

VEŠTAČENJA UMANJENJA ŽIVOTNE AKTIVNOSTI U PARNIČNOM POSTUPKU (PROBLEMI, IZAZOVI, DILEME)

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FORENSIC EXPERTISE OF REDUTION OF THE LIFE ACTIVITI IN CIVIL
PROCEDURE (PROBLEMS, CHALLENGES, DILEMMAS)

Summary

During the expertise of reduced life activities, the expert must show its creativity, knowledge and the experience. This paper presents the problems and challenges in proving of medical truth at the court proceedings. It is indicated on the importance of the expertise, the role of medical expert, the possibility of a better quality of expertise, as well as on enhancement of better reputation of the medical experts.

Key words: reduced life activities, medical truth, court proceedings

VEŠTAČENJE RADNE SPOSOBNOSTI KOD NAJČEŠĆIH KARDIOVASKULARNIH OBOLJENJA U SUDSKOJ PRAKSI

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FORENSIC EXPERTISE OF WORKING SKILLS IN MOST FREQUENT
CARDIOVASCULAR DISEASES IN THE JURISPRUDENCE

Summary

Cardiovascular disorders are the most common cause of complete and partial work disability. The forensic-medical expert opinion of work ability of those with cardiovascular illnesses needs to include an accurate assessment of the cardiovascular system and complete understanding of conditions and requirements of the work place. If the affected individual is not employed or professionally qualified, the professional and general work ability assessments should be completed.

The assessment of work ability should be descriptive and the decrease in work ability should be expressed in percentile. This paper presents general principles for the evaluation of work ability and recommendations about work ability in those affected with arterial hypertension, ischemic heart disease, cardiomyopathy, and heart arrhythmia.

Those affected with arterial hypertension of first degree are capable to work in majority of work places in today's society as well as to perform severe physical exertions (over 6 MET). Those with second degree of hypertension are not capable of severe physical exertion, while those with third degree of hypertension are not capable of moderate and severe physical activity or jobs performed in hot factory spaces. There are no indications for disability pension unless there is evidence of end stage organ damage secondary to hypertension. In those affected with coronary artery disease and cardiomyopathy, determination of work ability is dependent on results of stress tests, Holter monitoring, EKGs, and echocardiography. In those affected with heart arrhythmia work ability is mostly determined based on the etiology of arrhythmia and effects of treatment.

Key words: Cardiovascular disorders, professional and general work ability

PREPORUKE ZA UNAPREĐENJE VEŠTAČENJA UMANJENJA RADNE SPOSOBNOSTI

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RECOMMENDATIONS FOR IMPROVING FORENSIC EXPERTISE ON REDUCTION WORKING ABILITY

Summery

When forensic expertise related to the impairment of working capacity factor common task of a Court expert is that the evidentiary state whether the injured party, in connection with established permanent or temporary effects arising from the subject of injury or illness, there is a decreased ability to work.

If there is a decreased ability to work, the expert should determine the degree of impairment. Lately, more often the Court demands that the reduction of working capacity expressed as numerical percentage. For expert witnesses medical profession is clear the fact, that a numerical percentage are relative assessment of function (psychophysical and psychophysiological) the ability of the organism, but at the request of the Court must answer the best way that profession offer.

We think that would be: using Tables for a rough assessment of anatomical and functional disturbances of the organism as a result of injury or illness, using objective data from the Act of the risk assessment in the work place and working enviroment, using Scale for assessing the degree of impairment of working capacity for certain work activities, the procedure hronometrage, forensic expertise on reduction working ability could be improved significantly and present more consistent criteria.

Key words: reduction working ability,

PROCENTUALNO ISKAZIVANJE UMANJENJA RADNE SPOSOBNOSTI – OD APSURDA DO MOGUĆEG

Dragoslav Ilić

EXPRESSION OF DIMINISHED WORKING ABILITY IN PERCENTAGES – FROM ABSURD TO POSSIBILITY

Summary

Most subpoenas for the expertise of working ability of damaged usually is whether the victim's working ability is diminished, and if so – what is the percentage?

So far there is still no reliable medical criteria upon which the degree of diminution of working capacity can be expresses numerically. It is still used only descriptive expression of diminution, along with using a qualitative method for assessing physical loads. I present three cases of forensic estimation of working ability with the descriptive answer towards the attitude of general professional and working ability.

Keywords: expertise of working ability, general working ability, professional working ability

RADNI APSENTIZAM U REPUBLICI SRPSKOJ SA OSVRTOM NA SUDSKOMEDICINSKO VJEŠTAČENJE

Vesna Krstović Spremo

WORKING ABSENTEEISM WITH EMPHASIS ON FORENSIC MEDICAL EXPERTISE IN REPUBLIC OF SRPSKA

Summary

Work absenteeism is the appearance of absence from work due to different causes of which are the most common: the disease, occupational disease, injuries, injury outside of work, disease of family member or some other reason provided by law. Absence from work is often the case with poor working conditions, unresolved organizational problems or poor interpersonal relationships. In recent years, the current problem is the appearance of "mobbing" at work, which is a common cause of legal expertise within the framework of labor law disputes. International Labor Organization (ILO) has paid great attention to the analysis of work absenteeism, especially from a position of industrial accidents and occupational diseases which may be found in connection with work, but also other causes of absenteeism. According to estimates from the International Labor Organization (ILO) for sick leave for about 5% of the total employed labor force is absent from work each day, while the EU average number of sick days per employee was 4,6 days. Work absenteeism is directly related to the process of evaluation of working capacity. Under current legislation in the Republic of Srpska this issue is mainly engaged in licensed doctors and family medicine doctors in occupational health. This paper will analyze the work absenteeism in the Republic of Srpska with regard to the forensic medical expertise.

Keywords: work absenteeism, absenteeism parameters, forensic medical expertise.

AKT O PROCENI RIZIKA U FUNKCIJI PROCESA SUDSKOMEDICINSKOG VEŠTAČENJA

Dragan Cvetković

RISK ASSESSMENT ACT AS A FUNCTION OF THE FORENSIC EXPERTIZE

Summary

Developed organizations recognize that effective control of the risk can only be achieved through a process that combines three critical dimensions: the technical component - the use of technological equipment and tools; the human component of the "front line" - the staff with their skills, knowledge and motivation; and organizational component - a regulated system with methods and procedures that define task relationships. The result of such status is a successful management system characterized by monitoring and improving of risk-control process. This paper has a goal to integrate the pro-active system such as system safety into the quality policy, and overall it is an essential element of business policy of any business system. Key words: risk assessment, business processes, proactive system

RIZIK, UPRAVLJANJE RIZIKOM I PREVENCIJA NEŽELJENIH ISHODA KOD SUDSKOMEDICINSKOG VEŠTAČENJA

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RISK, RISK MANAGEMENT AND PREVENTION OF OUTCOMES IN THE FORENSIC EXPERTISE

Summary

This paper emphasizes the importance of determining risk in the process of providing services to patients, risk management and prevention of medical errors and adverse outcomes in the provision of health services. Authors, based on their experiences, identify risk points in the process of forensic expertise and suggest measures to prevent the fallacy of doctor (forensic expert) and the occurrence of adverse outcomes for beneficiaries of forensic expertise. The paper suggests restructuring the existing system of forensic expertise based on the use of international standards (Integrated Management System).

Key words: medical fallacy, risk, risk management, preventing the forensic mistakes

MOŽE LI SE METODOM FARMAKOVIGILANCIJE UPUTITI NA TRAG NOVIH PROFESIONALNIH BOLESTI

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DOES METHOD OF PHARMACOVIGILANCE MADE TO TRACE TO NEW OCCUPATIONAL DISEASES?

Summary

The occurrence of new health problems at workplace need attention in order to initiate preventive actions. Application of pharmacovigilance methods in Occupational Health Surveillance for detecting signals of occupational diseases or "diseases X exposure" are, however, only the first step in a more comprehensive process, which requires evaluation of the relevance of the signals generated, and monitoring of such signals ("signal strengthening", „signal follow up"). These methods are not able to demonstrate causality. They may be seen as a the first step of hypothesis generation before launching epidemiological and/ or experimental studies. Using methods such pharmacovigilance in vigilance of health side effects at workplace in framework of evidence based medicine that already apply the developed countries and developed its international network MODERNET.

Key words: pharmacovigilance, vigilance of nus- effects at workplace, new occupational diseases, new occupational risks, MODERNET

**PROBLEMI PRI PROCENI IZLOŽENOSTI ELEKTOMAGNETSKIM POLJIMA U
SUDSKOMEDICINSKOM VEŠTAČENJU**

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**THE PROBLEMS IN THE ASSESSMENT OF EXPOSURE TO
ELEKTROMAGNETIC FIELDS IN THE FORENSIC EXPERTISE**

Summary

The paper points out some problems in the judicial medical expertise to assess employee exposure to electromagnetic fields. It shows the importance and complexity of defining the correct exposure scenarios, and the most common mistakes made in practice they do.

Key words: judicial medical expertise, health, electromagnetic fields, exposure

**УТИЦАЈ ИЗМЕНА ЗАКОНА О ЗДРАВСТВЕНОМ ОСИГУРАЊУ
НА МЕДИЦИНСКО ВЕШТАЧЕЊЕ ЛЕКАРСКИХ КОМИСИЈА**

Снежана Савовић - Марковић, Зоран Митровић, Владо Батножић

**AMENDMENTS TO THE LAW ON HEALTH INSURANCE AND THEIR IMPACT
ON MEDICAL COMMITTEES' EXPERTISE**

Summary

The main goal of this paper is to point out amendments to the Law on Health Insurance and their impact on the activities related to medical committees' expertise.

Amendments to the Law on Health Insurance were published in the Official Gazette of RS No. 57/11 and became effective on 09.08.2011. Some of these amendments have great impact, not only on the volume of health insurance rights, but also on the activities related to the medical committees' expertise in order to determine and achieve those rights. Volume and significance of these amendments are such that they demand changes in the whole series of regulations that are related to them. These regulations can be from area of health insurance and other areas as well. In this paper, the most important amendments that affect medical committees' expertise in order to achieve mandatory health insurance rights will be pointed out:

- New definition of “injury at work” and “occupational disease”;
- Health insurance while abroad;
- Changes within the First level medical committees.

Key words: Law on Health Insurance, medical committees' expertise, injury at work, occupational disease

EDUKACIJA KANDIDATA ZA SUDSKOMEDICINSKE VJEŠTAKE

Hrvoje Lalić

EDUCATION OF CANDIDATES FOR FORENSIC EXPERTS

Summary

Education of the doctor for the permanent court expert in Croatia is organized by a Croatian Medical Chamber and it is consisted of theoretical and practical part. Besides the general requirements, candidates must complete the theoretical part of training with an examination that takes place over a 5 days of lectures on the Croatian Medical Chamber on the following topics: ethics and ethical principles, the Law on Criminal Procedure, the expertise in civil procedure, a medical expert testimony, litigation proceedings in the immediate contact with the judge, insurance expertise, non-pecuniary damage. After the completing a 5-day course, vocational training (practical part) is considered to be a consultation with the supervisor and the conception of at least 5 problems that is on expert advisor to determine.

Training of the specialists for permanent court expert cannot last longer than 6 months, while a scientific title of a recognized specialist or a head doctor who is teaching cannot last longer than 3 months.

Key words: medical education, court expert, Croatian Medical Association

MEDIJACIJA U SLUČAJU PROFESIONALNE AZBESTOZE PLUĆA

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MEDIATION IN THE CASE OF OCCUPATIONAL PULMONARY ASBESTOSIS

Summary

Legal Services) unprofessionally interpreted certain statutory provisions (total loss of working Mediation is one way of resolving disputes by peaceful means, outside of court proceedings, by negotiations with a third neutral party who facilitates the conflicting parties to find a favorable solution for both sides. In this paper are shown the major cases of mediation in a dispute over compensation of the labor organization for a diagnosed occupational disease – pulmonary asbestosis. The process ended with termination because "professional" (Head of ability - disability pension does not include the right to compensation from an occupational disease).

Key words: mediation, pulmonary asbestosis, occupational disease