

*Anastasia Taranova*, Adjunct of the Department of Criminalistics and forensic medicine of the National Academy of Internal Affairs  
*Scientific adviser: Doctor of Law, Senior Research Fellow*  
*Olena Taran*

**FORENSIC MEDICAL EXAMINATION IN THE COURSE  
OF INVESTIGATION OF IMPROPER DISCHARGE  
OF PROFESSIONAL OBLIGATIONS BY A MEDICAL  
OR PHARMACEUTICAL WORKER**

The institute of appointment and conducting expert investigations has always been one of the main in criminal proceedings. The importance of examination is determined by the need of conducting of criminalistic examination and forensic medical examination in each criminal case. The effectiveness of criminal proceedings is often depends on the timeliness of the examination's appointment and the quality of its fulfillment [1, p. 76]. The appointment of a forensic examination is a doubtless condition for successful investigation of improper discharge of professional obligations by a medical or pharmaceutical worker. According to the results of criminal investigations forensic medical examinations were set in almost 100 % of cases concerning the improper discharge of professional obligations by a medical or pharmaceutical worker.

In accordance with the clauses 1, 2 part 2 of Art. 242 of the Criminal Procedural Code of Ukraine, the investigator and the prosecutor are obliged to apply to an expert for examination for ascertainment the causes of death or severity and nature of bodily harm [2, p. 235]. To fulfill this demand, the decision about the appointment of a forensic medical examination is passed.

Special attention is payed to the nature of issues during the conducting of a forensic examination, which are crucial for clarifying the causes and circumstances of the crime committed by a medical or pharmaceutical worker. The main issues which are solved during the forensic examination are: 1) whether the diagnosis was right; 2) whether the provided medical aid was full and qualified; 3) is there a direct causal link between the death of the patient and actions of doctors? 4) whether the current instructions for treatment have been violated; is there a direct causal link between ill consequences and an inadequate providing of medical care? 5) was the reasonable method used during the treatment?

The investigator should provide appropriate documents for the qualitative conducting of a forensic medical examination, which are: (1) an outpatient's medical history or an inpatient's medical history; (2) materials of departmental investigation; (3) medical workers' characteristics; (4) information on documents concearning the particular case; (5) contracts, letters of consent for medical intervention and other documents describing the form of doctor's relationship with the patient and the level of awareness of the latter concerning the receipt of services; (6) a copy of the first aid call log; (7) other materials concerning the case (statements of interested persons, records of interrogation of medical workers, witnesses, other persons that possess information about the criminal offence, official characteristics of medical staff, licences, letters of accreditation and other documentation of the medical institution etc.) [3, p. 4–7].

When appointing a forensic medical examination it is important to choose the relevant institution and the forensic expert who will conduct the research, since the

hospital, where the criminal offense stipulated by the Article 140 of the Criminal Code of Ukraine was committed, may belong to one territorial department of health care. In such circumstances local offices for forensic medical examination issue (as a rule) «justifying» conclusions for doctors [4, p. 161].

Consequently forensic medical examination plays an important role in the course of investigating of improper discharge of professional obligations by a medical or pharmaceutical worker and in the process of solving medical problems arising in investigating and judicial practice.

### ***References***

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