



St. Petersburg Association for Medical Law
St. Petersburg State University

with the Organizational Support
of the Legal Consulting Firm
«Rosmedconsulting»

5th Jubilee
Annual Scientific Conference
with International Participation
«Medicine and Law in the 21st Century»

28-29 November 2013

St. Peterburg
2013

The conference will be held with the support of the

- Inter-parliamentary Assembly of the Member Nations of the Commonwealth of Independent States (CIS)
- Saint-Petersburg Chief Directorate of the Ministry of Justice
- Healthcare Committee of the Government of Saint-Petersburg
- Saint-Petersburg Territorial Fund for the Obligatory Medical Insurance
- Saint-Petersburg Chamber of Commerce and Industry
- Human Rights Ombudsman in Saint-Petersburg
- Arbitration Court for Medical Insurance and Healthcare under the Saint-Petersburg Chamber of Commerce and Industry
- Publishing Group “Zakon”

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Chairman of the Board of Governors of the St. Petersburg Association for Medical Law, Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry, Head of the St. Petersburg State University Department of Public Health Organization, Director of the Master Programme in Medical Law at the St. Petersburg State University.

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Lavrikova Marina Yuryevna	Vice Rector for Academic Affairs, Vice Rector for the Educational Programmes and Research in Medicine, Medical Technologies, Dentistry and Law in the St. Petersburg State University.

Director of the Workgroup

Goryanov Aleksey Mikhaylovich

With the participation of:

Shevelova Natalya Aleksandrovna	Dean of the Faculty of Law of the St. Petersburg State University.
Shcherbuk Yuri Aleksandrovich	Dean of the Faculty of Dentistry and Medical Technologies of the St. Petersburg State University.
Yablonsky Petr Kazimirovich	Dean of the Faculty of Medicine of the St. Petersburg State University.

Conference conception

From the history of the cycle of conferences “Medicine and Law in the 21st century”

In June 1999 the St. Petersburg Association for Medical Law jointly with the Faculty of Law of the St. Petersburg State University held the first conference within the cycle “Medicine and Law in the 21st century”, thus initiating a series of round tables and seminars on different aspects of the medical law. Leading experts and professionals, medical and law practitioners and scientists, were effectively involved in the conference activity. One of the most impressive bottom lines of the first meeting is by right considered the publication of collected articles from the conference “Medicine and Law in the 21st century”, which enjoy wide popularity among medical lawyers and healthcare managers. The compendium has become a Bible for a great number of specialists in law and medicine. Since 2012 this publication has achieved the status of periodical – the annual journal “Meditsina i pravo” (Medicine and Law), registered at the ISSN center in Paris.

Every year the conference “Medicine and Law in the 21st century” offers its participants new opportunities, opening promising prospects in terms of scientific and business collaborations in the scope of the medical law. Among them we would like to outline the possibility of a wide international collaboration with the leading foreign experts on the issues concerning the medical law; the chance of attending specialization courses on medical law at the Faculty of Law of the St. Petersburg State University within the first in Russia educational framework of a master programme in medical law; the participation to international affiliate seminars, conferences and exchange programmes; legal support to the subjects of the health care and medical industry system.

Thanks to the close and fruitful collaboration of the St. Petersburg Association for Medical Law with the Ministry of Justice of the Russian Federation, with the St. Petersburg State University, with the Fund of the St. Petersburg International Juridical Forum, the members of the St. Petersburg Association for Medical Law have the exclusive opportunity of taking part to the main legal events of the year: scientific conferences on the monitoring of the law enforcement practice by the Ministry of Justice of the Russian Federation and the St. Petersburg International Juridical Forum.

The active international collaboration of the St. Petersburg Association for Medical Law has made it possible for the conference to receive a powerful backing from the leading foreign and international organizations engaged in the medical law issues.

Since May 2011 the representatives of the St. Petersburg Association for Medical Law have officially joined the Council of the World Association for Medical Law.

In the past year the scientific conference with international participation “Medicine and Law in the 21st century” has become the platform for the discussion of the most actual issues of the health care legal regulation. In the course of very interesting and stimulating debates the members of the St. Petersburg Association examine different aspects of the health-care legal regulation on national, regional and international level together with their Russian and foreign colleagues.

In October 2013 the representatives of the St. Petersburg Association for Medical Law have entered the workgroup of the European Association for Medical Law with the aim of studying the legal regulation, the law enforcement practice and the availability of the medical assistance in Europe.

Up-to-dateness of the 5th conference with international participation “Medicine and Law in the 21st Century” (28-29 November 2013).

In the last years the issues of the legal regulation for provision of medical aid has more frequently gone beyond the bounds of the national jurisdiction. An increasing number of foreign citizens, temporary resident on the territory of the Russian Federation, find themselves in need for medical care. In turn, citizens of the Russian Federation, temporary abroad, often become subjects of medical treatment, including that in conditions of emergency.

Diversity in the legal regulation for the provision of medical assistance in different national jurisdictions, the ineffective settlement of the issues related with the procedure of aid administration and the modality of compensation of the expenses for the medical care rendered to foreign citizens, require a thorough analysis, especially, in view of the developing processes of integration among the Member Nations of the Commonwealth of Independent States (CSI).

The discussion of this question is particularly interesting considering the Directive 2011/24/EU issued by the European Parliament and the Council of the European Union on the rights of the patients receiving medical care abroad, the implementation of which could come in useful also to the Member Nations of the CSI.

In connection with the urgency of the present issue, the topic of legal harmonization in the sphere of the medical aid provision to subjects temporarily residing abroad will be one of the central points of discussion in the 5th Conference with international participation “Medicine and Law in the 21st Century”.

Another extremely interesting topic to be debated during the conference is the practical employment of alternative dispute resolution procedures in the health care scope, including the arbitration. An even more pressing issue, that, in presence of the on-going reformation of the Russian legal system. And, indeed, the importance of the alternative dispute resolutions and the need of taking on debating the measures for popularizing the arbitration proceedings were stressed by the President of the Russian Federation in his speech to the Federal Assembly on 12th December 2012.

It's beyond any question that the arbitration settlement of disputes possesses evident advantages. The possibility of choosing the court composition – including leading experts in a specific field, the modest outlay for the process and the optimal time-frame of the trial, are only some of the unquestionable arguments in favour of the arbitration tribunals. The social effect deriving from the diffusion of this kind of settlement proceedings would effectively contribute in unloading the courts of the general jurisdictional work. For the time being, however - quite surprisingly indeed - in our society there is still not a sufficient demand for the arbitration settlement of disputes.

And finally, in the course of the 5th Conference “Medicine and Law in the 21st Century” the participants will have the opportunity talk over the present legal situation, putting forward their visions about the future developments of the alternative dispute resolution procedures and the institution of mediation in the health care scope.

Conference participants

To the conference will take part leading medical law practitioners, owners and managers of private medical, insurance and pharmaceutical companies, managers of public health care institutions, officers of the regional and federative state authority organs, law enforcement officials, as well as scientists, dealing with issues relative to the health care legal regulation.

Conference programme

28 November 2013

9.15 – 10.00 Participants registration (7, 22nd line Vasilyevsky Island, Assembly Hall).

10.00 – 10.30 **Ceremonial opening of the conference**

Akulin Igor Mikhailovich, Chairman of the Board of Governors of the St. Petersburg Association for Medical Law, Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry, Head of the St. Petersburg State University Department of Public Health Organization, Director of the Master Programme in Medical Law at the St. Petersburg State University.

Kropachev Nikolay Mikhailovich, Rector of the St. Petersburg State University.

Lavrikova Marina Yuryevna, Vice Rector for Academic Affairs, Vice Rector for the Educational Programmes and Research in Medicine, Medical Technologies, Dentistry and Law in the St. Petersburg State University.

Shevelova Natalya Aleksandrovna, Dean of the Law Faculty of the St. Petersburg State University.

Kostennikov Dmitry Vyacheslavovich, Secretary of State, Vice Minister of Health of the Russian Federation.

Katenev Vladimir Ivanovich, President of the St. Petersburg Chamber of Commerce and Industry.

Kolabutin Valery Mikhailovich, Chairman of the Healthcare Committee of the Government of St. Petersburg.

Shishlov Aleksandr Vladimirovich, Human Rights Ombudsman in St. Petersburg.

10.30 – 12.30 Plenary meeting **“Present Issues of the Healthcare Legal Regulation on National, Regional and International Level.”**

Moderator: *Akulin Igor Mikhailovich*, Doctor of Medical Sciences, Vice President of the St. Petersburg Association for Medical Law, Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry, Head of the St. Petersburg State University Department of Public Health Organization, Director of the Master Programme in Medical Law at the St. Petersburg State University.

“Perspectives and Future Developments of the Medical Law in the Russian Federation”, *Akulin Igor Mikhailovich*, Doctor of Medical Sciences, Vice President of the St. Petersburg Association for Medical Law, Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry, Head of the St. Petersburg State University

Department of Public Health Organization, Director of the Master Programme in Medical Law at the St. Petersburg State University.

“The speech topic is to be defined more precisely”, *Kolabutin Valery Mikhailovich*, Chairman of the Healthcare Committee of the Government of St. Petersburg.

“The Verification of the Enforcement by the Medical Organizations of the Medical Care Procedures and Specifications”, *Jlytaev Sergey Aleksandrovich*, Doctor of Medical Sciences, Professor, Vice Director of the Territorial Agency of the Russian Healthcare Inspectorate (Roszdravnadzor) for St. Petersburg and the Leningrad Region.

“The Legal Regulation of the Public Health”, *Kovalevsky Mikhail Aleksandrovich*, President of the St. Petersburg Association for Medical Law.

12.30 – 13.00

Coffee break

13.00 – 15.00

1st Section: “**Out-of-court and Court Health Care Disputes. Present Tendencies and Forecasts**”.

Moderator: *Pristanskov Vladimir Dmitryevich*, Candidate of Juridical Sciences, Associate Professor at the St. Petersburg State University Department of Criminal Procedure and Criminalistics, Member of the Board of Governors of the St. Petersburg Association for Medical Law.

“The Contribution of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry to a More Effective Settlement of the Disputes among the Subjects Receiving and Providing Medical Assistance in St. Petersburg”, *Nikitin Yevgheny Nikolayevich*, Director of the Legal Department of the Almazov Federal Heart, Blood and Endocrinology Centre, Member of the Board of Governors of the St. Petersburg Association for Medical Law, Member of the Board of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry.

“The Perspective of Adopting the Mediation in the Health Care Score”, *Karpenko Aleksandr Dmitryevich*, Candidate of Biological Sciences, Associate Professor at the St. Petersburg State University Department of Conflictology, Mediator at the Panel of Mediators of the Chamber for Conflicts Resolution at the Economic Tribunal of the Commonwealth of Independent States (CIS), Member of the Panel of Conciliators for the Conciliation Proceedings at the Chamber of Commerce and Industry of St. Petersburg, Member of the Coordinating Council of the Non-profit Partnership “League of Mediators”.

“The Opportunities of Pretrial Adjustment of Disputes with Workers within the Framework of the Commission for the Labour Disputes», *Korobenkova Maria Aleksandrovna*, Director of the Legal Labour Inspectorate of the Leningradsky Federation of the Labour Unions.

“Practical Peculiarities of the Pre-trial Adjustment of Healthcare Disputes”, *Pristanskov Vladimir Dmitryevich*, Candidate of Juridical Sciences, Associate Professor at the St. Petersburg State University Department of Criminal Procedure and Criminalistics, Member of the Board of Governors of the St. Petersburg Association for Medical Law.

“Alternatives to the Court Adjudication: the Italian Experience”, *Casali Michelangelo*, Expert in Forensic and Insurance Medicine at the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy); *Vercesi Lavinia*, Lawyer of the Milan Chamber of Lawyers; *Genovese Umberto*, Expert in Forensic and Insurance Medicine, Director of the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy), Scientific Partner of the Group “Meditsina i Pravo”, President of the Association “Healthcare Safety and Accountability”; *Chesnokova Ekaterina Aleksandrovna*, Candidate of Medical Sciences, University of Insubria (Italy).

“The Conception of Decreasing the Quantity of Legal Actions Promoted by Patients in Nowadays Russia”, *Semina Tatyana Vasilyevna*, Director of the Legal Services of the Federal Institution “Scientific Centre of Cardiovascular Surgery Prof. Bakulev” at the Russian Academy of Medical Sciences.

“Specifics in the Adjustment of the Litigations Originated from the Conclusion of a State Contract for the Performance of Medical Work or the Rendering of Medical Services”, *Odabadshtyan Gheorghy Nikolayevich*, Lawyer of the St. Petersburg Chamber of Lawyers, Member of the Board of Governors of the St. Petersburg Association for Medical Law.

15.00 – 15.30

Lunch break

15.30 – 17.00

Round table **“The Measures for Making the Arbitration Proceedings More Popular and Possibilities of Pre-trial Dispute Regulation in Healthcare and Pharmaceuticals. Practical Issues.”**

Moderators: *Akulin Igor Mikhaylovich*, Doctor of Medical Sciences, Vice President of the St. Petersburg Association for Medical Law, Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry, Head of the St. Petersburg State University Department of Public Health Organization, Director of the Master Programme in Medical Law at the St. Petersburg State University; *Goryanov Aleksey Mikhaylovich*, Managing Associate of the Legal Consulting Firm “Rosmedconsulting”, Vice Chairman of the Board of Governors of the St. Petersburg Association for Medical Law, Vice Chairman of the Arbitration Tribunal for Medical Insurance and Healthcare at the St. Petersburg Chamber of Commerce and Industry.

Case for discussion: “Litigation Between a Private Medical Company and an Insurance Medical Organization Working in the Score of the Obligatory Medical Insurance for the Payment of the Medical Aid Provided to the Patient in Situation of Emergency”.

Speaker: *Alekseyeva Nadezhda Sergheyevna*, Candidate of Medical Sciences, General Director of the Company “Kardioklinika Co.”, Honorary President of the St. Petersburg Association of Private Clinics.

Experts: *Kovalevskaya Natalya Sergeyevna*, Candidate of Juridical Sciences, Associate Professor at the St. Petersburg State University Department of Commercial Law of the Law Faculty, Member of the Board of Governors of the St. Petersburg Association for Medical Law; *Petukhova Valentina Vasilyevna*, Candidate of Medical Sciences, Director of the Centre for the Development of the

Medical Insurance under the St. Petersburg State University, Director of the Practice of Consulting in Management at the Legal Consulting Firm “Rosmedconsulting”.

19.00 – 21.00 Ceremonial stand-up meal in the “Dom Yurista” (Lawyers’ House) in occasion of the 5th Jubilee Conference (28, ulitsa Chaykovskogo, Bely Zal). It’s possible to receive the invitation cards in the conference registration area.

29 November 2013

9.30 – 10.00 Participants registration (7, 22nd line Vasilyevsky Island, Assembly Hall).

10.00 – 12.00 2nd Section: **“Harmonization of the Public Healthcare Legislation in the Territory of the Commonwealth of Independent States (CIS)”**

Moderator: ***Diveyeva Nelly Ivanovna***, Doctor of Juridical Sciences, Professor of the St. Petersburg State University Department of Employment Law, Head of the Course of Monitoring of the Law Enforcement Practices in the Social Score at the Centre for Monitoring of the Law Enforcement Practices under the St. Petersburg State University, Member of the St. Petersburg Association for Medical Law.

“Particular Aspects of the Harmonization of the Public Healthcare Legislation in the Territory of the Commonwealth of Independent States (CIS)”, ***Diveyeva Nelly Ivanovna***, Doctor of Juridical Sciences, Professor of the St. Petersburg State University Department of Employment Law, Head of the Course of Monitoring of the Law Enforcement Practices in the Social Score at the Centre for Monitoring of the Law Enforcement Practices under the St. Petersburg State University, Member of the St. Petersburg Association for Medical Law.

«Some Questions about the Harmonization of the Economic-Organizing Mechanisms for Guaranteeing Free Medical Assistance in the Commonwealth of Independent States Area”, ***Petukhova Valentina Vasilyevna***, Candidate of Medical Sciences, Director of the Centre for the Development of the Medical Insurance under the St. Petersburg State University, Director of the Practice of Consulting in Management at the Legal Consulting Firm “Rosmedconsulting”.

“Tourists’ Health Protection Abroad: the Italian Experience”, ***Mobilia Francesca***, Expert in Forensic and Insurance Medicine at the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy); ***Mobilia Antonio***, Director of the Territorial Healthcare Agency of the Town Milano 2 (Italy), ***Genovese Umberto***, Expert in Forensic and Insurance Medicine, Director of the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy), Scientific Partner of the Group “Meditsina i Pravo”, President of the Association “Healthcare Safety and Accountability”; ***Chesnokova Ekaterina Aleksandrovna***, Candidate of Medical Sciences, University of Insubria (Italy).

“The Legal Regulation of the Provision of Medical Aid to People Temporary Resident Abroad”, ***Bogdanova Diana Igoryevna***, Candidate of Juridical Sciences, Lawyer at the St. Petersburg Chamber of Lawyers.

“Healthcare Safety and Accountability; the Insurance of Liability”, ***Genovese Umberto***, Expert in Forensic and Insurance Medicine, Director of the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy), Scientific Partner of the Group “Meditsina i Pravo”, President of the Association

“Healthcare Safety and Accountability”; *Steffano Attilio*, Insurance Broker, Vice President of the Association “Healthcare Safety and Accountability”; *Chesnokova Ekaterina Aleksandrovna*, Candidate of Medical Sciences, University of Insubria (Italy).

12.00 – 12.15

Coffee break

12.15 – 13.45

Round table “**Peculiarities in Providing Medical Aid to People Temporary Resident Abroad**”.

Moderators: *Akulin I.M., Goryanov A.M.*

Case for discussion: “The Case of a Russian Tourist in the Kingdom of Thailand.”

Speaker: to be defined later

Experts: *Kapustina Maria Aleksandrovna*, Candidate of Juridical Science, Associate Professor at the St. Petersburg State University Department of Theory of State and Law of the Law Faculty, Expert at the Centre for Monitoring of the Law Enforcement Practices under the St. Petersburg State University; *Mobilia Francesca*, Expert in Forensic and Insurance Medicine at the Laboratory “Healthcare Safety and Accountability” under the State University of Milan (Italy); *Tamisanont Chochivan* (Kingdom of Thailand), Aspirant of the St. Petersburg State University Department of Theory of State and Law of the Law Faculty.

13.45 – 14.00

Coffee break

14.00 – 15.30

Topical round table "A Practical Model of Pre-trial Mediation and Conciliatory Procedure in Case of Disputes among the Subjects Receiving and Providing Medical Assistance in St. Petersburg".

Moderators: *Karpenko Aleksandr Dmitryevich*, Candidate of Biological Sciences, Associate Professor at the St. Petersburg State University Department of Conflictology, Mediator at the Panel of Mediators of the Chamber for Conflicts Resolution at the Economic Tribunal of the Commonwealth of Independent States (CIS), Member of the Panel of Conciliators for the Conciliation Proceedings at the Chamber of Commerce and Industry of St. Petersburg, Member of the Coordinating Council of the Non-profit Partnership “League of Mediators”.

Experts: *Osushin Sergey Vladimirovich*, General Director of the Non-profit Partnership “League of Mediators”; *Merenkov Aleksandr Vladimirovich*, General Director of the Insurance Company “Severnaya Kazha”, Chairman of the Auditing Committee of the National Union of Insurers; *Andreevna Olga Ivanovna*, Mediator; *Leontyeva Olga Viktorovna*, Mediator; *Karpenko Larisa Gumarovna*, Mediator.

15.30 – 15.45

Conference sizing up