

## **MEDICAL SECRECY IN THE CONTEXT OF DOCTOR'S OBLIGATION AND PATIENT'S RIGHT: LEGAL ANALYSIS**

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The Article points out the existence of certain problems with the regulation of certain aspects of the consolidation and implementation of medical secrecy in Ukraine. Emphasis is placed on the need for legal analysis and proposals for their solution. It also emphasizes the need to develop a comprehensive approach to building public confidence in the system of medical services, which should be based on the establishment of effective state guarantees for the protection of patients' rights, which includes the institution of medical secrecy. It has been determined to which legal regime information on the state of health of an individual belongs under the current legislation of Ukraine and the official interpretation of the Basic Law by the

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Constitutional Court of Ukraine. The disadvantages of using the term “doctor’s secrecy” are noted and the advantages of using the term “medical secrecy” in the legislative process are given. The experience of regulating the institute of medical secrecy in international legal acts is presented and a parallel with the relevant norms of national legislation is drawn. It is indicated what information constitutes a medical secrecy, who is the subject of a medical secrecy. The time limits for maintaining medical secrecy have been determined. The existence of problems in the possibility of disclosing medical secrecy after the death of a person is noted. The importance of the patient’s right to maintain secrecy about his health is substantiated, based on the regulations of Ukraine and international law. The right to medical secrecy of people living with HIV and the possibility of compensation for its violation are considered separately. It is noted that an important aspect of the existence of any obligation is the responsibility for its violation. In this context, the types of legal liability for the disclosure of medical

secrecy are considered. The judicial practice in cases of disclosure of medical secrecy, including the decision of the European Court of Human Rights, is analyzed. Emphasis is placed on the existence of significant practical problems with the public law aspect of liability for illegal disclosure of medical secrecy. It is proposed to improve the legal regulation of medical secrecy.