

Forensic Clinical Anatomy and Medical Responsibility. Implications for methods of ascertainment and criteria of evaluation

Andrea Porzionato - Veronica Macchi - Carla Stecco - Raffaele De Caro

Sede di Anatomia Umana, Università degli Studi di Padova, Padova, Italia

Forensic Clinical Anatomy may be defined as the practical application of Clinical Anatomy to the ascertainment and evaluation of medico-legal problems. Implications of Forensic Clinical Anatomy may invest various fields of Forensic Medicine but the field of Medical Responsibility and/or Liability represents the most intriguing one. European Guidelines have been recently released regarding methods of ascertainment and criteria of evaluation. In the present work, we analyse how individual anatomy may acquire specific significance in the application of the various steps of analysis in cases of Medical Responsibility and/or Liability: how relevant aspects of individual anatomy may arise from application of methods of ascertainment and how they may be furtherly ascertained through specifically anatomical methodology; how data about individual anatomy, once fully ascertained, may help in the correct application of the criteria of evaluation and in final judgment about identification of medical responsibilities. The main methods of ascertainment on living and/or dead persons have been itemized as follows: examination of clinical/documentary data; consultation with specialist; clinical examination; further instrumental diagnostic exams; pre-autopsy examination; autopsy; post-autopsy diagnostic procedures; clinical synthesis. Anatomical data of forensic interest may arise from the correct application of the above steps and anatomical methodologies are frequently required for a comprehensive analysis. In the analysis of medical liability cases, the phase of ascertainment is followed by assessment of a series of evaluation criteria which may be summarized as follows, with particular reference to cases with relevant anatomical aspects: Reconstruction of the Physio-Pathological Pathway; Identification-Evaluation of Errors; Discussion of Causal Value; Damage estimation. In some cases, the rigorous interpretation of the anatomical data, derived from ascertainment phase and analysed on the basis of pertinent literature, is pivotal for correct applying of each evaluation step. In literature about radiologic, clinical, and surgical anatomy, methods and findings are discussed with reference to clinical/surgical implications but forensic implications (although of potential interest) are frequently overlooked. A better awareness about the forensic relevance of some clinically-oriented anatomical data may also invest the research on radiologic/clinical/surgical anatomy.

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Keywords

Forensic clinical anatomy; medical liability; medical responsibility.