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Tort law and health care

Under torts law, a wrongful, unlawful act harming or affecting life, body, health, belongings or other protected right of another individual. The right of tort (also known as liability , tort or damage law ) is one of the most important areas of civil law. The liability / non-contractual damages law rules determine the conditions under which a person must be liable for unlawfully inflicted damage caused either by an act of his own or by an event for which the law makes him responsible. They are therefore intended to compensate for unlawfully inflicted damage through compensation .

Individual cases : a) Intentional or negligent violation of life, body, health, freedom, property or other rights of another (such as the legitimate possession, not the mere claim) (Showalterm 87). The client is liable for damages caused by his or on the basis of the performance of the work imposed by the agent. However, this legal provision is not applied to the contract for work - there the person responsible for the work bears the personal responsibility. The case-law clearly assumes today that this liability is objective and does not depend on the guilt for the bad choice of the principal. However, the client has the right to recourse / claim against the injuring party.

Medical negligence cases are typically grounded on negligence. With this objective, the legislation would have to be amended to offer a right to effective health protection. However, it is not merely about stipulating new rights. The challenge is to reform the existing ones to have a single set of rights for all, which is financed in a manner consistent with the criteria of justice stipulated in our Magna Carta, and that has budgetary stability. A government unable to enforce minimum rights of access to health for its citizens, not only short falls of its constitutional obligations and the expectations of the population, nor does it generate the conditions for other efforts to bear fruit and productivity can be improved and, therefore, the income of individuals.

Works cited

Showalter, J. Stuart. The law of healthcare administration. Health Administration Press, 2012.87