

MEDIATION IN THE MEDICINE**MARIA PRISTAVKO, PAVEL SOLOVIEV**

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The article considers mediation as a conciliatory procedure in the medical field. Subjects of medical conflicts are identified. Advantages of mediation in resolving medical disputes are highlighted.

Today the court, as a rule, is considered as the main way to resolve the dispute. Take, for example, the case when a patient, as it seems to him, has suffered harm during the provision of medical assistance, and a dispute arises between the patient and the medical worker. The patient goes to court to compensate for the damage. Appeal to the court is not always the right decision.

During the trial, one side loses, the parties fail to agree on a mutually beneficial resolution of the conflict through the court, damage to the authority of the doctor and the medical institution, as well as to the patient who spends time and money on litigation and is unlikely to become healthier. An excellent option for resolving the conflict here is not the court, but mediation [1].

Subjects of medical disputes are medical employees, medical collectives. In accordance with this, there may be conflicts:

- Interpersonal conflicts with possible variants of participants (medical worker - patient, medical worker - medical worker, employee of medical institution - head of medical institution);
- Intergroup incidents (staff of the medical institution - relatives of patients and others);
- Mixed incidents (management of a medical institution - patient, medical worker - medical staff).

In the medical field, conflicts arise, when not only medical knowledge, qualifications and skills are not enough, but knowledge in law, economics, psychology, management, construction and others is also needed. The head physician may be faced with a choice: go to a public trial in which you need to publicly and publicly argue your case with the provision of written and material evidence, or find a mutually beneficial solution to the situation by engaging a professional disinterested in the outcome of the conflict.

Let's consider some questions:

- Could, for example, a formal judicial procedure or another public body help and resolve a situation caused by poor psychological contact between a doctor and a patient?
- How to overcome the unwillingness of a district doctor to engage in a patient who became a factor in claims and complaints?
- How to remove the tension in the relationship between the doctor and the patient because of the low legal, moral and general culture of the doctor or patient, or both?
- How to "make amends" for dissatisfaction with the low quality of the medical services provided and raise the patient's awareness of his rights?

Undoubtedly, in such cases, the best method of settling the dispute will be mediation. The procedure is able to carry out a lawyer - if necessary knowledge in law. However, a doctor can also do it - in case the incident concerns medical qualifications and knowledge. In some cases, they can function together. Information obtained during such negotiations should remain secret, they cannot be used in court or referenced in other jurisdictions.

In causing damage to the health of the patient during the provision of medical care, the patient has the right to seek compensation for harm, and the doctor - the duty to compensate him. Immediately, these relationships are the guarantee of the right to life and health. A highly qualified mediator can help in such cases.

From the practice of settling medical disputes in court it is possible to define the following axiom: "One side wins in court, but both lose". The loss is expressed not only in the loss of time, money, emotional over strain and unnecessary for the parties to the incident to publicize its circumstances. The victory of a doctor or a medical organization over a patient deprives the first two interests of making objective conclusions from errors, which can contribute to new difficulties in the work. For a patient who has lost a case, this is the reason to be convinced of the injustice and inhumanity of justice.

But on the other hand, the patient who received the desired decision of the court, has the opportunity to remain with his problem without proper medical care.

Is it possible to agree with the patient? - We believe that not only can, but also need to try to do it. And there are a lot of reasons for this. One of them is that the patient and the doctor begin to hear and understand

each other. This is quite important, because each side finds the right tone and direction of behaviour to ensure that there are fewer disputes, mistakes, shortcomings in the work of some medical workers, growing respect for medicine and those in whose hands the life and health of citizens.

As a result of effective negotiations, on the one hand, the patient's problems are solved and his main interest is health - on the other hand, the business reputation and good name of a medical worker or medical organization is preserved.

Today, various countries are doing everything possible to improve relations between workers and patients. In the United States of America, mediation has been used for several decades and in 80% of cases, the parties turn to the mediator for conflict resolution, disputes in the field of medical services are no exception. In the UK, a special unit in the structure of the London Centre for Effective Conflict Resolution is the centre for medical mediation. In Russia, almost all medical workers are learning the basics of mediation. In summing up, it is important to note that medical activity is not simple in structure, in the number of subjects, in the specifics of relationships. Objectively, the potential for controversial situations is high. Mediation can in this case really and effectively help. However, not instead of other methods, but together. It is necessary to remember the basic principles of mediation: voluntariness, trust, cooperation, confidentiality. With their help, it is easier to achieve higher results in the media availability of any categories of conflicts and disputes. Mediation and medicine are similar in their spiritual content, according to their purpose. Mediation is designed to preserve and strengthen the state of human health, to warn and treat illnesses, and mediation is intended for peaceful, mutually beneficial resolution of disputes, for their prevention and healing.

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