

## SUMMARY

**Key Words:** medical organization, liability, harm

**Subject matter:** norms of the Constitution of the Russian Federation, civil legislation of the Russian Federation governing liability, judicial practice, monographic literature related to the topic of the study.

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**The relevance of the research topic** The relevance of this topic is that the amendments and additions made to the Civil Code of the Russian Federation in 2014 related to the introduction of a new rule on the subsidiary liability of the property owner of both autonomous and budgetary institutions in cases of harm to citizens, in this case, when the provision of medical care to citizens by budgetary institutions only exacerbated the imbalance of interests in the health sector. At the same time, despite the legislator's refusal of the principle of responsibility for guilty harm in the provision of medical care, there remains the possibility of an innocent prosecution of health facilities for the adverse consequences of their medical intervention. The absence in the Civil Code of the norms of a general nature on the grounds for both full and partial exemption from civil liability, as well as the existence of secondary and reference standards, which are contained in the Federal Law "On the Basics of Protecting the Health of Citizens" suggests that the legislation is imperfect in the sphere of exemption from liability due to the lack of concretization and legal determination of the necessary categories. This law does not indicate the existence of special grounds for exemption from liability of medical organizations, which are often mentioned not only in the literature on medical law, but also in law enforcement practice.

**The purpose of the work:** in conducting a comprehensive analysis of the grounds for the full and partial exemption of medical organizations from liability for harm caused to a citizen as a result of medical intervention, as well as in considering opportunities to bridge the gaps in the legislation in this area.

**Objective:** consideration of the legal characteristics of obligations arising from harm; determination of the subject composition, as well as the conditions of liability arising from harm to the patient's health, identification of their specificity and existing features; correlation of the grounds for full and partial exemption from liability already existing in civil law with the grounds that can be applied to medical organizations in cases where they cause harm to the health of patients; identification of the list of special grounds for full and partial exemption from liability, which are characteristic specifically for medical organizations when exempting their liability for harm.

**The theoretical and practical significance of the research** It consists in the fact that the conclusions drawn can be used later in the scientific analysis of the grounds for exempting a medical organization from liability for harm to the patient's health, as well as during practical activities.

**Results of the study:**

- 1) the legal characteristics of obligations arising from the infliction of harm are examined and studied in detail in accordance with the current legislation of the Russian Federation;
- 2) the subject composition is determined, as well as the conditions of liability for harming the patient's health
- 3) revealed the features of the subject composition related to the medical field;
- 4) the grounds for full and partial exemption from liability already existing in civil law are correlated with the grounds applicable to medical organizations in cases where their responsibility for harm caused to the health of the patient is released;
- 5) examined and described the special grounds for the release of medical organizations from liability in case of harm to the patient's health as a result of any kind of medical intervention that

are specific to the medical field.

**Recommendations:**

- It was determined that medical workers can be held liable for causing harm to the patient, while responding to obligations in the framework of their average monthly earnings and only with the reimbursement of medical organizations for real material harm.
- An analysis of civil law and civil law literature related to the study of the grounds for exemption from civil liability in general, indicates the absence of content of general grounds for full and partial exemption from civil liability. In this connection, it is necessary to supplement the Civil Code with an article that would disclose the content of the general grounds for full and partial exemption from civil liability, which would significantly improve the existing situation, while giving the above categories an accurate regulatory assessment, as well as indicating that the grounds for exemption from contractual liability may be provided for by agreement of the parties.
- The lack of legal fixing of definitions of medical error, justified medical risk, an accident in medicine, as well as a gross violation of the doctor's prescriptions, which resulted in harm to the patient's health, greatly complicates the possibility of their application in practice. It is necessary to fix these categories as special grounds for the full and partial exemption of medical organizations from liability, supplementing the Federal Law "On the Basics of Protecting Citizens' Health in the Russian Federation" with the corresponding article.