



Continuing education for forensic medical analysis of the constitutional appeals in Costa Rica

Formación académica continua para el análisis médico forense de recursos de amparo en Costa Rica

Formação acadêmica contínua para análise médico forense de recursos de amparo na Costa Rica

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Abstract

Introduction: Judicially demanding the right to health involves different elements and can lead to changes in continuing education programs. The current trend is to follow this pathway to access low-frequency and high-cost medications. In addition, the Constitutional Court of Costa Rica requests a technical concept from forensic doctors. **Objective:** To raise the need for continuous updating in specific theoretical-practical academic knowledge required by forensic doctors to guarantee the right to health services. **Reflection:** The training of forensic medical doctors is focused on evidence and encourages continuous education. Nevertheless, a commitment is necessary in continuing medical education programs such as literature search strategies, critical assessment of evidence, and academic practices that incorporate particular circumstances comparing them with scientific studies. These programs must take into account prevalent medications and pathologies as well as technical-scientific factors that differ in each service provider. **Conclusion:** A continuing education program about the interpretation and assessment of scientific evidence for proper decision making on health issues would allow medical doctors to judge existing health problems and choose a medication that is the most beneficial for a patient.

Keywords: Jurisprudence; right to health; forensic medicine; curriculum; education, continuing. (Source: DeCS, Bireme).

Resumen

Introducción: La judicialización del derecho a la salud involucra a distintos actores y puede propiciar cambios en programas de educación continua; pues la tendencia actual es recurrir a esta vía para acceder a medicamentos de baja frecuencia y alto costo. Adicionalmente, en Costa Rica la Sala Constitucional solicita el criterio técnico a médicos forenses. **Objetivo:** Plantear la necesidad de actualización continua en conocimientos académicos teórico-prácticos específicos que requiere el médico forense para garantizar el derecho a los servicios de salud. **Reflexión:** El médico forense cuenta con formación basada en evidencias y se incentiva su formación continua, sin embargo, es necesario un compromiso con los programas de educación médica continua: en estrategias de búsqueda de literatura, valoración crítica de la evidencia encontrada y práctica académica que incorpore las circunstancias particulares, comparándolo con los resultados de estudios científicos; tomando en cuenta medicamentos y patologías prevalentes y los factores técnico-científicos de divergencia entre los prestadores de servicios. **Conclusión:** Un programa de formación continua sobre interpretación y valoración de la evidencia científica para la toma de decisiones en salud, permitiría a estos especialistas responder con mejor criterio si un medicamento es el tratamiento más beneficioso para un paciente debido a sus problemas de salud.

Palabras clave: Jurisprudencia médica; derecho a la salud; medicina legal; curriculum; educación continua. (Fuente: DeCS, Bireme).

Resumo

Introdução: A judicialização do direito à saúde envolve diferentes atores e pode promover mudanças nos programas de educação continuada; porque a tendência atual é recorrer a esta via para ter acesso a medicamentos de baixa frequência e alto custo. Além disso, na Costa Rica, o Tribunal Constitucional solicita critérios técnicos aos médicos forenses. **Objetivo:** Levantar a necessidade de atualização contínua em conhecimentos acadêmicos teórico-práticos específicos que o médico forense necessita para garantir o direito aos serviços de saúde. **Reflexão:** O médico forense tem formação baseada em evidências e sua formação continuada é incentivada, porém é necessário o compromisso com programas de educação médica continuada: em estratégias de busca bibliográfica, avaliação crítica das evidências encontradas e prática acadêmica que incorpore as circunstâncias particulares, comparando-o com resultados de estudos científicos; levando em consideração medicamentos e patologias prevalentes e fatores técnico-científicos de divergência entre prestadores de serviços. **Conclusão:** Um programa de formação contínua sobre interpretação e avaliação de evidências científicas para a tomada de decisões em saúde, permitiria a estes especialistas responder com melhores critérios se um medicamento é o tratamento mais benéfico para um paciente devido aos seus problemas de saúde.

Palavras chave: Jurisprudência; direito à saúde; medicina legal; curriculum; educação continuada. (Fonte: DeCS, Bireme).

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care, the physical assessment as well as an exhaustive review of the available clinical evidence. On the one hand, the forensic expert must analyze the criterion of the treating medical doctor and the hospital service session that approved a treatment, and, on the other hand, this expert must analyze the point of view of the Central Pharmacotherapy Committee, and these concepts are normally in opposition. This analysis must be carried out in a very short period of time that does not affect the health of the people who require the medication⁽⁴⁾.

The evidence from the last decades shows a significant increase in evidence-based clinical research as a fundamental support for decision-making processes involved in health care. Indeed, the World Federation of Medical Education (WFME) has recognized the importance of continuous professional development through continuing medical education⁽¹⁵⁾.

Currently, the Forensic Medicine Department is implementing a quality system based on the ISO 17020:2012 and ILAC G19 guidelines in order to be certified⁽¹⁴⁾. Thus, it is important to identify training needs and verify competencies through standardized periodic evaluations, which would require an annual training plan. Although there is a collaborative structure in the institution in order to improve the performance of forensic physicians that work for the Forensic Medicine Department through continuing education programs, there is no defined program which involves evidence-based medicine.

Then, it is relevant to discuss specific academic aspects required by the continuing education of forensic medical experts for them to improve their performance in the analysis of these cases without being obsolete. The medical knowledge as well as biomedical research and technology have been progressing rapidly and permanently, which have facilitated the development and implementation of new protocols for the clinical and therapeutic management of patients, since they provide useful tools for the development of various biomedical disciplines⁽¹⁶⁾. This implies that the forensic medical field must keep updating knowledge through continuing medical education programs, which should include relevant topics such as:

- Improvement of literature search strategies in order to identify key evidence that responds to the request made by the Constitutional Court.
- Critical assessment of the analyzed evidence, in terms of its validity, impact, and usefulness.
- Academic practice to strengthen the expert opinion, incorporating critical assessment of the particular circumstances of each patient and comparing clinical data with systematically obtained and validated results from reliable scientific studies.

Consequently, evidence-based medicine implies the association of external evidence that comes from reliable systematic research with the clinical skill of the physician. In addition, decisions, perceptions, and needs of the patient represent a third element to be considered by the forensic expert⁽¹⁷⁾.

Given the fact that a continuing education program is not static and that competencies decrease progressively without it, feedback from participants is fundamental to improve the significance and depth of the learning contents, which should take into account aspects such as: prevalent medications and pathologies in their consultations; the technical-scientific factors that differ from the Central Pharmacotherapy Committee of the CCSS to the actual health service; the difficulties in the interpretation of scientific evidence, which they can identify as a weakness of the training they received for the resolution of these cases; the need to implement forensic medicine action protocols; and differences in terms of existing pathologies among forensic medicine care users from the various geographic regions of Costa Rica. These topics can constitute additional research lines.

Conclusions

Currently, the World Health Organization has recognized that the right to health includes the timely, appropriate, and affordable access to high quality health care services. Thus, health coverage as well as availability and accessibility to human resources represent strategies to guarantee universal access to health in a population. Other key factors are the appropriateness, relevance, and competence of that human resource. Therefore, the adequate management of human talent is essential in health care institutions and, consequently, continuing medical education represents a successful strategy to strengthen and improve their resolution capacities and the quality of their performance within integrated health care networks.

Nevertheless, the importance of continuing medical education is not limited to healthcare physicians, but as mentioned, forensic physicians are other key specialists who can participate in the health care process by assessing the health status and care needs of patients. These criteria are more relevant when the patient's right to health is involved. Therefore, establishing a continuous training program which involves the interpretation and assessment of scientific evidences for health decision-making instances can improve the skills of forensic physicians in the technical-scientific analysis of constitutional appeals for access to medication. Also, these skills would allow the forensic experts to judge with a better reasoning whether or not a medication is the most beneficial treatment according to the patient's health condition. Thus, a relevant and adequate updating of forensic physicians is essential to strengthen their decision-making capacities before judicial authorities and, ultimately, their judgment will have an impact on a person's health.

Conflict of interest: none declared by the author.

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