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**SUDSKOMEDICINSKO VEŠTAČENJE U MEDICINI RADA
(DVANAESTI SIMPOZIJUM)**

-ZBORNIK RADOVA-

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MEDIJACIJA U SLUČAJU PROFESIONALNE AZBESTOZE PLUĆA

U susret 12. simpozijumu...

Prvenstveni zadatak našeg udruženja jeste da unapredi kvalitet sudskomedicinskog veštačenja nematerijalne štete u oblasti medicine rada. Do sada smo, u tom smislu, predložili više preporuka za veštačenje, koje su prihvaćene i sprovode se u praksi. Iskustvo je pokazalo da nema kvalitetnog sudskomedicinskog veštačenja u oblasti medicine rada bez uspešnog rešavanja uočene problematike u okviru delatnosti službe medicine rada.

Nakon jedanaest uspešnih stručnih skupova, smatramo da stečeno znanje i iskustvo u veštačenju treba pretočiti i u predloge za unapređenje delatnosti službe medicine rada. Na taj način možemo unaprediti i kvalitet stručnog rada i kvalitet sudskomedicinskog veštačenja, koji su u praksi međusobno povezani i isprepletani. S obzirom na aktuelno stanje u kome se nalazi naša struka, svaki napredak u radu specijalista medicine rada jača i ugled celokupne službe medicine rada. Takođe ukazuje na nezaobilaznu ulogu službe medicine rada u sistemu zdravstvene zaštite i sistemu bezbednosti i zdravlja na radu.

Kao Udruženje, možemo i treba da se uhvatimo u koštac sa svim problemima službe medicine rada koji se javljaju u praksi i damo doprinos njihovom rešavanju. U tom smislu već smo, na prethodnim simpozijumima, utvrdili smernice za veštačenje duševnih bolova zbog umanjene životne aktivnosti; one su sada široko prihvaćene u praksi i razrađene u knjizi Sudskomedicinsko veštačenje nematerijalne štete. Knjiga predstavlja pravi udžbenik u ovoj oblasti. Takođe smo utvrdili smernice za rešavanje problematike veštačenja bolesti u vezi s radom. Ukazali smo na značaj kvaliteta izrade Akta o proceni rizika na radnom mestu i u radnoj okolini i sudskomedicinske aspekte u vezi s tim. Predložili smo preporuke za veštačenje zlostavljanja na radu i dr.

Problematika koju ćemo na ovom simpozijumu pokušati da rešimo i da damo konkretne preporuke odnosi se na dugogodišnje sporenje i preispitivanje sudskih veštaka oko izražavanja umanjenja radne sposobnosti u procentima. Mislimo da unapređenje sudskomedicinskog veštačenja u ovoj oblasti može doprineti i kvalitetnijem radu specijalista medicine rada pri oceni umanjenja profesionalne i opšte radne sposobnosti. U tom smislu, zaključke sa Simpozijuma dostavićemo relevantnim ustanovama i telima medicine rada, kao i istaknutim poslenicima naše struke kako bi iskustva u oblasti sudskomedicinskog veštačenja mogla koristiti za unapređenje delatnosti službe medicine rada.

U Beogradu,
aprila 2012. godine

Za Udruženje sudskih veštaka u medicini rada,
prim. dr V. Govedarica, zamenik predsednika

SUDSKA PRAKSA O VEŠTAČENJU SA POSEBNIM OSVRTOM NA SUDSKOMEDICINSKO VEŠTAČENJE NEIMOVINSKE ŠTETE

Hajrija Mujović-Zornić

THE JURISPRUDENCE OF FORENSIC EXPERTIZE WITH SPECIAL REVIEW ON FORENSIC EXPERTIZE OF NON-PECUNIARY DAMAGE

Summary

This work is motivated by the need to investigate that case law ie. court decisions concerning expert testimony. The courts are about to declare most of the appeals or other legal remedies in situations where they complained of finding expert witness, either from a formal, ie. procedural reasons, that any of the material ie. factual reasons. In this paper are mainly analyzed the case law decisions from Serbia for a long period of time, since such decisions are rare and that is their characteristic that they are not the primary subject of the case. They are not object of civil action against expert witness due of his professional treatment, but they are indirectly related to the performance of the trial subject. Review of case law on these issues contributes to better understanding legal institution of expert testimony in the context of current medical and legal practice in Serbia.

Key words: current medical and legal practice

STRES NA RADU I KVALITET ŽIVOTA ZAPOSLENIH

Milanko Čabarkapa

STRESS AT WORKPLACE AND QUALITY OF LIFE OF EMPLOYEES

Summary

Modern labor, in spite of many advantages, has its disadvantages which are reflected in the wide diffusion of stress that can threaten the physical and mental health. Negative effects on health, work capacity and efficiency of workers can be created through two processes: direct physical impact and indirectly through the experience of psycho-social stress. Most researchers agree that the primary causes of stress at work can be sought in relation of an individual with the terms and conditions of work, where the most important role belongs to individual characteristics of employee and the psycho-social characteristics of the job. However, with increasing workload and complexity of the requests or when operating conditions exceed the category of extreme conditions, individual characteristics become less important, and working conditions become stressful for most people. Occupational medicine experts and psychologists are more interested in human responses to stress than to the situational factors, ie. conditions and requirements of the job. However, in spite of this, many researchers emphasize the need to examine the situational factors and working conditions, especially psycho-social factors that influence the emergence of new forms of stress such as exhaustion syndrome (burn-out), the work-overload (Karos syndrome) and harassment at work (mobbing)

Key words: stress at work, psychosocial stress, situational factors and working conditions.

KOGNITIVNA DISFUNKCIJA U SHIZOFRENIJI

Čedo Miljević, Snežana Kecojević Miljević, Nada Janković, Aleksandar Milošević.

ABNORMALITIES IN COGNITIVE PROCESSES OF SCHIZOPHRENIA

Summary

Abnormalities in cognitive processes have been considered central features of schizophrenia since the original clinical descriptions of Kraepelin and Bleuler. The application of different assessment techniques over the past 70 years has more than amply earlier findings. In the last 15 years, the routine use of clinical neuropsychological assessment and experimental neuropsychological paradigms has offered a new look to accounts of schizophrenia. In particular, they have made important contributions to understanding the course of cognitive impairment, the specificity of profiles of cognitive impairment to schizophrenia and the prognostic importance of deficits. Cognitive impairment is evident in prodromal, acute but also during remission. In the majority of patients cognitive impairment includes impairments in attention, working memory and episodic memory. It is often said that the verbal memory domain that is most affected by the disease. On the basis of these findings currently there is great controversy over inclusion of cognitive impairment in the existing classification systems of schizophrenia as a specific differential diagnostic criteria.

Key words: schizophrenia, cognition, neuroscience

MEDICINSKI I PRAVNI ASPEKTI PROBLEMATIKE PSEUDODEMENCIJA I BLAGIH KOGNITIVNIH POREMEĆAJA

Nada Janković, Aleksandar Milošević, Bogdan Janković,
Čedo Miljević, Dušanka Čorak

MEDICAL AND LEGAL ASPECTS OF PSEUDODEMENTIA PROBLEMS AND MILD COGNITIVE DISORDERS

Summary

Besides psychological, organic factors play a significant role in etiology of mental illness. The boundaries between organic and functional mental illness are often unclear, given that many somatic diseases, particularly those that directly lead to disorders of brain function, are accompanied by a variety of psychopathological disorders. Numerous examples from work practices confirm that, for example, episodes of bizarre behavior may occur in certain metabolic conditions.

Distinguishing between pseudodementional state and genuine dementia is sometimes difficult. A particular difficulty appears when the organic disorders gradually develop with unknown characteristics of organicity.

Although global cognitive declining symptoms lack, pseudodementia and mild cognitive disorders can damage working ability or any other ability. The above has a forensic significance because certain disorders in older age can lead to a socially dangerous behavior (arson, sexual assault ...). Not infrequently, under polished and preserved

phraseology serious damages are hidden.

Key words: pseudodementia, mild cognitive disorder, medical and legal guidelines

SUDSKOMEDICINSKO VEŠTAČENJE STRAHA KOD PROFESIONALNE AZBESTOZE PLUĆA

Zoran Šekularac, D. Stevović-Tijanić, Jadranka Radić, Ljiljana Šekularac

FORENSIC EXPERTISE OF FEAR OF PROFESSIONAL PULMONARY ASBESTOSIS

Summary

Forensic expertise of fear as a form of non-pecuniary damage should provide an answer on the duration and intensity of fear, the causes of its appearance, its characteristics and psychological consequences. Legal theory and practice have made the difference between primary fear (fear that causes a short-term suffering in the event the danger) and secondary fear (long-term fear that occurs later and is reflected in the uncertainty and anxiety about recovery from illness/injury and that continues until the state becomes definite). In this paper is showed the case of a forensic expertise of fear for non-pecuniary damage compensation due to occupational disease – pulmonary asbestosis. Both municipal and district court rejected the plaintiff's claim because of limitation of the proceeding and it has been more than three years from diagnosing of occupational disease to initiating the trial for compensation for pecuniary damage.

Key words: non-pecuniary damage, the primary fear, the secondary fear, pulmonary asbestosis

TRAJNE POSLEDICE TRZAJNE POVREDE VRATA (WAD) I PROCENA UMANJENJA ŽIVOTNE AKTIVNOSTI

Zoran Ivanov, Veselin Govedarica, Milena Ivanov

Summary

PERMANENT CONSEQUENCES OF WHIPLASH NECK INJURY (WAD) AND ASSESSMENT OF REDUCTION OF LIFE ACTIVITY

In this paper we presented the model of evaluation of life activity due to whiplash neck injury. The model is based on analysis previous life activity of the damaged, permanent consequences after whiplash neck injury and individual characteristics of the damaged on the basis of velocity change (ΔV), as well as on QTF protocole.

By establishing health consequences after whiplash neck injury we assess their repercussions to functionality and ability of organism of performing everyday activities and habitual actions and quantify their reduction in relation to previously assessed life activity of the damaged. Previous life activity involves life activity of the damaged before the case event. ΔV implies velocity change, i.e. difference in vehicle velocity before and after collision. Primarily, QTF protocole classifies the gravity of whiplash neck injury in four degrees.

Key words: life activity, whiplash neck injury

SUDSKOMEDICINSKO VEŠTAČENJE POVREDE KOŠTANOZGLOBNOG SISTEMA NA RADU

Slobodan Popović, Nikola Torbica, Dika Kajević

EXPERT TESTIMONY IN A CASE OF OCCUPATIONAL INJURY OF OSTEOARTICULAR SYSTEM

Summary

A significant proportion of expert testimonies refers to expert opinions on non-material damage and work capacity evaluation in persons injured at work. However, in many occasions harmful events of interest can not be qualified as occupational injuries, from the very beginning. The case of lawsuit against employer is described, where non-material damage was assessed, as a consequence of repeated injuries at work.

The expert was to declare whether the worker, as a consequence of three injuries in the period 2004-2009, suffered physical pains, aesthetic defects and reduced activities of daily living, taken into account every injury for itself (separately). Based on medical documentation and anamnestic data, only the first of three harmful events could be qualified as occupational injury, while the other two were results of degenerative and inflammatory diseases.

Key words: expert opinion; work capacity evaluation; non-material damage; occupational injuries; osteoarticular system

LUMBALNI SINDROM I AGRAVACIONI PROFIL ZEMLJORADNIKA U POSTUPKU VEŠTAČENJA OSTVARIVANJA PRAVA NA IZDRŽAVANJE OD STRANE SUPRUŽNIKA

Slaviša Đukić, Gordana Popović Đukić, Vesna Glišić

LUMBAL SYNDROME AND AGGRAVATE PROFILE AT PEASANTS WITH ENFORCEMENT OF THE RIGHT FOR SUPPORT OF THE SPOUSE

Summary

Analyzed are the findings of a court case in which expert testimony is required to exercise the right to maintenance from the spouse.

The work indicated that a comprehensive medical expert analyzes all procedures in the diagnosis and treatment at that the key to resolving the problem may be the proper psychological treatment that is not only rarely required in the assessment of work capacity.

Key words: lumbal syndrom, aggravate profil

VEŠTAČENJE PROFESIONALNOG OŠTEĆENJA SLUHA – GOLGOTA OSTVARIVANJA PRAVA NA PRAVIČNU NAKNADU

Bela Prokeš

THE FORENSIC EXPERTIZE OF HEARING DAMAGE- GOLGOTHA FOR RIGHTS TO A FAIR REMUNERATION

Summary

In accordance with the issues, problems, inconsistencies and dilemmas highlighted in the paper „The problems and dilemmas in forensic expertise of occupational diseases”, as well as with the suggestion how to overcome them, this paper presents an example of the professional expertise of hearing loss.

The case study clearly presents dimension of problems, circumstances and difficulties an expert, mostly an expert in occupational medicine deals with in his intention to find solution to expertise and give the clear answer to court and parties in the case in the most adequate and precise way. Then, if possible, to express “this” in quantitative terms and finally to clarify at related court hearing or hearings why and very often in which way hi has formulated the expert „professional opinion” that he has presented to court in written or oral form.

Key words: forensic medical expertise, hearing loss, occupational disease

ZNAČAJ OFTALMOLOŠKOG PREGLEDA ZA SUDSKOMEDICINSKO VEŠTAČENJE

Miloš Jovanović, Milan Stojčić

THE INPORTANCE OF OPHTHALMOLOGIC EXAMINATION FOR THE FORENSIC EXPERTISE

Summary

In this rewiev article discusses the importance of ophthalmic examination of forensic expertise. It was noted that the expertise required for making the study of medical records, examination of other records that exist a court case and the direct examination of the patient performed by an expert to the expertise. Ophthalmological examination, the findings contained in the specialist or medical records in themselves are not expert. Only their analysis and writings in connection with the case and direct examination of the patient before the expert, the expert gives a definitive opinion of the medical truth that the court is interested.

Key words: ophthalmological examination, medical records, definitive opinion of the medical truth

ВЕШТАЧЕЊЕ НА ОБСТРУКТИВЕН СИНДРОМ КАЈ РУДАР ВО РУДНИК ЗА ОЛОВО И ЦИНК СО ЈАМСКА ЕКСПЛОАТАЦИЈА

Гоце Младеновски, Сања Младеновска

FORENSIC ANALYSIS TO A MINER WITH OBSTRUCTIVE SYNDROME WHO WORKS IN MINE FOR LEAD AND ZINC WITH PIT MINING

Summary

The subject of forensic analysis is miner who works in mine for lead and zinc with pit mining. He was fired because of his absence from work. The worker is suing his company and he is asking the court to make a decision that he is improperly fired. He explains that he is not a simulant, but he has health problems so he can not perform his work tasks properly.

The court assigned me to make forensic analysis and to give answers to the following questions : Does the worker have a disease? Is it a reason for his absence from work? Did he reject working because of his disease? Does he make conflict situations with the employer and his colleagues as a result of his disease?

From his medical history I could see that the worker has symptoms that can be result of the conditions from his work place, but the medical examinations he had done do not show that the disease is connected with work conditions.

I asked the court for permission to make some additional examinations: The worker returned back to his work place and we were monitoring him during his work (monitoring parameters: subjective symptoms, physical examination, spirometry before he enters in the pit and spirometry when he exits the pit); and examination of the conditions of the working environment (O₂, CO, CO₂, nitrogen oxides, sulphur oxides, respirable dust, microclimatic conditions)

The results from medical examinations were positive and the results from examinations of work conditions showed light elevation of sulphur oxides and nitrogen oxides.

The conclusion of forensic analysis is: The worker has obstruction of the airways and pulmonary edemas a result of long exposition to nitrogen and sulphur oxides. He has a disease that is connected with his work conditions and that is the reason for his rejection to work and his absence from work. The court made a decision for the worker to continue to work in the same company but on a different work place where he can perform his tasks successfully.

Key words: forensic analysis, mine for lead and zinc

DILEME I PROBLEMI PRI VEŠTAČENJU PROFESIONALNOG GLASA

Ljubomir Ignjatović, Branislav Leštanin, Dragoљub Filipović

DILEMMAS AND ISSUES IN FORENSIC EXPERTISE OF PROFESSIONAL VOICE

Summary

The aim of this paper is to point out the dilemmas and problems in the expert evaluation of the professional voice which can be overcome only with a full engagement of phoniatrists and a solid knowledge of voice problems encountered by vocal professionals.

Professional voice users are people who use voice more than just in ordinary communication and in whom the loss of quality and endurance of the voice limits their ability to work.

Occupational health doctors give an assessment of professional voice disorders, based on the expert opinion of a phoniatician.

Permanent damage to vocal cords is not classified as an occupational disease in Serbia.

Acute damage to vocal cords caused by work-related harm which leads to temporary inability to work, that is, when the anamnesis, indirect laryngoscopy and possibly endoscopy are sufficient for the diagnosis, can be considered to be an occupational disease under the law.

Dysphonia is not classified as a work-related disease in WHO recommendations.

Key words: professional voice, dysphonia, professional voice users.