

## THE EFFECTS OF THE RECENT MODIFICATIONS OF THE ROMANIAN CRIMINAL LEGISLATION ON THE CRIMINAL LIABILITY OF PHYSICIANS

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**ABSTRACT:** *The physicians' criminal liability is an application of the criminal legislation in the field of medical services supply. This supposes the physicians' quality of active subject of certain infringements, stipulated in the Criminal Code and in special criminal laws, which confers the analyzed criminal responsibility field some specificity, deriving from the nature of the medical act. The Law concerning the modification and completion of the Law no.286/2009 regarding the Criminal Code and of Law no.78/2000 on the prevention, discovery and sanctioning of the corruption deeds, recently adopted by the Romanian Parliament, together with the Decision of the Constitutional Court of Romania no.650 on 25 October 2018 regarding the a priori constitutional control of the above mentioned law, corroborated with some other decisions of the Romanian Constitutional Court concerning the criminal Romanian legislation, determine important modifications of the physicians' criminal responsibly, both from the perspective of the main institutions of the substantial criminal law, incident in the field of medical responsibility, and from the perspective of the way of regulating the infringements which can be committed by physicians while providing the medical act. Thus, I appreciate I should analyze institutions like the continuing offense [art.35 par.(1) of the Criminal Code], the statute of limitations for criminal liability [art.154 par.(1) of the Criminal Code], the interruption of the statute of limitations [art.155 of the Criminal Code], the mediation agreement [art.1551 of the Criminal Code], the notion of public servant in the meaning of the criminal law [art.175 par.(2) of the Criminal Code], as well as the following infringements: abuse in office [art.297 of the Criminal Code], professional negligence [art.298 of the Criminal Code], corruption offenses and service offenses committed by other persons [art.308 of the Criminal Code], actions that resulted in extremely severe consequences [art.309 of the Criminal Code], creation of an organized crime group [art.367 of the Criminal Code], and illegal harvesting of tissues or organs [art.384 of the Criminal Code].*

**KEY WORDS:** *Criminal liability in the medical field, modifications of the criminal legislation, the decisions of the Constitutional Court of Romania, legal effects, applications of the criminal law*

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