a patient require collegial discussion with several specialists. Sometimes narrow specialists shy away from solving complex clinical cases. The management of the patient is undertaken by the attending physician, whose competences are sometimes limited.

Under the big doubt in society, the principle of justice in medical care is put. High-tech treatment requires high costs and at a price is expensive for the patient. The state is trying to somehow mitigate the situation by allocating quotas. But their number can not meet the needs of the population and medical assistance is not available. The situation is aggravated by the fact that numerous private clinics often prescribe an extensive examination and high-priced medicines that are not always justified by necessity, but more often dictated by commercial interest.

Many ethical problems in medicine have given rise to the development of the human rights movement, transformed into the rights of the patient. Traditionally, the prevailing principle of paternalism began to give way to the principle of cooperation, in which, along with professional decisions of the doctor, the opinion of the patient himself, his value priorities is of great importance. Essentially, the doctor and the patient become partners in the treatment process, and for this it is necessary to establish trust between the doctor and the patient. The patient should make a voluntary and informed choice based on complete and reliable information about the nature and goals of the proposed treatment, the significant risk associated with it and the proposed alternatives to one type of treatment. This approach greatly increases the moral responsibility of both the doctor and the patient for the final result.

But the most acute moral conflicts arise where the human life arises and stops, and therefore the most intense are the discussions about abortion, artificial reproduction of man and euthanasia. The decision to abortion is always a difficult moral choice. What is he hiding? The danger to the health of women and the killing of the fetus, or it is a means of regulating the birth rate. If so, then this is a very cruel tool. Experts believe that it is abortion most often leads to complications that cause secondary infertility. A woman loses the happiness of motherhood, and the family experiences the tragedy of childlessness. In this case, artificial reproductive technologies come to the aid of the family. The possibility of using them is far from indisputable. Representatives of all religious faiths believe that the birth of children must occur through the sacrament of marriage between a man and a woman. In a secular philosophy, polemics go on the issues of eligibility for manipulation on the human sex cells, their freezing, surrogate motherhood, etc. All these are open problems of bioethics.

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LEGAL FOUNDATIONS OF MEDICAL PRACTICE

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SUMMARY the article substantiates the necessity of studying doctors theoretical ideas about the peculiarities of regulation of legal relations in the sphere of medicine and public health, the need of physicians of the legislation on health care of the Russian Federation to particular situations.

KEY WORDS: law, health, law, justice, medicine, doctor.

Legal regulation of medical activity has its origin from the time of Hammurabi, according to which doctor was responsible for causing the patient harm. Since then the law has undergone significant changes and today, the right to health protection and medical aid to the citizens in the Russian Federation elevated to constitutional rank. Of all of the elements of the system to ensure citizens' rights to adequate medical service, the greatest change has undergone a legal and regulatory framework in the provision of medical services. A significant change has been the "bases of the legislation of the Russian Federation about health protection of citizens" (1993), changed the dispositions and sanctions of many articles of the criminal code relating to crimes against life and health of individuals and the population (1997), the new character of relations in the sphere of health protection of citizens formed with the release of a new GK (1995-1996).

These changes to the legislative framework have greatly expanded patients' rights, elaborated on the responsibility of medical workers for the results of professional activity. The implementation of legal reforms in Russia led to increase of legal awareness of the population. So, according to the Russian Foundation for legal reform (2008) more than half of the citizens are willing to go to court to protect the violated rights in the provision of medical services, but not have a full understanding of them. This to a large extent contribute to public organizations, health insurance organizations, etc. In 2011 was adopted the Law No. 323-FZ "ABOUT BASES of HEALTH protection of citizens IN the RUSSIAN FEDERATION", which combines the main provisions in the area of medical law is intended to regulate all aspects of medical practice. This Law is one of the most important for healthcare workers and the entire population of the state, so every citizen of the Russian Federation should be familiar with the provisions of this Federal Act, especially for health workers.

For the modern stage of medicine characterized by an intensive development of legal regulation of relations between patient and physician, and the quality of medical services largely depend on the level of legal knowledge of medical professionals, which is extremely low, and legal training for health care as an essential part of General professional training of the doctor, is in poor condition.

This phenomenon is due to the fact that the medical right in Russia is in the process of becoming, therefore, some items still behind the world. The reason for this is the imperfection of financial, economic and organizational aspects of the legislative framework, the lack of real legal mechanisms to ensure protection of the health, social, legal and economic vulnerability of both patient and physician. Equally the reason for that are also legal nihilism and an almost complete ignorance of the doctors of the legal norms regulating professional medical activity.

The knowledge of the doctor their rights and obligations, patient's rights, ethical and legal foundations of relations between doctor and patient, physician colleagues, legal professional liability offences would effectively ensure observance of the rights and legitimate interests of citizens in healthcare, will improve the quality of medical care, will ensure the prevention of conflicts between doctors and their patients, will protect the physician from criminal or civil prosecution.

Medical assistance is a multidimensional process that includes diagnostic, treatment, preventive measures and deviating from the normative behavior prescribed by a health worker, at any stage of the process can lead to undesirable consequences for the life and health of the patient in the future.

Taking into account the increasing number of claims from citizens about improper performance of functional duties by the medical personnel, the problems of legal responsibility of medical workers for professional offences should be given special attention. Implementation of legal responsibility is achieved through the use of legal means that enables the influence of law on social relations in the sphere of medical activities. As you know, not all medical intervention is completed successfully, that is, the recovery of the patient. In cases of adverse outcomes when it is not necessary to talk about the legality of actions of the medical worker, there is a need for objective assessment of the treatment and determine the type and level of responsibility of a medical professional.

In practice, the lack of knowledge of law for doctors is dangerous. To health workers clearly to possible legal sanctions fulfilled their professional duties, they require a strong knowledge of law and issues of legal responsibility in particular.

Currently, the medical community realized as a real time requirement a study of the legal framework in the health sector. In this connection it is necessary from "College" to educate future physicians of high legal culture and legal consciousness. Legal culture and legal consciousness may arise on the basis of legal knowledge in the formation of future specialists skills in the practical application of legal norms in professional activity, thus, proper legal training of health professionals allows you to shape the legal culture, responsibility to the individual, society and the state. This requires that you instill a health care professional commitment not only to the knowledge of the laws and respect for him, but also the ability to apply legal rules in practice. The right provides the formation at the doctor of the necessary level of theoretical knowledge about the basic definitions and provisions of legal science, as well as the necessary skills lawful behavior in performing their professional activities and in everyday life; legal education, enhance the legal awareness and legal culture. The right seeks to give health workers basic knowledge about peculiarities of regulation of legal relations, including in the field of medicine and health care, teach doctors to apply norms of the legislation on healthcare in the Russian Federation in specific situations. It is obvious that any doctor should have a good understanding of legal provisions and laws providing for liability for failure or improper performance of professional duties. Knowledge of the law in this case plays a preventive role, helping the instructions on how to navigate and behave in challenging situations.

In medical practice, the General trend is that an increasing number of particular issues of medical care is regulated by law and not left to the mercy of the conscience of the doctor or the moral and ethical standards, which is one of the factors of legality in the field of medicine.

Legal and medical practice convincingly demonstrate the higher legal culture of the physician, firmer knowledge of rules of medical law, neukosnitel and responsible professional duties are fulfilled, the higher the quality and efficiency of diagnostic and therapeutic aid, the more real the rights and legitimate interests of citizens in sphere of health protection.

Thus, the legal training of specialists in the sphere of health care is fundamentally important and should be an integral part of the professional preparation of the physician for independent activities. Knowledge of health workers legislation in the field of health protection of Russian citizens, about their rights, obligations, and legal responsibility

coming various professional violations, as well as knowledge of patient's rights form the basis of the legal culture of health workers, thus are the rules of professional ethics. Streamlining the legal knowledge of the medical staff will to promote the health of the population.

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MANAGEMENT IN THE HEALTH OF THE AMUR REGION

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Management in the healthcare of the Amur region is currently of great importance in connection with the commercialization of the industry, the decentralization of state power at the level of the territories. The priority direction of health management is to reduce society's losses from morbidity, disability and mortality. To implement this direction, effective activity is required for the whole healthcare system and for each individual medical organization, for which it is required to introduce new principles and approaches, methods and models of management of all links of medical organizations aimed at:

- increasing the availability of quality and timely medical care;
- improving the quality of life of the population;
- increase the profitability of the medical organization.

The whole set of factors influencing the management of health care organizations can be divided into two groups according to the mode of occurrence:

factors of the external environment, which include:

- on the part of the state: high licensing requirements; obsolete standards for equipping medical institutions; dumping prices for paid services, established by public medical institutions;
- from suppliers: high cost of medical equipment;
- on the part of consumers: distrust of medicine.

factors of the internal environment:

- Low qualification of management personnel of medical institutions;
- lack of qualified personnel;
- shortage of financial resources.

The influence of these factors occurs in aggregate on the medical organization and lead to inhibition of the development of modern medicine. More details on the factors of the internal environment.

In modern conditions, the management of medical organizations assumes the reorientation of the functions of the chief physician into managerial ones, the head of the medical organization becomes not just a doctor, but must own the entire arsenal of management tools. Lack of economic and managerial training of a number of heads of the medical organization causes their low competence in making managerial decisions, which in turn leads to a decrease in the effectiveness of health management.

One of the most acute problems is the shortage of medical personnel, both doctors and nurses. The most effective solution to the problem of a staff shortage in a medical organization may be the creation of conditions that motivate the personnel in it to work. These conditions include:

- Relationships: in the team (general moral climate, long-term joint work and friendship, etc.); with professionals of their own or related specialties working in other collectives; with patients;
- personal benefit, i.e. all that meets the personal needs of the employee: income, status and reputation, personal connections, etc.

All described factors do not occur separately and always exist in the relationship: personal benefit and result, result and relationship, relationship and personal benefit. There is an opinion that the most important factors for most doctors