

Zakonski okviri sprejema na varovani oddelek zdravstvene ali socialne ustanove za starejše ljudi z duševno motnjo

Legal frameworks for admission to secure wards of health care or social care institutions for elderly people with mental disorders

Zdenka Čebašek - Travnik¹

Izvleček

Starejši ljudje z duševno motnjo ali boleznijo predstavljajo posebej ranljivo skupino prebivalstva, ki ji je zmanjšana dostopnost do odločanja tudi v sistemu zdravstvenega in socialnega varstva. V Sloveniji so bili leta 2008 sprejeti trije zakoni, ki naj bi varovali tudi pravice starejših oseb, vendar vsaj glede Zakona o duševnem zdravju tega ne moremo potrditi. V prispevku so predstavljene teoretične osnove za omejitve pravice do osebne svobode (sprejem na varovani oddelek proti volji pacienta) in podana opozorila o neustreznih rešitvah v novem zakonu. (Do)sedanja zakonska ureditev tega področja je bila po mnenju večine psihiatrov ustrežnejša; podobno je tudi stališče Varuha človekovih pravic RS. Ne glede na mnoga neustrezna določila ZDZdr pa morajo vse tri zakone dobro poznati tudi zaposleni v sistemu zdravstva in sociale. Le tako bodo pacientom lahko učinkovito svetovali, obenem pa zakonodajalca opozarjali na napake.

Abstract

Elderly people with mental disorders or illnesses are a particularly vulnerable group of the population whose access to decision-making in the system of healthcare and social security is also reduced. In Slovenia, three laws were adopted in 2008 that are intended to protect also the rights of elderly people. However, at least with regard to the Mental Health Act this cannot be confirmed. This article presents the theoretical foundations for restricting the right to personal freedom (admission to a secure ward against the will of the patient), and attention is drawn to the inadequate solutions in the new law. In the opinion of most psychiatrists, the former legal regulation of this field was more suitable, and this view is shared also by the Human Rights Ombudsman of the RS. Irrespective of the many unsuitable provisions of the Mental Health Act, employees in the system of health care and social care must be very familiar with all three laws. Only in this way can they effectively advise patients and, at the same time, draw legislators' attention to mistakes.

¹*Asist. dr. Zdenka Čebašek - Travnik, dr. med., spec. psihiatrije, varuhinja človekovih pravic, Varuh človekovih pravic RS, Dunajska 56, Ljubljana www.varuh-rs.si*