
INTRODUCTION

This book collects the results of the activities carried out within the research project “Health Management and Governance of Complexity: Economic-Business, Ethical and Legal Aspects” promoted by the Giustino Fortunato University, Benevento, Italy. The various contributions of the various authors represent a framework for analysing the main drivers of management choices, managerial assets, legal and ethical profiles, and connote the need to systematise a vast and articulated range of issues inherent to the health system and health protection. The transversality of the topics covered gives the work a kaleidoscopic character, with multiple perspectives intertwining. The entire world of healthcare companies — from the systems that coordinate them to the regulations that govern them — is traversed by a common thread: complexity. In this complexity, a crossroads of interconnected elements emerges, where management, ethics, and health legislation combine and influence each other. This complex scenario has been traversed in recent decades by the increasing corporatization of the healthcare system. In fact, the introduction of management and managerial principles has profoundly changed the organization of healthcare, while at the same time guaranteeing increasingly broad and inclusive access to care. The universality of the right to health, enshrined in the Constitution, is one of the distinguishing features of our system and brings with it new challenges related to sustainability and efficiency. The quality of the services provided and management efficiency become, therefore, essential elements to respond to the growing demand for health and to guarantee an equitable service throughout the country. In this context, the adoption of quality management tools is unavoidable for the improvement of services and is a decisive element in addressing the territorial inequalities that continue to characterize our country. The effectiveness of healthcare services cannot be separated from economic efficiency: healthcare management requires a continuous balancing act between available resources and growing needs. The revolution introduced by artificial intelligence (AI) has also invested in the healthcare sector, profoundly transforming its processes and operational dynamics. The use of advanced technologies is profoundly redefining the way medicine is done, improving the accuracy and timeliness of diagnostic and therapeutic processes. However, the adoption of these new technological tools also raises important ethical issues, especially with regard to fairness in access to care and the protection of patients’ privacy. The decision-making power of algorithms, if not properly regulated, could in fact lead to new forms of inequality in the delivery of healthcare services. In this context, the examination of the most widespread legal institutions and key players in the healthcare system diachronically deepens their role in relation to the need for economic reorganization, optimization of efficiency, and rationalization of resources. These changes, which have taken place over time, highlight the imperative of preserving the centrality of the patient in every healthcare decision: the focus on

patient care and patient needs remains the ultimate goal of all innovations introduced in the healthcare system. This vision aligns perfectly with the strategic objectives of the National Recovery and Resilience Plan (PNRR), in particular Mission 6, which aims to strengthen the healthcare system through targeted investments in innovation, infrastructure, digital technologies and staff training. The aim is to create a more efficient and resilient system that can meet future challenges and ensure equitable and timely access to care. At the same time, case law has contributed significantly to the evolution of healthcare liability, addressing complex issues such as “loss of chance” in the medical field. Initially considered an abstract concept, it has gained increasing legal importance, leading to the introduction of new criteria for assessing the damages suffered by patients in cases of malpractice. The 2017 Gelli-White Law marks a significant step in this regulatory path, introducing new responsibilities for healthcare professionals and hospitals, with the aim of increasing patient safety and clarifying the responsibilities of the parties involved.

Through an articulated and interdisciplinary reflection, exploring the intersections between economic management, law, ethics, and emerging technologies, elevating the patient to the essential pivot of the healthcare system, the foundation of every decision and innovation, the book, therefore, is proposed as a significant contribution to understanding the transformations taking place in the Italian healthcare system, providing critical tools to face future challenges through a broad and far-sighted strategic vision.

*Ubaldo Comite,
Alba Maria Gallo
Giustino Fortunato University, Benevento, Italy*