

BOGOMOLETS NATIONAL MEDICAL UNIVERSITY

Department of Forensic Medicine and Medical Law

GUIDELINES to practical classes of students

Study discipline	Pharmaceutical Law and Legislation
Educational qualification	second (master's) level of higher education
Branch of knowledge	22 "Healthcare"
Specialty	226 "Pharmacy, Industrial Pharmacy"
Educational program	educational-professional program "Pharmacy" for second (master's) level of higher education, specialty 226 "Pharmacy, Industrial Pharmacy"

Approved: at the meeting of the department of forensic medicine and medical law on August 27, 2024, protocol No. 1.

Considered and approved: at the meeting of the cyclic methodical commission for natural sciences dated August 28, 2024, protocol No. 1.

Topic 1: Law: concepts and functions. Sources of law. Legal personality. Legal relations

The methodical development was made by **A.B. Berzina**, associate professor of the Department of Forensic Medicine and Medical Law of Bogomolets National Medical University, candidate of legal sciences, associate professor.

Competences: ability to use knowledge of regulatory and legislative acts of Ukraine and recommendations of proper pharmaceutical practices in professional activities.

Purpose: the separation of this topic into a separate practical lesson is due to the need to form knowledge and ideas among future employees of the pharmaceutical industry about the theoretical foundations of the state and law; formation of conceptual apparatus; acquisition of systematic knowledge regarding the historical aspects of the emergence of law, its main tasks and functions.

Equipment: personal computer

Lesson plan and organizational structure

Organizational structure of the lesson				
№	The main stages of the lesson, their content	Control and training methods	Methodological support materials	Time
1	Determination of the basic level of students	Teacher control	Test tasks	30
2	Individual student's work of students when solving situational problems	Oral survey	Teacher's question	30
4	Correction of knowledge, skills and abilities by the teacher	Discussion	Teacher's question. Situational tasks.	20
6	Summary of the lesson		Teacher's conclusions	10
Total 90 minutes (2 academic hours)				

Recommended literature

International legal standards

1. Dyrektyva 2001/83/YES Yevropeys'koho parlamentu i Rady YES vid 06.11.2001 r. «Pro zvid zakoniv Spivtovarystva shchodo likars'kykh zasobiv dlya lyudyny».
2. Yevropeys'ka sotsial'na khartiya: Rada Yevropy; Khartiya vid 18.10.1961 r. № ETS № 35. – [Elektronnyy resurs]. – Rezhym dostupu: http://zakon1.rada.gov.ua/laws/show/994_062.

3. Konventsiiya pro zakhyst prav lyudyny i osnovopolozhnykh svobod: Rada Yevropy; Konventsiiya vid 04.11.1950 r. – [Elektronnyy resurs] – Rezhym dostupu: http://zakon4.rada.gov.ua/laws/show/995_004.
4. Konventsiiya pro pidroblennya medychnoyi produktsiyi ta podibni zlochyny, shcho zahrozhuyut' okhoroni zdorov"ya: Rada Yevropy; Konventsiiya vid 28.10.2011 r. – [Elektronnyy resurs] – Rezhym dostupu: http://zakon2.rada.gov.ua/laws/show/994_a91.

National legislation

1. Hospodars'kyi kodeks Ukrayiny: Kodeks Ukrayiny vid 16.01.2003 r. № 436-IV (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayiny. – 2003. – № 18, № 19–20, № 21–22. – St. 144.
2. Etychnyy kodeks likarya Ukrayiny. – Pryynyatyy ta pidpysanyy Vseukrayins'kym z"yizdom likars'kykh orhanizatsiy ta X Z"yizdom Vseukrayins'koho likars'koho tovarystva (VULT) vid 27 veresnya 2009 r. – [Elektronnyy resurs]. – Rezhym dostupu: <http://health-ua.com/pics/pdf/19/30-31.pdf>.
3. Kodeks Ukrayiny pro administratyvni pravoporushennya: Kodeks Ukrayiny vid 07.12.1984 r. № 8073–X (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayins'koyi RSR. – 1984. – Dodatok do № 51. – St. 1122.
4. Konstytutsiia Ukrayiny vid 28.06.1996 r. // Vidomosti Verkhovnoyi Rady Ukrayiny – 1996. – № 30. – St. 141.
5. Kryminal'nyy kodeks Ukrayiny: Kodeks Ukrayiny vid 5 kvitnya 2001 r. (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayiny. – 2001. – № 25–26. – St. 131.
6. Osnovy zakonodavstva Ukrayiny pro okhoronu zdorov"ya: Zakon Ukrayiny vid 19.11.1992 r. № 2801–KHII (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayiny. – 1993. – № 4. – St. 19.
7. Pro dostup do publichnoyi informatsiyi: Zakon Ukrayiny vid 13.01.2011 r. №2939–VI (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayiny. – 2011. – № 32. – St. 314.
8. Pro zabezpechennya sanitarnoho ta epidemichnoho blahopoluchchya naselennya: Zakon Ukrayiny vid 24.02.1994 r. № 4004–XII (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrayiny. – 1994. – № 27. – St. 218.
9. Pro zatverdzhennya Pereliku likars'kykh zasobiv, dozvolenykh do zastosuvannya v Ukrayini, yaki vidpuskayut'sya bez retseptiv z aptek ta yikh strukturnykh pidrozdiliv: Nakaz Ministerstva okhorony zdorov"ya Ukrayiny vid 06.12.2010 r. № 1081. – [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/z1316-10>.
10. Pro zatverdzhennya Polozhennya pro Derzhavnu sluzhbu Ukrayiny z likars'kykh zasobiv: Ukaz Prezydenta Ukrayiny vid 08.04.2011 r. №440/2011 (iz

zminamy). – [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/440/2011>.

11. Pro zatverdzhennya Poryadku provedennya klinichnykh vyprobuvan' likars'kykh zasobiv ta ekspertyzy materialiv klinichnykh vyprobuvan' i Typovoho polozhennya pro komisiyi z pytan' etyky: Nakaz Ministerstva okhorony zdorov'ya Ukrainy vid 23.09.2009 r. № 690 (iz zminamy) // Ofitsiynyy visnyk Ukrainy. – 2009. – № 87. – St. 2948.

12. Pro zakhyst naseleennya vid infektsiynykh khvorob: Zakon Ukrainy vid 06.04.2000 r. №1645–III (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrainy. – 2000. – № 29. – St. 228.

13. Pro zakhyst personal'nykh danykh: Zakon Ukrainy vid 01.06.2010 r. № 2297–VI (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrainy. – 2010. – № 34. – St. 481.

14. Pro zakhyst prav spozhyvachiv: Zakon Ukrainy 12.05.1991 r. № 1023–XII (iz zminamy) // Vidomosti Verkhovnoyi Rady URSR. – 1991. – № 30. – St. 379.

15. Pro Klyatvu likarya: Ukaz Prezydenta Ukrainy vid 15.06.1992 r. № 349. – [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/349/92>.

16. Pro likars'ki zasoby: Zakon Ukrainy vid 04.04.1996 r. № 123/96-VR (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrainy. – 1996. – № 22. – St. 86.

17. Pro litsenzuvannya pevnykh vydiv hospodars'koyi diyal'nosti: Zakon Ukrainy vid 01.06.2000 r. № 1775–III // Vidomosti Verkhovnoyi Rady Ukrainy. – 2000. – № 36. – St. 299.

18. Pro narkotychni zasoby, psykhotropni rechovyny i prekursory: Zakon Ukrainy vid 15.02.1995 r. № 60/95–VR (iz zminamy)) // Vidomosti Verkhovnoyi Rady Ukrainy. – 2007. – № 10. – St. 89.

19. Pro polozhennya pro Ministerstvo okhorony zdorov'ya Ukrainy: Ukaz Prezydenta Ukrainy vid 13.04.2011 r. № 467/2011. – [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon2.rada.gov.ua/laws/show/467/2011>.

20. Pro poryadok provedennya reformuvannya systemy okhorony zdorov'ya u Vinnyts'kiy, Dnipropetrovs'kiy, Donets'kiy oblastiakh ta misti Kyievi: Zakon Ukrainy vid 07.07.2011 r. № 3612-VI (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrainy. – 2012. – № 12–13. – St. 81.

21. Pro ratyfikatsiyu Yevropeys'koyi sotsial'noyi khartiyyi (perehlyanutoyi): Zakon Ukrainy vid 14.09.2006 r. № 137–V // Vidomosti Verkhovnoyi Rady Ukrainy. – 2006. – № 43. – St. 418.

22. Pro ratyfikatsiyu Konventsii Rady Yevropy pro pidroblennya medychnoyi produktsiyyi ta podibni zlochyny, shcho zahrozhuyut' okhoroni zdorov'ya: Zakon Ukrainy vid 07.06.2012 r. № 4908–VI // Vidomosti Verkhovnoyi Rady. – 2013. – № 17. – St. 160.

23. Pro Rekomendatsiyi parlament's'kykh slukhan' na temu: «Prosuchasnyy stan ta perspektyvy rozvytku farmatsevtichnoyi haluzi Ukrainy»: Postanova

Verkhovnoyi Rady Ukrainy vid 06.10.2011 r. № 3901–VI // Vidomosti Verkhovnoyi Rady Ukrainy. – 2012. – № 21. – St. 205.

24. Pro rishennya Rady natsional'noyi bezpeky i oborony Ukrainy vid 25 travnya 2012 roku «Pro zabezpechennya naseleण्या yakisnymi ta dostupnymi likars'kymy zasobamy»: Ukaz Prezydenta Ukrainy vid 30.08.2012 r. № 526/2012. – [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/n0004525-12>.

25. Tsyvil'nyy kodeks Ukrainy: Kodeks Ukrainy vid 16.01.2003 r. № 435–IV (iz zminamy) // Vidomosti Verkhovnoyi Rady Ukrainy. – 2003. – № № 40–44. – St. 356.

Recommended literature

1. Hrazhdansko-pravovyye otnoshennyya v farmatsevticheskom sektore Ukrainy: Konspekt lektsyy. / V.A. Shapovalova, A.S. Abrosymov, V.V. Shapovalov, N.M. Khalyn. – KH., 2002. – 17 s.

2. Lytsenzyrovanye v Evropeyskom Soyuze: farmatsevtichesky sektor / Red.-sost. V.A. Usenko, L.A. Spasokukotsky. – K.: Moryon LTD, 1998. – 384 s.

3. Pravovi osnovy diyal'nosti medychnykh i farmatsevtichnykh pratsivnykiv: navchal'nyy posibnyk / Babanin A.A., Yasins'kyy V.I. – Simferopol', 2002. – 432 s.

4. Suchasne ukrayins'ke medychne pravo: Monohrafiya / Za zah. red. S.H. Stetsenka. – K.: Atika, 2010. – 496 s.

5. Farmatsevtichne zakonodavstvo Ukrainy: Zbirnyk normatyvno-pravovykh aktiv stanom na 1 veresnya 2012 r. dlya studentiv farmatsevtichnykh fakul'tetiv / A.A. Kotvits'ka, I.V. Kubaryeva, O.O. Surikov, A.V. Volkova. / Za zah. red. prof. A.A. Kotvits'koyi. – KH.: NfaU, 2012. – 344 s.

6. Farmatsevtichne pravo. Navchal'nyy posibnyk do audytornoyi ta pozaaudytornoyi roboty z farmatsevtichnoho zakonodavstva za spetsial'nisty «Farmatsiya» / V.O. Shapovalova, V.V. Shapovalova, V.V. Shapovalov ta in. – KH., 2008. – 144 s.

Additional literature

1. Bratanyuk L.YE. Osnovy prava i zakonodavstva v okhoroni zdorov'ya: pidruchnyk. – K.: Medytsyna, 2011. – 544 s.

2. Buletsa S.B. Pravo fizychnoyi osoby na zhyttya ta zdorov'ya (porivnyal'no-pravovyy aspekt): monohrafiya / S.B. Buletsa. – Uzhhorod: Lira, 2006. – 172 s.

3. Halatsan O.V. Farmatsevtichne i medychne pravo: pro neobkhdnist' reformuvannya okhorony zdorov'ya Ukrainy dlya pokrashchennya narkolohichnoyi ta kryminohennoyi sytuatsiyi sered naseleण्या / O.V. Halatsan., V.O. Shapovalova, V.V. Shapovalov // Problemy bezpererвної medychnoyi osvity ta nauky. – 2012. – № 3. – S. 16–18.

4. Hladun Z.S. Derzhavna polityka okhorony zdorov"ya v Ukrayini (administratyvno-pravovi problemy formuvannya i realizatsiyi): Monohrafiya. / Z.S. Hladun – Ternopil': «Ekonomichna dumka», 2005. – 460 s.
5. Hryhoryan S.L. Farmatsevycheskoe zakonodatel'stvo ES: ot pervoy dyrektyvy po sehodnyashnyy den' // Rossyyskiye apteky. – 2004. – №11. – S. 4–6.
6. Kolyada V.V. Stanovlennya ta podal'she reformuvannya normatyvno-pravovoyi bazy, shcho rehulyuye obih narkotychnykh zasobiv, psykhotropnykh rehovyn ta prekursoriv v Ukrayiny // Farmakolohichnyy visnyk. – 2000. – №6. – S. 2–7.
7. Kolyada V.V., Pastalytsa S.V. Normatyvno-pravovaya baza oborota bezretsepturnykh lekarstvennykh sredstv / Farmatsevycheskoe pravo v bezopasnom samolecheny: lekarstvennye sredstva, otpuskaemye bez retsepta vracha. – KH.: Fakt, 2005. – S. 24–29.
8. Kolyada V.V., Shapovalov V.V., Shapovalova V.O. Farmatsevychne pravo yak osnova udoskonalennya pravyl rehulyuvannya retsepturnoho ta bezretsepturnoho vidpusku likars'kykh zasobiv v Ukrayini // Liky Ukrayiny. – 2004. – №9 (dodatok). – S.82–84.
9. Maleyna M.N. Chelovek y medytsyna v sovremennom prave: uchebnoe y praktycheskoe posobyе / M.N. Maleyna. – M.: BEK, 1995. – 272 s.
10. Medychne pravo Ukrayiny: zakonodavche zabezpechennya tsaryny okhorony zdorov"ya (henezys, mizhnarodni standarty, tendentsiyi rozvytku y udoskonalennya). Materialy V Vseukrayins'koyi (IV Mizhnarodnoyi) naukovopraktychnoyi konferentsiyi z medychnoho prava (19–21 travnya 2011 roku, m. Odesa) / Upor. I.YA. Senyuta, KH.YA. Tereshko. – L'viv: LOBF «Medytsyna i pravo», 2011. – 416 s.
11. Pashkov V.M. Oznaky hospodars'ko-pravovykh vidnosyn pry zdiysnenni medychnoho ta farmatsevychnoho obsluhovuvannya / V. M. Pashkov // Pidpryyemnytstvo, hospodarstvo i pravo. – 2008 (149) – № 5. – S. 53–57.
12. Pashkov V. M. Problemy pravovoho rehulyuvannya vidnosyn u sferi okhorony zdorov"ya (hospodars'ko-pravovyy kontekst) / V.M. Pashkov. – K.: MORION, 2009. – 448 s.
13. Pashkov V.M. Problemy derzhavnoho rehulyuvannya pravovidnosyn u haluzi okhorony zdorov"ya / V.M. Pashkov // Ukrayins'kyy medychnyy chasopys. – 2005. – №5 (49). – S. 64–67.
14. Suchasne ukrayins'ke medychne pravo: monohrafiya / za zah. red. S. H. Stetsenka. – K.: Atika, 2010. – 496 s.
15. Tlumachennya norm farmatsevychnoho prava u vidpovidnosti do yevropeys'kykh standartiv po optymizatsiyi lehal'noho obihu retsepturnykh i bezretsepturnykh likars'kykh zasobiv / V.V. Shapovalov, Z.S. Halavan, V.V. Kolyada, V.O. Shapovalova, V.V. Shapovalov // Visnyk farmakolohiyi ta farmatsiyi. – 2005. – №7. – S.27–30.

16. Shatkovs'kyy YA.M. Obov"yazkove medychno strakhuvannya v Ukrayini: pravovi problemy ta perspektyvy yikh vyrishennya / YA.M. Shatkovs'kyy // Visn. L'viv. un-tu. Ser. yurydychna. – 2008. – № 1. – S. 98–102.

Questions for student self-preparation for practical training:

1. Historical aspects of the emergence of law.
2. Law - definition, essence, basic principles and functions.
3. The main sources of law formation among different peoples of the world.
4. Sources of law: legal custom, legal precedent, normative legal act, normative legal contract.
5. National legal systems.
6. Legal norms in the system of social norms.
7. The system of law and the system of legislation, their relationship. Branches and institutes of law.
8. Concepts and types of legal relations. Objects and subjects of legal relations.
9. Legal personality and its components: legal capacity, legal capacity, delictual capacity.