19th IAFS WORLD MEETING
9th WPMO TRIENNIAL MEETING
5th MAFS MEETING

POSTER SESSION

Session C1
THE ROLE OF INFORMED CONSENT IN LAWSUITS AGAINST MEDICAL DOCTORS: ANALYSIS OF FIRST STAGES PROCEEDING VERDICTS OF THE CIVIL COURT OF ROME.

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Introduction: In principle, informed consent is the building block of every sanitary intervention: in its absence medical actions would result in abuses even if carried out in the interest of patients. Profiles of medical professional responsibility for failure or incomplete information are various and, over the last decade, it became one of the most frequent causes of lawsuits against medical doctors. In this study, we evaluated the first stage of proceeding verdicts, from 2001 to 2009, issued in by the Civil Court of Rome concerning medical professional liability cases where the only violation was the duty of information omission.

Materials and Methods: In the analysis of the documentation provided by the Observatory on Medical Liability (O.R.Me), we considered several different parameters: kind of damage covered by compensation, specialist areas and worker categories most involved in litigation, timing of proceedings, informed consent with special attention to principle of law and economic compensation.

Results: Among 2700 complaints, 21 matched our inclusion criteria (i.e. where the duty of information was the only violation). Within this group, defective informed consent was reported in 47,6% of cases, whereas in 52,4% the informed consent was completely omitted. In 33,3% of cases only medical doctors were sued, more frequently the first/single operator; in 19,05% only the hospital/private structure was involved and in 47,6% both of them. The categories most susceptible to claims resulted plastic and cosmetic surgeries (7 cases) followed by oncological and radiotherapeutic interventions (4 cases). Importantly, on average, the time required for the first degree of civil proceedings was 5 years and, in addition to procedural expenses, 1.402.037,82 Euros were spent for patient compensations.

Conclusions: The results of this Italian research are important because they show the central role of informed consent in the lawsuit against medical doctors. It is necessary an extended analysis of the whole national and international scenario, in order to improve our ability in the comprehension of this problem, and, more importantly, in developing effective strategies for prevention.

Final Comments: In synthesis, lack of informed consent is a separate and distinct legal reason for a lawsuit. A patient can sue for lack of informed consent even when there has been no malpractice but there has been an unwanted result. Thus, medical doctors are in the di

Keywords: Informed Consent; Malpractice; Medical Professional Liability
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41. GENES OF THE EXOCYTIC MACHINERY IN THE ETIOLOGY OF ALCOHOLISMA AND SUICIDAL
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44. THE WAY TOWARDS PERFECT FORENSIC LABORATORY
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45. GENETIC POLYMORPHISMS OF 5-HTZA, 5-HT1D ?, 5-HT1D ? AND 5-HTT GENES IN SUICIDE COMPLETERS:
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49. FORENSIC COMPARISON OF SOIL SAMPLES
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50. REFORM CHANGES IN HUNGARIAN FORENSIC SCIENCES
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3. "GRANNY RAPE": A STUDY OF ELDER SEXUAL ABUSE
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4. VIOLENCE IN INTIMATE RELATIONSHIPS: A COMPARISON OF MARRIED AND DATING COUPLES
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8. FORENSIS MOLECULAR BOTANY: A PRELIMINARY STUDY IN NORTH OF PORTUGAL SPECIMENS
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9. USE PLANTS AS PROBATIVE VALUE IN SOLVING A CASE: AN EXAMPLE OF APPLIED FORENSIC BOTANY

10. FORENSIC BOTANY IN COLONIA: PLANT MATERIAL ANALYSIS IN FORENSIC SCIENCES
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11. COLOMBIAN COCA PLANTS, A CRITICAL DISCUSSION ON TAXONOMY OF CULTIVATED ERYTHROXYLUM
P.BRUVINE SPECIES (ERYTHROXYLACEAE)
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13. OUTDOOR FORENSIC ENTOMOLOGY: COLONIZATION OF HUMAN REMAINS IN COLD ENVIRONMENTS
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14. OBSERVATION OF DECOMPOSITION ON NATURAL DEATH AND HANGING DEATH EXPERIMENT USING
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   REPORT IN A RURAL AREA OF SOUTHERN BRAZIL
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23. IN VITRO EXPERIMENTAL STUDIES ON THE RECENT USE OF ALUMINUM AS A MANTLE OF COCAINE
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31. LEGAL REGULATION OF GENETICALLY MODIFIED FOOD PRODUCTS TURNOVER IN NATIONAL LAWS
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32. TRENDS OF ORGAN DONATION IN AZERBAIJAN AND OTHER COUNTRIES
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