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MEDICAL LAW IN PORTUGAL

PAULA LOBATO DE FARIA



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Paula Lobato de Faria

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Associate Professor of Health Law and Biolaw and director of the Masters Course in Health Management at the National School of Public Health (ENSP) of *Universidade Nova de Lisboa* (New University of Lisbon), Paula Lobato de Faria has also collaborated as a researcher at the Section for Medical Ethics of the University of Oslo. She was a consultant for the legal and ethical aspects to the National Agency for the Fight against AIDS (1987–2004) and the coordinator of the National Commission for the United Nations' Decade for the Education on Human Rights (1998–2002). From January to June 2004 she did a visiting scholarship in the Department of Health Law, Bioethics and Human Rights of the Boston University School of Public Health

(BUSPH), directed by Professor George J. Annas, where she started the Biennial Seminars on Health Law and Bioethics, a joint initiative of ENSP and BUSPH. Author of a large number of papers published both in Portuguese and international scientific journals, Prof. Paula Lobato de Faria has given multiple courses, seminars and conferences in Portugal and abroad in the fields of Health Law and Biolaw, especially on health care access and system, patients rights, biobanks and genetics, transmissible diseases, medical liability, informed consent, health data protection and confidentiality, medical error and patient safety. Her PhD subject was on the right to confidentiality and genetic data (published by Presses Universitaires du Septentrion – *'Données Génétiques Informatisées – un nouveau défi au droit à la confidentialité des données personnelles de santé'*, 1999). The author also collaborates in several international projects in the fields of biobanks, genetics and Public Health Law (within the European Public Health Law Network, EPHLN) and has worked as a consultant to the Ministry of Health regarding Health Law and Biolaw issues (transmissible diseases, biobanks, etc.). In 2003 she was a member of the executive board that prepared the Portuguese National Health Plan (2004–2010).

The Author

Collaboration

Sara Vera Jardim LLM (Heidelberg) and **João Pereira da Costa** Master in Health Care Management (ENSP/UNL), both health law jurists, collaborated in this monograph.

Author's Advertence

Portugal is under a constantly changing legal framework, mainly in the social sectors of health, labour and education. Reforms succeed one after the other, sometimes without sufficient time enough to be absorbed. Writing a monograph in medical law takes an inherent risk of being (at least partially) already outdated at the time of publication.

In a way this monograph is like a Cartier-Bresson typical image – it tries to catch movement in a frame. Medical law and health law in general are in constant movement these days in Portugal. Hence, health legislation is constantly changing the juridical shape of the Portuguese health system. We did our best to capture the moment. At least it will be a starting point or an historical element on the study of Portuguese medical law. This monograph is updated to September 2009.

The author recommends that readers ascertain whether the legislation mentioned in this monograph is subject to suffered any amendment before quoting it.

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