



COURSE DATA

Data Subject

Code	42677
Name	Mediation and arbitration in health law
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	13 - Mediation and arbitration in health law	Obligatory

Coordination

Name	Department
ALVENTOSA DEL RIO, JOSEFINA	50 - Civil Law

SUMMARY

The course consists of three basic sections.

A first section presents the overall picture on the protection of the right to health in the Spanish health system, with express reference to the principles that govern this system, relating to bioethical principles and humanisation of medicine, as well as the rights that are recognized in the health legislation to users and patients.

In a second section discusses situations of conflict occurring in the healthcare arena, features and specialties of the same, and the possibilities of conflict resolution in this field, with particular reference to extrajudicial way conflict resolution: arbitration and mediation.



Finally, deals with the study of mediation in healthcare regulation that is the contents of the application, the regulation of the same in other countries where has been developed earlier than in ours, and its particular application in the care relationship, with reference to the legal context in which fits this mediation

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.
- Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.
- Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.
- Participate in, lead and coordinate debates and discussions, be able to summarize them and extract the most relevant conclusions accepted by the majority.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.
- Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.



The students must acquire general skills and develop certain specific skills, which include:

1. Acquire the ability to analyze the different types of conflicts that occur in the sanitario field.
2. The legal framework (concept, content, scope and legal effects) (arbitration and mediation) instruments used in alternative dispute resolution of the conflicts that occur in the health sector.
3. Learn how to apply the techniques of the medication in the context of the sanidad.
4. Manage the resources necessary to engage in the conflict and strategies for managing and effectively solve such disputes in the health sector.

DESCRIPTION OF CONTENTS

1. The mediation and arbitration in the field of health. The health care system right espanol.

1. To the protection of health in our Spanish health juridico.
2. Sistema system. Legal framework for guiding referencia.
3. Principios in health care.
4. Cambios of perspective in the field of health. The incorporation of bioethical principles and the humanization of the salud.
5. Sujetos involved in the health relationship. Rights and duties of patients and healthcare professionals.

2. Situations of conflict in the area people

1. Situations of conflict in the health sector. Characteristics and especificidades.
2. Tipos of conflictos.
3. Resolucion of conflicts: A) Courts. B) Out-of-Court: Arbitration. Mediation.

3. Mediation in the conceptual sanitario.

1. Marco of health mediation field. Applicable.
2. Regulacion. Reference to the legislation extranjera.
3. Objetivos of mediation in the field sanitario.
4. Contenido and scope of mediation in salud.
5. Agentes involved in the mediation service: providers and recipients of the mediacion.
6. Estudio of cases.

**4. Mediation on the relationship asistencial.**

1. La relationship breakdown. New perspectives on the way of understanding the relationship asistencial.
2. Principio of autonomy of the will of the patient. State and regional regulation. Informed consent. Exceptions and limits to such consent. Consent by representation. Specific situation of minors in cases edad.
3. Estudio of cases.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	18,00	100
Tutorials	12,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

1. Theoretical exposition of the contents of the module. By the teacher in charge of the course to be used for hours in the theoretical explanation of the fundamental contents of the subject. These exhibitions are intended to facilitate understanding of such content to the students.
2. Study of practical cases. Exhibition and analysis of cases of health mediation; analysis of jurisprudence; debate on specific issues about conflicts in health; view videos about specific cases (analysis and debate).
3. Guest mediator assistance. Special session of mediator invited by the teacher in charge of the asignatura.
4. Group work. Organization of face-to-face work groups to emulate the resolution of a case study on the subject to tratar.
5. Supplementary materials. The teacher will provide supplementary materials to the students then analyze them in the classroom.

EVALUATION

Continuous assessment. You will be assessed to the students through the weekly follow-up on the activities proposed in the development of the program.... 30%

Test end. You will be assessed an objective test on the treated materials... 70%



Final note. Will it be as obtained in the two previous parameters assessed... 100%

The aforementioned evaluation system will be applicable to both the first and second calls.

REFERENCES

Basic

- Alventosa del Río, J.; Cobas Cobiella, M^a.E., Marco conceptual de la mediación sociosanitaria. Ponencias de Expertos en Mediación. VIII Conferencia Internacional del Foro Mundial de mediación: Tiempo de mediación, liderazgo y acción para el cambio, II. Venezuela: Edita República Bolivariana de Venezuela, 2012, pp. 198-204.
- Armadans, I.; Aneas, A.; Soria, M.A.; Bosch, LL., La mediación en el ámbito de la salud. Medicina clínica, 133, (05), 2009.
- Coto Jiménez, R., Mediación sanitaria, Mediatío: mediación, núm. 4, 2013, pp. 32-46.
- García Villaluenga, I., Tomillo Urbina, J., Vázquez de Castro, E.(Codirectores), Mediación, arbitraje y resolución extrajudicial de conflictos en el siglo XXI. Tomos I y II. Ed. Reus, Madrid, 2010.
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- Cayón de las Cuevas, J. (2010). Resolución extrajudicial de conflictos sanitarios: manifestaciones jurídico-positivas y posibilidades de futuro. Mediación, arbitraje y resolución extrajudicial de conflictos en el siglo XXI, 2, (Arbitraje y resolución extrajudicial de conflictos), (coord. por Leticia García Villaluenga, Jorge Luis Tomillo Urbina, Eduardo Vázquez de Castro, Carmen Fernández Canales). Madrid: Editorial Reus, 293-330.
- Luquin Bergareche, R., Los conflictos sanitarios: hacia un nuevo ámbito de la mediación, Nuevas perspectivas jurídico-éticas en Derecho sanitario, PP 611-628

Additional

- AA.VV., Ponencias de Expertos en Mediación. VIII Conferencia Internacional del Foro Mundial de mediación: Tiempo de mediación, liderazgo y acción para el cambio, II. Venezuela: Edita República Bolivariana de Venezuela, 2012, pp. 198-204.
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- Barona Vilar, S., Mediación en asuntos civiles y mercantiles en España. Tras la aprobación de la Ley 5/2012, de 6 de julio, Tirant Lo Blanch, 2013.
- Cobas Cobiella, M. E., .Autonomía de la voluntad y Mediación. Algunas notas sobre la cuestión, Ortega Giménez, A, Cobas Cobiella, M. E. (Codirectores), Mediación en el ámbito civil o familiar, penal e hipotecario. Cuestiones de actualidad, Economist& Jurist, Difusión Juridica, 2013.
- Moro Yepes, M^a. P., Lerena Tejón, J., El trabajador social como agente de cambio en cuidados paliativos, Documentos de trabajo social: Revista de trabajo y acción social, núm. 49, 2011, pp. 270-276.
- Mola Sanna, B., Igual Ayerbe, B., La gestión del conflicto en el ámbito de la salud, <http://dialnet.unirioja.es/servlet/autor?codigo=2551664>Revista ROL de enfermería, Vol. 33, N^o. 2,



2010.

Novel Martí, G., Mediación organizacional: desarrollando un modelo de éxito compartido, Madrid: Editorial Reus, 2010.

