

The efficiency of the legal competence development of specialists in medical sphere in postgraduate education – an analysis of the forms and methods of its improvement

Ефективність розвитку правової компетентності фахівців медичної галузі у післядипломній освіті – аналіз форм та методів з її підвищення

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Key words:

specialists in the medical sphere, postgraduate education, legal competence, health law, law clinic.

Ключові слова:

фахівці медичної галузі, післядипломна освіта, правова компетентність, медичне право, юридична клініка.

The reforming of the educational system in Ukraine requires a new solution of the problems of development of legal competence of specialists of different professions capable of understanding yourself as a person. This statements also refers to doctors, whose activity concerns people ^{1; 2; 3}.

The analysis of the global labour market allowed to determine what the actual needs of society and the priority task of education is the development of legal competence of specialists in medical sphere, who are ready to realize their professional activity in the interests of society; to actively work with the sick; to use the elements of psychological and legal influence; to develop measures for their rehabilitation and prevention; to be able to defend both the rights of patients and their own rights. These features reflect the new quality of medical training, a key component of which is the legal competence ^{4; 5; 6}.

Unfortunately, the modern system of medical postgraduate education does not provide for the possibility of the development of legal competence of specialists in medical sphere, in accordance with the requirements of the present. That led to a high level of relevance of the issue of the development of the legal competence of modern doctors.

Common problems of reforming higher medical school are studied by K. Amosov, I. Bulakh, V. Krasnov, I. Kuznetsova, M. Tymofieva, O. Yudina. V. Babalich, L. Dobrovska, V. Korzunina, M. Mruga dedicated their works defining the features of the doctor training.

The problems of development of professional competence of specialists is examined by native and foreign researchers, including K. Vianis-Trofymenko, S. Haponenko, O. Hura, T. Dobudko, M. Elkin, A. Kovalenko, N. Kuzmina, M. Lazarev, A. Lebedev, A. Pometun, M. Potashnyk, V. Sytianin and others⁷.

¹ Бабич О. Медико-правова документація як юридичний захист лікаря / О. Бабич // Управління закладом охорони здоров'я. – 2012. – № 3. – С. 14–19.

² Голік О. Формування майбутніх предметних компетентностей з медичної деонтології засобами кооперативного навчання : дис. ...канд. пед. наук : 13.00.02 / О. Голік ; Нац. мед. ун-т ім. О.О. Богомольця. – Київ, 2015. – 302 с.

³ Гревцова З. Медичне право України: сучасний стан і перспективи розвитку / З. Гревцова // Збірник тез і доповідей: Перший Всеукраїнський конгрес із медичної, правової, соціальної політики (Київ, 14–15 квітня 2007 р.). – К.: Авіценна, 2007. – 96 с.

⁴ Філоненко М.М. Психологія особистісного становлення майбутнього лікаря : [монографія] / М.М. Філоненко. – Київ: Центр учбової літератури, 2015. – 334 с.

⁵ Харківський В.С. Змістовно-технологічний аналіз поняття «правова компетентність», В.С. Харківський // Теорія та методика професійної освіти [Електронний ресурс]. – Режим доступу : <http://tmpe.profua.info/index.php/editions/129-edition-9>.

⁶ Харківський В.С. Сутність правової компетентності фахівців медичної галузі / В.С. Харківський // Модернізація вищої освіти та проблеми управління якістю підготовки фахівців. Сучасна парадигма вищої освіти : тези XIII Всеукр. наук.-метод. конф. (Харків, 30 вересня 2016 р.) / Харків. держ. ун-т харчування та торгівлі. – Х., 2016. – С. 134–136.

⁷ Харківський В.С. Необхідність викладання правових дисциплін фахівцям медичної галузі у післядипломній освіті / В.С. Харківський // Наука III тисячоліття: пошуки, проблеми, перспективи розвитку : матеріали I Всеукраїнської науково-практичної інтернет-конференції (20–21 квітня 2017 р.) : збірник тез. – Бердянськ : БДПУ, 2017. – 4.1. – С. 171–173.

The development of the legal competence of personality in researches is studied by J. Veillant, A. Dahin, M. Elkin, I. Zymnia, D. Kovalenko, V. Landsheier, O. Ovcharuk, L. Pylhun, M. Podberezskyi, A. Pometun, K. Savchenko, A. Hutorskyi and others.

The purpose of the article is to analyse the effectiveness of the proposed forms and methods of enhancing the level of legal competence of specialists in medical sphere in postgraduate education for the components of the LC.

The emphasis of medical law in a special branch of legal knowledge, oriented on legal regulation of medical activities takes place nowadays. The changes of regulatory base for health protection branch, which has recently become the basis for the development of legal regulation mechanisms of the providing of medical assistance and the use of the mechanisms of the legal liability and protection health care workers.

According to the norms of the current legislation in the field of education, the training of specialists in general and especially medical specialists sets up a system of training for life, the main component of which is a post-graduate education (courses of improvement of qualification, additional professional education etc.).

However, the discovering of medical law and the developing of legal competence of specialists in medical sphere still is at such a poor level as during either the fundamental or postgraduate training.

In the context of effective development of the professionals LC in the medical sphere on research for cadets in higher educational establishment, who took part in the experiment, was worked out and implemented elective course "The modern development of legal competence of specialists in medical sphere" and the eponymous educational-methodical manual was written; it is proposed to carry out seminar "Keeping medical paper trails as legal protection of specialists in medical sphere"; the work of the legal clinic "Public Health Law" was organized (in the framework of which seminars conducted ("Modern aspects of medical-legal relations", "Legal aspects in the process of providing first aid", "The development of legal competence is the path to professional growth"), trainings); round tables, web-conferences were held, etc.

So, for example, during the seminar "Keeping medical paper trails as legal protection of specialists in medical sphere", the filling out of medical cards, registers, application forms about the fixed patient's consent on conducting medical intervention or her/his refusal of medical care was analyzed.

Cadets were acquainted with the list of medical and legal aspects (requirements of the Ukrainian legislation) regarding the need of the informed agreement to the medical intervention or refuse treatment.

In order to motivate specialists in the medical sphere to develop their LC in the process of improvement of professional skills in the PE system we have developed and held additional practical classes and seminars with the usage of interactive methods, forms and means.

The work of the legal clinic "Public Health Law" was organized to activate the process of the cadets' LC development (normative and legislative knowledge, fundamentals of the law, knowledge of the Ukrainian legislation, ability to use ICT in the professional activity (legal nature), the development of the legal communicability and the motivation to the professional activity) on the basis of the pedagogy department, philosophy and language training of Kharkiv Medical Academy of the postgraduate education of the Ministry of Health of Ukraine.

Such form of the improvement of the legal competence development level as the legal clinic unfortunately is hardly used in the Ukrainian higher education (it is mostly hold in higher educational establishments of the legal sphere), though the establishment of such educational department significantly improve the legal competence level. Whereas the reveal of the legal issues happens directly in the context of the professional activity of the certain specific group (in our case specialists of the medical sphere), that significantly improve the specialists' legal culture.

During the attendance of the legal clinic "Public Health Law" the cadets improved their knowledge about the fundamentals of the Ukrainian legislation in the medical sphere, improve their level of the legal communicability in dealing with colleagues, patients and cadets, did introspection of the development their LC and improved their practical professional skills.

The basic methods and forms that contributed to improvement of the cadets' LC level development in the process of the work of the legal clinic were trainings, brainstorming activities, case study, coaching etc.

Such trainings as "Motives and motivation to the LC development", "Introspection – a way to success", "Legal fundamentals of the medical ethic in communication", "Multimedia technologies and their role in the process of the improvement of the doctors' legal competence", "Fundamentals of the conflict study", "Understanding people's rights", "The collective unity" etc. were organized in the context of the clinic work. The above-mentioned trainings were carried out with the usage of brainstorming that contributed to the maximum quick analysis of the legal task, identification of the problem issues of the normative character that were given to be discussed during the special training.

The seminars ("The modern aspects of the medical and legal relationship", "Legal aspects in providing medical first aid", "The development of the legal competence – a way to the professional development" etc.) in the context of the legal clinic work were organized with the usage of the case study method (the cadets were given varied (according to the seminar topic) professional pedagogic situations focused on the law that they solved relying on the knowledge of fundamentals of the Ukrainian legislation in the medical issues, legal basis of the performance within medical sphere).

The coaching method was used during the lectures "The legislative providing of the healthcare in Ukraine and abroad", "State regulation of the medical activity", "Legal status of the doctor and the patient", "Internet-sources for the development of the legal competence", "Personal ideals of the medical employee" (training method during which the person who is called "coach" helps students/cadets achieve the certain goals). It contributed to introspection, self-development LC and achievement the set professional goals of respondents.

To improve the effectiveness of the LC development in the context of the legal clinic work the cadets participated the web-conferences of the medical and legal matters, on the basis of the higher educational establishments, that took part in the experiment viewed videos of the prompt medical intervention and other medical manipulations that involved patient's documented agreement for the treatment and video shooting.

The main issues of the legal clinic "Public Health Law" activity were the improvement of cadets' ability level to use legal knowledge in practice; giving arguments of their own activity according to the legislation; try to provide actual information of the legal character for their colleagues and patients; assess the level of their LC (how well do they know the essence of the normative acts, fundamentals of the Ukrainian legislation); define the level of their legal communicability during consultations, problem solving etc.

In conclusion, according to the above-mentioned material, it can be stated that the effectiveness of the suggested forms and methods of the improvement of the legal competence development of the medical sphere specialists in postgraduate education with LC components such as the legal clinic "Public Health Law" activity was carefully analyzed. Also it can be concluded that implementation and appropriate usage of the medical law rules according to the medical Ukrainian legislation and the development of the specialists legal competence in medical sphere in Ukraine will develop only if the training and advanced training of the medical employees (doctors, medical staff), will be provided not only according to the chosen medical specialty but also medical legal area. Finally, the achievement and development of the legal competence of the medical sphere specialists have to become the essential part of the doctor's basic training and advanced training in postgraduate education. To sum up, we can state that modern medicine is closely connected with the legal aspect, so there is a need to create the medical law departments in the medical higher educational establishments, particularly in postgraduate education establishments.

Summary

The effectiveness of the proposed forms and methods that contribute to raising the level of legal competence (LC) of specialists in medical sphere in the form of postgraduate education (PE) is analyzed in the article. The expediency of organizing legal clinic "Public Health Law" and its effectiveness are analyzed. It is paid attention to such forms and methods as psychological trainings, brainstorming, round tables, problematic lectures, etc. It is proved that the acquisition and development of the legal competence of specialists in medical sphere has become a mandatory component of basic training and advanced training of a doctor in postgraduate education.

Анотація

У статті проаналізовано ефективність запропонованих форм та методів, що сприяють підвищенню рівня розвитку правової компетентності (ПК) фахівців медичної галузі у післядипломній освіті (ПО). Окремо розглянуто доцільність організації юридичної клініки "Public Health Law" й проаналізовано її ефективність. Приділено увагу таким формам і методам, як психологічні тренінги, мозковий штурм (брейнстормінг), круглі столи, проблемні лекції тощо. Доведено, що набуття та розвиток правової компетентності фахівців медичної галузі має стати обов'язковою складовою частиною основної підготовки та підвищення кваліфікації лікаря у післядипломній освіті.

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