

UNIVERSITY OF BIAŁYSTOK
FACULTY OF LAW

BIAŁOSTOCKIE STUDIA
PRAWNICZE

BIAŁYSTOK 2017

VOLUME 22 nr 2



**Ministry of Science
and Higher Education**

Republic of Poland

Creation of the English-language versions of the articles published in the „Białostockie Studia Prawnicze” [Białystok Legal Studies] funded under the contract no. 548/P-DUN/2016 and 548/1/P-DUN/2016 from resources of the Minister of Science and Higher Education dedicated to the popularisation of science.

Stworzenie anglojęzycznych wersji wydawanych publikacji w „Białostockich Studiach Prawniczych” finansowane w ramach umowy 548/P-DUN/2016 i 548/1/P-DUN/2016 ze środków Ministra Nauki i Szkolnictwa Wyższego przeznaczonych na działalność upowszechniającą naukę.

BIAŁOSTOCKIE STUDIA
PRAWNICZE



VOLUME 22 nr 2

Editor-in-Chief of the Publisher Wydawnictwo Temida 2: Cezary Kosikowski

Chair of the Advisory Board of the Publisher Wydawnictwo Temida 2: Emil W. Pływaczewski

Advisory Board:

Representatives of the University of Białystok: Stanisław Bożyk, Leonard Etel, Ewa M. Guzik-Makaruk, Adam Jamróz, Dariusz Kijowski, Cezary Kosikowski, Cezary Kulesza, Agnieszka Malarewicz-Jakubów, Maciej Perkowski, Stanisław Prutis, Eugeniusz Ruśkowski, Walerian Sanetra, Joanna Sieńczyło-Chlabcz, Ryszard Skarzyński, Halina Święczkowska, Jaroslav Volkonovski, Mieczysława Zdanowicz.

Representatives of other Polish Universities: Marian Filar (Nicolaus Copernicus University in Toruń, Edward Gniewek (University of Wrocław), Lech Paprzycki (Kozminski University in Warsaw), Stanisław Waltoś (Jagiellonian University in Kraków).

Representatives of Foreign Universities and Institutions: Lilia Abramczyk (Janek Kupała State University in Grodno, Belarus), Vladimir Babčak (University of Kosice, Slovakia), Renata Almeida da Costa (University of La Salle, Brazil), Chris Eskridge (University of Nebraska, the USA), Jose Luis Iriarte (University of Nebraska, the USA) Marina Karasjewa (University of Voronezh, Russia), Alexei S. Kartsov (Federal Constitutional Court in St. Petersburg, Russia), Bernhard Kitous (University of Rennes, France), Jolanta Kren Kostkiewicz (University of Bern), Martin Krygier (The University of New South Wales, Australia), Anthony Minnaar (University of South Africa, South Africa), Antonello Miranda (University of Palermo, Italy), Petr Mrkyvka (University of Masaryk, Czech Republic), Marcel Alexander Niggli (University of Freiburg, Switzerland) Andrej A. Novikov (State University of St Petersburg, Russia), Sławomir Redo (University of Vienna, Austria), Jerzy Sarnecki (University of Stockholm, Sweden), Rick Sarre (University of South Australia, Australia), Kevin Saunders (Michigan State University, the USA), Bernd Schünemann (University of Munich, Germany), Sebastiano Tafaro (University of Bari, Italy), Wiktor Trinczuk (Kyiv National Economic University, Ukraine), Elena Chernikova (Russian Academy of National Economy and Public Administration, Russia), Bogusia Puchalska (Central Lancashire University in Preston, the UK).

Editors:

Editor-in-Chief: Elżbieta Kuźelewska

Editorial Secretary: Anna Budnik, Ewa Lotko

Other Editors: Andrzej Sakowicz, Urszula K. Zawadzka-Pąk

© Copyright by Wydział Prawa Uniwersytetu w Białymstoku, Temida 2, Białystok 2017

No part of this work may be reproduced and distributed in any form or by any means (electronic, mechanical), including photocopying – without the written permission of the Publisher.
The original version of the journal is a print one.

ISSN 1689-7404

Language Editors: Ewa Brajczewska (Polish), Richard Tykocki-Crow (English)
Statistical Editor: Ewa Glińska

Volume Theme Editor: Urszula Drozdowska

Volume Secretary: Maria Cudowska

Graphic and Typographic Development: Anna Magnuszewska, Jerzy Banasiuk

Cover Design: Bogusława Guenther

Publisher: Faculty of Law, University of Białystok; Temida 2

All volumes can be purchased from Wydawnictwo Temida 2, address ul. A. Mickiewicza 1, 15-213 Białystok, e-mail: temida2@uwb.edu.pl, tel. 85 745 71 68

Contents

Introduction.....	7
-------------------	---

ARTICLES

Kinga Bączyk-Rozwadowska <i>Current problems of Preimplantation Genetic Diagnosis in the Context of Parental Aspirations</i>	9
Paweł Czaplicki, Zina Kroczyk-Sawicka <i>Legal Aspects of the “Windows of Life”</i>	33
Katarzyna Maria Zoń <i>The Limits of Autonomy of a Minor Patient and the Nature of Selected Medical Interventions</i>	45
Anna Sporczyk <i>The Limits of Autonomy of a Young Living Donor in Transplantation</i>	55
Magda Olesiuk-Okomska <i>Consent to Deceased Donation in the American Transplant System</i>	67
Anna Dąbrowska, Katarzyna Jarnutowska <i>“Will of Life” as a Challenge for the Polish Legislator – Selected Problems</i>	83
Agnieszka Wojcieszak, Katarzyna Arciszewska <i>Situation of the Incapacitated in Granting Consent to Medical Treatment. Selected Issues</i>	95
Karolina Góralczyk <i>The Right to Demand to Withhold Information as an Expression of Patient’s Autonomy</i>	107
Urszula Drozdowska <i>The Admissibility of ‘Private Opinions’ in Civil Medical Litigation Based on the Patient’s Right to Medical Documentation</i>	121

Contents

Krzysztof Michalak, Jakub Grzegorz Firlus
*Administrative Limitations of Patient's Autonomy – Remarks
on Involuntary Treatment*..... 139

Katarzyna Rybarczyk
*Limitations of Patient's Right to Self-Determination Due to Hospitalization
for Tuberculosis* 161

COMMENTARIES

Jan Kolada
*Commentary on the Judgement of the Court of Appeal in Krakow of 12 May 2015
(File No. I ACa 204/15)*..... 173

REVIEWS

*Review of the book: A few Comments on the Rights of the Child as Depicted in the
Book by Błażej Kmieciak "Prawa dziecka jako pacjenta" [Rights of Child as a Patient]
(Wydawnictwo C.H. Beck, Warszawa 2016, pp. 292)* 183

Contributors..... 193