

Theoretical part of practical employment.

In the existent legislation of Ukraine, a doctor of any speciality, regardless of his position, can be attracted an investigator or court for implementation of expert functions. The variety of occasions which need conducting of examination during consideration of criminal and civil case predetermines a conditional partition a few its kinds.

I. Examination at bodily harms for determining:

- 1) its presence, features and severity;
- 2) degree of loss of general and professional ability to work;
- 3) state of health of simulation, aggravation, dissimulation, artificial illnesses and self-injuring;
- 4) exposure of scars as consequences of damages or illnesses.

II. Examination at the debatable sexual states for establishment:

- 1) sex, puberty;
- 2) violation of integrity of girlish plevy;
- 3) to the sexual reproductive function;
- 4) pregnancy and former births.

III. Examination at sexual crimes for determining of fact:

- 1) violent sexual intercourse and character and mechanism of origin of damages at its perpetration;
- 2) violent sexual intercourse in the perverted form;
- 3) debauch actions to very young;
- 4) sexual intercourse with persons which did not attain puberty;
- 5) infectious venereal diseases, AIDS.

IV. Examination on other occasions:

- 1) for determining of age, authentication of personality;
- 2) in the case of debatable paternity and substitution of children;
- 3) for determining of fact of alcoholic intoxication.

Medicolegal examination is conducted on the basis of decision of organs of investigation or court ruling. In the matters of private prosecution a medicolegal inspection is conducted on the basis of direction of organs of inquest (militias), and also folk court.

In most cases examination or inspection is conducted in the bureau of medicolegal examination. On occasion there is a requirement of conducting of examination in patient care institution, apartment of court, room of investigator, places of imprisonment. In order of exception, examination can be conducted at home at suffering in presence the representative of organ investigation. Conducting of it in doctor's house is categorically forbidden. More frequent than all examination of living persons is conducted by one doctor which provides necessary researches and gives a conclusion. In especially difficult cases, for example, at determining of degree of proof loss of ability to work medicolegal examination is conducted the commission of doctors

Before conducting of examination it is necessary to verificate person of investigated with the passport or other document a photo of face. Examination of persons which did not attain 16 years, is needed to conduct in presence parents, guardians or teacher. Every "Conclusion of expert" ("Act of medico-legal inspection") must consist of such sections:

- 1) introductory part in which there are passport information, foundation for a medico-legal inspection, questions which need decision during examination and circumstances of business;
- 2) descriptive part;
- 3) conclusions.

The title page of these documents is filled on the form of the ratified standard in strict accordance with a text. Every type of examination has certain features, in this connection the method of its conducting depends on aims and tasks. Generally during conducting of examination such sequence of operations is recommended:

- 1) acquaintance with the circumstances of case;
- 2) study of medical documents;
- 3) polling of inspected and collection of anamnesis;
- 4) examination of inspected;
- 5) conducting of the special researches;
- 6) drafting of expert document.

The qualifying legal signs of bodily harms of different severity are resulted in the articles of the Criminal code, and "Rules of medico-legal determination of severity of injuries" are contained by the criteria of these signs. In obedience to the Criminal code of Ukraine, they distinguish bodily harms of three kinds of severity: severe, middle and lights. Dangerous for life, in obedience to "Rules", there are damages, which during infliction or in clinical course the different intervals of time is brought to the dangerous for life states which without a adequate relief action on ordinary course lead or can result in death. Prevention of death due to an adequate relief action does not undertake into account at determination of threat for life of such damages. The threatening for life state which arises up in the

clinical course of damages, regardless of interval of time which passed after its infliction, has direct cause-effect relation with them.

Such injuries belong to the critical for life damages.

1. Damages which get to the cavity of skull, including without injuring of cerebrum.
2. Open and close fractures of bones of calvaria and basis of skull except the fractures of bones of facial skeleton and isolated crack only of external plate of vault of skull.
3. Brain contusion of severe degree (both with strangulation of cerebrum and without it) or middle at presence of symptoms of injure of medulla. *Note.* At the medicolegal examination of severity of contusion and injury of brain it is needed to follow operating methodical recommendations.
4. Isolated intracerebral hemorrhage at presence of the dangerous for life states. *Note.* Subarachnoidal hemorrhage, once confirmed with lumbar puncture without proper clinical symptoms, can not be attributed to the critical for life damages.
5. Damages which get to the channel of spine, including without injuring of spinal cord and its shells.
6. Fracture-dislocations and breaks of bodies or both arcs of neck vertebrae, one-sided fractures of arcs I or II neck vertebrae, and also breaks of dens of II neck vertebra, including without violation of function of spinal cord.
7. Subluxation of neck vertebrae at presence of the dangerous for life states, and also their dislocations.
8. The closed damages of spinal cord in a neck department.
9. Break or fracture-dislocation of one or a few pectoral or lumbar vertebrae with violation of function of spinal cord or presence of the clinically determined shock of severe degree. *Note.* Reflex violation of functions (spasm or weakening of sphincters, violation of rhythms of contractions of heart, breathing, etc.) is not foundation for attributing of damages to dangerous for life.
10. Close damages of pectoral, lumbar and sacrum segments of spinal cord, which was accompanied by heavy spinal shock or violation of functions of pelvic organs.
11. Damage with complete (all of layers) violation of safety of wall of gullet, larynx, trachea, main bronchial tubes, esophagus, regardless of that from the side of skin covers or mucous membrane (cavities of organ) they are caused.
12. Close fractures of hyoid bone, close and open damages of endocrine glands in cervical region (thyroid, parathyroid, thymus for children) - all at presence of the dangerous for life states.
13. Wound of thorax, which got to the cavity of pleura, pericardium or cellular tissue of mediastinum, including without the damage of internal organs.
Note. Hypodermic emphysema which develops at the wounds of thorax can not be examined as a sign of penetrable damage is in those cases, when the symptoms of hemopneumothorax are not observed, emphysema has the limited character and there are not doubts in that a wound channel does not get to the pleura cavity.
14. Damages in area of stomach with penetration in an abdominal region, including without the damage of internal organs: opened damages of internal organs, located in retroperitoneal space (buds, adrenal glands, pancreas) and in the cavity of pelvis (urinary bladder, uterus, ovaries, prostate, superior and middle parts of rectum, membranous part of male urethra).
Note. Open damages of lower third of rectum, vaginas, urethra it is needed to attribute to dangerous only at presence of the dangerous for life states.
15. Closed damages of organs of pectoral, abdominal cavity, retroperitoneal space, cavities of pelvis - all at presence of the dangerous for life states. *Note.* Conducting of diagnostic cut of stomach (laparatomii), if there are not damages of organs of abdominal region, at determination of weight of bodily harms not taken into account.
16. Opened fractures of diaphysis (bodies) of humeral, femoral and tibial bones. *Note.* Open fractures of other parts and close breaks of any parts of the referred bones, and also the open and close fractures of radial, ulnar and fibular bones can be taken dangerous for life at presence of the dangerous for life states.
17. Fractures of bones of pelvis at presence of the dangerous for life states.
18. Damage, which caused shock of severe degree, massive bleeding, coma, acute insufficiency of buds, liver, acute insufficiency of breathing, circulation of blood, hormonal disorders, acute violation of regional and organ circulation of blood, fatty or gas embolism. All of them must be confirmed by objective clinical information, results of laboratory and instrumental researches.
19. Damages of large blood vessels: aorta, carotis (general, internal, external), clavicular, axillary, humeral, femoral, popliteal artery or veins by which they are accompanied.
Note. The damage of other peripheral vessels (of head, face, neck, forearm, brush, shin, foot) is characterized in every case depending on caused by them the concrete dangerous for life states.
20. General action of high temperature (thermal and sun blow) - at presence of dangerous for life symptoms, thermal burns of III-IV degree with the area of defeat an over 15% surface of body; burns of the III degree over 20% surface of body; burns of the II degree over 30% surface of body, and also burns of less area, which was accompanied by shock of severe degree; burns of respiratory tracts at presence of the dangerous for life states.

21. Damage from the action of low temperature, radial damages and those which arose up because of barotrauma, - at presence of the dangerous for life states.

22. Poisoning by the substances of any origin with prevailing both local and general action (including food toxicoinfections) on the stipulation that, if the dangerous for life states took a place in a clinical course.

23. All of types of mechanical asphyxia, which was accompanied by the complex of disorders of function of the central nervous system, organs of circulation of blood and breathing, which threatened life on condition that it is set objective clinical information.

Not dangerous for life damages which belong to severe on an eventual result and consequences. Loss of any organ (or parts of body) or loss of its function an organ (sight, ear, speech, function of extremities, sexual reproductive ability).

Under *a loss sights* they understand complete proof blindness on both eyes or decline of sight to the count of fingers in the distance 2 m and less than (sharpness of vision on both eyes — 0,04 and below). *Note.* Damage of blind eye, which needs his enucleation, estimated depending on duration of disorder of health.

Under *the loss of hearing* it is necessary to understand complete deafness on both ears and such irreversible state, when a victim does not hear colloquial speech in the distance 3-5 sm. from an auricle.

Note. The determination of degree of weight of consequences of trauma of organs of sight and ear is conducted on the tables of loss of general ability (in percents) to work and other information which are foreseen "Instruction about the order of organization and conducting of medical-insurance examination".

Under *a loss speech* they understand loss of opportunity to offer the ideas articulate sounds, clear for surrounding. *Note.* It is not necessary to understand a stammer as a loss of speech.

Loss of hand, feet are a separation them from a trunk or loss by them functions (paralysis or other state which makes impossible their activity).

Note. Under the anatomic loss of hand or leg it is necessary to understand both dissociating from the trunk of all of hand or leg and amputation of extremity at level not below than elbow or knee joints; all of other cases need to be examined as a loss of part of extremity and to estimate on the sign of proof loss of ability to work.

The loss of sexual reproductive ability consists in the loss of capacity for copulation or to the impregnation, conception and births.

Note. At the damage of any organ or its part, the function of which was lost before (to the trauma), severity of damage is set on the signs of the actually caused duration of disorder of health.

Psychical illness. To psychical illnesses it is not necessary to take the reactive states related to the damage (psychosis, neurosis). Damages characterized as severe only then, when it resulted in development of psychical illness, regardless of his duration and degree of curableness.

Disorder of health, combined with the proof loss of ability to work no less what on the one third. Under disorder of health it is necessary to understand directly related to the damage consistently developing sickly process. The degree of proof /permanent/ loss of general ability to work because of damages is set after determination of his consequences on the basis of objective information taking into account the indexes of table (in percents) and other information for "Instructions about the order of organization and conducting of medical-insurance examination". Under the proof (permanent) loss of general ability to work understand such irreversible loss of function which wholly is not restored.

Terminating pregnancy. Damages which cause terminating pregnancy regardless of its term belong to severe condition, which between them and terminating pregnancy there is causal relation. Examination is conducted by committee with the obligatory bringing in doctor obstetrician-gynecologist

Ineffaceable disfigurement of face. A medico-legal expert does not characterize the damage of person as disfiguring, as this concept is not medical. He determines the type of damage, his features and mechanism of formation, sets, whether this damage is ineffaceable.

Intentional middle bodily harm is a damage which is not dangerous for life, nevertheless, serves as reason of long violation of functions of any organ or other long disorder of health without consequences; punished imprisonment within four years or remediable works within two years.

Characterizing signs of damages of middle weight in obedience to "Rules" such:

1. Absence of danger for life.
2. Absence of consequences, foreseen a criminal legislation in relation to severe bodily harms.
3. Duration (over 3 weeks) of disorder of health.
4. Proof loss of ability to work less, than on the third.

Under the proof loss of ability to work less than on the third understand the loss of general ability to work from 10% to 33%.

Intentional light bodily harms are divided into 2 sub-groups:

- 1) easy bodily harms which entailed brief disorder of health or insignificant loss of ability to work;

2) easy bodily harms unentailing brief disorder of health or loss of ability to work. The degree of punishment for causing of such damages is different: if damage I sub-groups are punished imprisonment within 1 year or remediable works on a that term, second - by remediable robots to 6 months, or by a fine or public reproof.

Therefore, a medico-legal expert must expressly define present at a suffering damage.

The characterizing signs of easy bodily harm in obedience to "Rules" it is been:

1. Brief disorder of health for a term from 6 to 21 day;
2. Insignificant proof loss of ability to work - to 10%.
3. Absence as of short duration disorder of health so losses of ability to work.

Employments conducted as an ambulatory reception in the department of medico-legal examination of living persons or students get case materials. Study them and answer the put questions, answers for which must be expounded in the conclusions of «Certificate of medico-legal examination of living person». A teacher pays attention students on the feature of similar researches.