

Summary

Objective. The development of the methodology of expert analysis ensuring comprehensiveness, completeness and objectivity of expert investigation in the criminal and civil cases associated with the adverse outcomes of treatment.

Materials and Methods. For the purpose of the study the special program was prepared ‘The comprehensive study of the content of the expert testimonies in the criminal and civil court cases associated with the adverse outcomes of treatment’. The continuous research method was used for the content analysis of the expert testimonies (116 units of observation), the selective research method was used when interviewing health care providers (50 units of observation) and lawyers specializing in medical law (50 units of observation).

Results and discussion. The expert analysis should be considered an essential element of the expert investigation in the criminal and civil cases associated with the adverse outcomes of treatment, since it ensures the comprehensiveness, completeness and objectivity of expert testimony. For the purposes of expert analysis, the process of health care provision can be considered as an open process information system, the sequence of the implementation of therapeutic measures within it is conditioned by the character of diagnostic information, and the outcome of the treatment is probabilistically determined by certain complex of external and internal factors. An expert opinion can be estimated as reliable one, if the assertions made are accompanied by appropriate (definite and credible) substantiation of their truthfulness, and therefore no ‘analytical gaps’ are present requiring further proof, so it naturally arouses subjective confidence and inner belief in the truthfulness of these assertions in the person assessing the expert testimony.

Conclusion. The expert analysis should be based on the unified methodological approach with a precise definition of its object, subject, objective and tasks. The methodology (algorithm) of analysis is a formalized procedure of realization of the following five stages: creation of the system of versions on the cause of adverse outcome of treatment; analysis of the character of disease (injury) present; analysis of the conditions of health care provision in the medical facility; analysis of the correctness, completeness, timeliness and adequacy of the diagnostic and therapeutic measures; analysis of the results of diagnostic and therapeutic procedures and signs of a causal relation between the health care providers’ activity and the adverse outcome of treatment.