

## DISCIPLINE CHART

### 1. Study Program Data

1.1 High Education Institution	<b>“VICTOR BABEȘ” UNIVERSITY OF MEDICINE AND PHARMACY FROM TIMIȘOARA</b>
1.2 Faculty	<b>FACULTY OF DENTAL MEDICINE</b>
1.3 Department	<b>I</b>
1.4 Study Domain..... <sup>1)</sup>	<b>HEALTH</b>
1.5 Cycle Studies <sup>2)</sup>	<b>LICENCE</b>
1.6 Study programme/ Qualification	<b>DENTAL MEDICINE</b>

### 2. Discipline Data

2.1.Course/Department		<b>JURIDICAL ASPECTS IN MEDICAL MALPRACTICE</b>						
2.2 Course tutor				Lecturer PhD. Tănase Alina Doina				
2.3 Practical activity tutors				Asist.Dr. Cosoroabă Mioara Raluca				
2.4 Year of study	V	2.5 Semester	II	2.6 Assessment	Colocvium	2.7 Course rank	Content <sup>3)</sup>	DS
							Mandatory /Compulsory <sup>3)</sup>	DO

### 3. Duration/Estimated Time (number of hours/ semester of teaching activity)

3.1 Number of hours/ week	<b>2</b>	3.2 lecture/course	<b>1</b>	3.3 laborator	<b>1</b>
3.4 Total hours of curriculum	<b>28</b>	3.5 lecture/course	<b>14</b>	3.6 laborator	<b>14</b>
Time distribution for course activities					ore
Study support- manuals, lectures, references and notes					-
Additional documentation – library, dedicated platforms from domain					-
Documentation for seminars/ practical activity/ projects, themes, portfolios and essays					-
Tutoring					-
Assessment					-
Other activities					-
<b>3.7 Total number of hours for individual study</b>	<b>*</b>				
<b>3.8 Number of hours per semester</b>	<b>28</b>				
<b>3.9 Number of credits<sup>5)</sup></b>	<b>1</b>				

### 4. Preconditions (if applicable and requested)

4.1 Courses- studied curriculum / rules for attending the course	Not the case	
4.2 Practical activities/seminars/projects studied curriculum, basic skills/ rules for attending the course	Not the case	

### 5. Condition (if applicable and requested)

5.1 Courses	<ul style="list-style-type: none"> <li>Mobile phones will be switched off during classes, phone conversations during the course will not be tolerated, nor will students leave the classroom to answer personal phone calls;</li> </ul>	
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	<ul style="list-style-type: none"> <li>• The audio and/or video recording of the didactic activity is carried out only with the written consent of the person conducting it and without violating intellectual property rights;</li> <li>• The reproduction, in any form, of the recordings of the didactic activity by students or by other persons is allowed only with the written consent of the respective teaching staff;</li> <li>• Students being late to the course will not be tolerated, as this proves disruptive to the educational process;</li> <li>• Attendance at the course is mandatory, a maximum of 50% of the total absences being accepted;</li> <li>• Course absences are only made up within the same week, with another series, if possible;</li> <li>• Students who accumulate more than 50% absences from classes will be allowed to take the theoretical test in the arrears session and, respectively, for the re-examination (under the conditions of non-presentation/non-promotion in the arrears session);</li> <li>• Students who have been absent for well-documented medical reasons (hospitalizations, medical certificates countersigned by a specialist doctor from the UMFVBT Evaluation Commission) can recover these absences without payment, depending on the discipline program, provided that the number of absences does not exceed 50% of the total number of hours. Special situations are analyzed by the Dean of the faculty, based on the request and the submitted documentation;</li> <li>• Room equipped with laptop and video projector</li> </ul>	
5.2 Laboratory/practical activity/ project	<ul style="list-style-type: none"> <li>• Mobile phones will be closed for the duration of the labs, as phone calls during the lab will not be tolerated, nor will students leave the room to answer personal phone calls;</li> <li>• The audio and/or video recording of the didactic activity is carried out only with the written consent of the person conducting it and without violating intellectual property rights;</li> <li>• The reproduction, in any form, of the recordings of the didactic activity by students or by other persons is allowed only with the written consent of the respective teaching staff;</li> <li>• Student lateness to the laboratory will not be tolerated, as it proves disruptive to the educational process;</li> <li>• Attendance at internships/practical work is mandatory, a maximum of 20% of the total absences being accepted;</li> <li>• Absences accumulated by students during internships/practical work in an amount greater than the allowed amount (20%) can be recovered, with a fee, within the limit of 30% of the total number of hours, in the periods established by each discipline, in depending on its specifics, preferably outside the session periods;</li> <li>• Students who have been absent for well-documented medical reasons (hospitalizations, medical certificates countersigned by a specialist doctor from the UMFVBT Evaluation Commission) can recover these absences without payment, depending on the discipline program, provided that the number of absences does not exceed 50% of the total number of hours. Special situations are analyzed by the Dean of the faculty, based on the request and the submitted documentation;</li> <li>• The practical exam will be held in the last week of the semester or in the ordinary session, from the subject of the practical works/laboratories/internships displayed in advance;</li> <li>• The date of the final exam at the end of the semester is set by the holder in agreement with the students. For objective reasons, students</li> </ul>	

	may be approved to take the exam with another series, if necessary.	
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## 6. Key competencies and basic skills

<b>Professional</b>	1. The acquisition by students of the notion, principles and functions of medical civil liability; 2. Defining the specific concepts of medical malpractice; 3. Critical evaluation and analysis of the legal texts in the matter of legal liability of the dentist for the damages caused to the patients by performing the medical act in a defective manner; 4. The legal framework of a factual situation in dental medical practice	
<b>Transversal Competence</b>	1. Critical and constructive reflection; 2. Identifying, creating, capitalizing and promoting opportunities for continuous and effective training of learning resources and techniques for your own development; 3. Identifying roles and responsibilities in a team and applying effective communication and work techniques within it.	

## 7. Disciplines/Course objectives (based on the key competences)

7.1 Disciplines/Course general objectives	- the transmission to the students and their appropriation of the legal provisions regarding the civil liability of the medical staff and the provider of medical services, sanitary materials, equipment, medical devices and medicines for the damages caused to patients by performing the medical act in a defective manner	
7.2 Disciplines/Course specific objectives	- the acquisition and use by students of the concepts, theories, principles and methods specific to the national legislation applicable in the medical field; - the transmission and interpretation of the Romanian legislation in the matter of the legal liability of the medical personnel, which leads to its knowledge by the students.	

## 8. Content

8.1 Lecture	Teaching-learning, methods	Number of hours	Notification
1. The notion, principles and functions of medical civil liability	Interactive lecture	1	The courses are made in the form of power point presentations, played with the help of a video projector;  Each course begins with the presentation of the main topics to be discussed by the instructor together with the students during the course, ending with the
2. General conditions of civil liability of medical personnel		1	
3. The special conditions of civil liability of medical personnel		1	
4. The foundation, modification and removal of the civil liability of medical personnel		1	
5. The general conditions of civil liability for the own deed of public or private healthcare units, as providers of medical services		1	
6. The special conditions of civil liability for the own deed of		1	

public or private health units, as providers of medical services			summary of the concepts taught;
7. Causes that exclude civil liability for the medical service provider's own act.		1	The material taught is revised and supplemented with the current existing information in the field of national and international legislation
8. Civil liability of public or private healthcare units providing medical services, as principals, for the acts of the employed medical personnel, as subordinates		1	
9. Civil liability for defective products of public or private health facilities, providers of medical services, non-medical service providers and manufacturers of medical equipment and devices, medicinal substances and sanitary materials		1	
10. Evidence in dental malpractice litigation		1	
11. Legal action for the granting of compensation requested by patients in case of proof of medical malpractice. Judicial assessment of interest damages		1	
12. Categories of indemnifiable damages in the matter of medical civil liability		1	
13. Mediation in medical malpractice cases		1	
14. Ways to extinguish the mandatory medical civil liability legal relationship		1	

**Bibliografie obligatorie:**

1. Ardeleanu A.M., *Soluționarea prin mediere a cazurilor de malpraxis medical*, Revista Dreptul nr. 8/2016;
2. Cimpoeu D., *Malpraxisul*, Ed. C.H.Beck, București, 2013;
3. Dumbravă D.P., Savus C., Radu C.C., *Culpa medicală și malpraxisul medical. Note de curs*, Ed. Pro Universitaria, București, 2023;
4. Lazăr A.C., Todor L., Mureșan O., *Malpraxisul în stomatologie*, Ed. Universității din Oradea, 2020;
5. Mihuț T., Cristache C.M., *Mijloacele de probă în procesele de malpraxis stomatologic. Digital Smile Design (DSD) – parte a probatoriului în litigiul de malpraxis*, Revista Dental Target, nr. 4/2016;
6. Năsui G.A., *Malpraxisul medical. Particularitățile răspunderii civile medicale. Jurisprudența internă relevantă. Malpraxisul profesiilor liberale*, Ediția a III-a, revăzută și adăugită, Ed. Universul Juridic, București, 2024;
7. Pena A., *Malpraxis medical. Jurisprudența națională și europeană*, Ed. Universul Juridic, București, 2023;
8. Pițuru S.M., *Malpraxis. Impact și consecințe în practica stomatologică*, Teză de doctorat, Universitatea de Medicină și Farmacie Carol Davila din București, 2017;
9. Tănase A.D., *Răspunderea civilă pentru malpraxisul medical*, Ed. Universul Juridic, București, 2023;
10. Toader E., *Consimțământul informat în legislația sanitară*, Ed. Gr.T.Popa, Iași, 2015;
11. Vida-Simiti I., *Răspunderea civilă a medicului*, Ed. Hamangiu, București, 2013;
12. Legea nr. 95/2006 privind reforma în domeniul sănătății;

13. Legea nr. 46/2003 privind drepturile pacienților, publicată în Monitorul Oficial al României nr. 51 din 29 ianuarie 2003;
14. Normele de aplicare a Legii drepturilor pacientului nr. 46/2003, din 12. 12. 2016, publicate în Monitorul Oficial Partea I, nr.1009 din 15 decembrie 2016;
15. Norme metodologice din 14 martie 2007 de aplicare a titlului XVI «Răspunderea civilă a personalului medical și a furnizorului de produse și servicii medicale, sanitare și farmaceutice» din Legea nr. 95/2006 privind reforma în domeniul sănătății.

**Bibliografie facultativă:**

1. Călin R.M., *Malpraxis. Răspunderea medicului și a furnizorilor de servicii medicale. Practică judiciară*, Ed. Hamangiu, București, 2014;
2. Mangu Fl.I., *Malpraxisul medical. Răspunderea civilă medicală. Răspunderea civilă a personalului medical și a furnizorului de produse și servicii medicale, sanitare și farmaceutice*, Ed. Wolters Kluwer, 2010;
3. Toader E., (editor), *Riscul pentru malpraxis în actul medical*, Ed. Gr.T.Popa, U.M.F. Iași, 2017;
4. Toader E., *Fundamentul etic și juridic al consimțământului informat în practica clinică și în cercetare*, Ed. Gr.T.Popa, Iași, 2016.

8.2 Seminar/ Laboratory / internship / project	Teaching-learning, methods	Number of hours	Notification
1. The notion, principles and functions of medical civil liability – application discussions	LECTURE+DEBATE+STUDIES - CASE PRESENTATIONS	1	
2. The general conditions of the civil liability of the medical personnel – analyzing a case from judicial practice		1	
3. The special conditions of the civil liability of the medical personnel - analyzing a case from judicial practice		1	
4. The foundation, modification and removal of civil liability of medical personnel – case study		1	
5. The general		1	

conditions of civil liability for the own deed of public or private health units, as providers of medical services →analysis of a case from judicial practice			
6. The special conditions of civil liability for the own act of public or private health units, as providers of medical services - analysis of a case from judicial practice		1	
7. Causes that exclude the civil liability for the medical service provider's own act - discussions		1	
8. The civil liability of public or private healthcare units providing medical services, as principals, for the acts of the employed medical personnel, as subordinates - analysis of a case from judicial practice		1	
9. Civil liability for defective products of public or private health facilities, providers of medical services, non-medical service providers and		1	

manufacturers of medical equipment and devices, medicinal substances and sanitary materials			
10. Evidence in dental malpractice litigation		1	
11. Legal action for the granting of compensation requested by patients in case of proof of medical malpractice. Judicial assessment of interest damages		1	
12. Categories of indemnifiable damages in the matter of medical civil liability		1	
13. Mediation in medical malpractice cases		1	
14. Ways to extinguish the mandatory medical civil liability legal relationship		1	

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1. Ardeleanu A.M., *Soluționarea prin mediere a cazurilor de malpraxis medical*, Revista Dreptul nr. 8/2016;
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4. Lazăr A.C., Todor L., Mureșan O., *Malpraxisul în stomatologie*, Ed. Universității din Oradea, 2020;
5. Mișu T., Cristache C.M., *Mijloacele de probă în procesele de malpraxis stomatologic. Digital Smile Design (DSD) – parte a probatoriului în litigiul de malpraxis*, Revista Dental Target, nr. 4/2016;
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10. Toader E., *Consimțământul informat în legislația sanitară*, Ed. Gr.T.Popa, Iași, 2015;
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13. Legea nr. 46/2003 privind drepturile pacienților, publicată în Monitorul Oficial al României nr. 51 din 29 ianuarie 2003;
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15. Norme metodologice din 14 martie 2007 de aplicare a titlului XVI «Răspunderea civilă a personalului medical și a furnizorului de produse și servicii medicale, sanitare și farmaceutice» din Legea nr. 95/2006 privind reforma în domeniul sănătății.

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2. Mangu Fl.I., *Malpraxisul medical. Răspunderea civilă medicală. Răspunderea civilă a personalului medical și a furnizorului de produse și servicii medicale, sanitare și farmaceutice*, Ed. Wolters Kluwer, 2010;
3. Toader E., (editor), *Riscul pentru malpraxis în actul medical*, Ed. Gr.T.Popa, U.M.F. Iași, 2017;
4. Toader E., *Fundamentul etic și juridic al consimțământului informat în practica clinică și în cercetare*, Ed. Gr.T.Popa, Iași, 2016.

### **9. Correlations between the content of the discipline and the requirements of the professional field and relevant employers**

After completing the topic, students should have a number of notions in the field regarding the existing legal regulations in force regarding the civil liability of the medical staff and the provider of medical services, sanitary materials, equipment, medical devices and medicines for the damages caused patients through the medical act performed in a defective manner

### **10. Assessment**

Activity	10.1 Assessment criteries	10.2 Assessment methods	10.3 Percentage of the final grade
10.4 Lecture	<p><i>Knowledge for grade 5:</i></p> <ul style="list-style-type: none"> <li>- knowledge of the main notions regarding medical civil liability in relation to national legislation</li> </ul> <p><i>Knowledge for grade 10:</i></p> <ul style="list-style-type: none"> <li>- analyzing the legal regime of medical civil liability</li> <li>- differentiating the civil liability of medical personnel</li> </ul>	Editorial subject	The grade from the theoretical exam represents 50% of the final grade.



	<i>from the liability of suppliers of medical, sanitary and pharmaceutical products and services</i>		
10.5 Seminar/ Laboratory	<i>Knowledge for grade 5 - identification in the case subject to analysis of the main legal rules that were violated by the dentist Knowledge for grade 10 – corroboration of legal provisions with the case deduced from the analysis</i>	Editorial subject	50% (The grade of the practical exam will include, as the case may be, the grade related to the activity along the way, which can represent up to 20% of the grade of the practical exam)
10.6 Minimum performance standard-basic knowledge			
Acquiring basic knowledge on the elements of the topic.			

Date	Signature of the teacher supervising the lecture Lecturer PhD Tănase Alina Doina	Signature of the teacher supervising the practice Asist. drd. Cosoroabă Mioara Raluca
Signature of the head of department Lecturer PhD Tănase Alina Doina		
Date of approval in the department	Signature of the department director Prof. Dr. Habil, DMD, PhD Jumanca Daniela-Elisabeta	

Notes:

- 1) Domeniul de studii - *se alege una din variantele:* Licență/ Masterat/ Doctorat (**se completează conform cu Nomenclatorul domeniilor și al specializărilor/ programelor de studii universitare în vigoare**) ; ;
- 2) Ciclul de studii - *se alege una din variantele:* Licență/ Master/ Doctorat;
- 3) Regimul disciplinei (conținut) - *se alege una din variantele:* **DF** (disciplină fundamentală)/ **DD** (disciplină din domeniu)/ **DS** (disciplină de specialitate)/ **DC** (disciplină complementară) - *pentru nivelul de licență;* **DAP** (disciplină de aprofundare)/ **DSI** (disciplină de sinteză)/ **DCA** (disciplină de cunoaștere avansată) - *pentru nivelul de masterat;*
- 4) Regimul disciplinei (obligativitate) - *se alege una din variantele:* **DI** (disciplină obligatorie)/ **DO** (disciplină opțională)/ **DFac** (disciplină facultativă);
- 5) Un credit este echivalent cu 25 de ore de studiu (activități didactice și studiu individual).

\*nr de ore de studiu individual (punctul 3.7.) = nr total ore (nr credite X 25) minus nr. ore din planul de invatamant (punctul 3.4) minus ore alocate pentru examinari. Aceste ore se impart intre

Studiul după manual, suport de curs, bibliografie și notițe	
Documentare suplimentară în bibliotecă, pe platformele electronice de specialitate și pe teren	
Pregătire seminarii/ laboratoare/ proiecte, teme, referate, portofolii și eseuri	
Tutoriat	

- 6) Pentru specializările și/sau disciplinele a căror tematică se regăsește în bibliografia de rezidențiat, aceasta devine obligatorie. Dintre titlurile bibliografice, 50% trebuie să fie din ultimii 5 ani.