

Forensic responsibility at the prescription of antagonists of Vitamin K to elderly patients

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ABSTRACT

Introduction: The hemorrhage accidents at the prescription of antagonists of vitamin k represents the first cause of hospitalization for side effects in elderly patients. This can engage the forensic responsibility of the prescribing physician.

Objective: Study the forensic responsibility involved in cases of error in the prescription of AVK to elderly patients.

Materials and methods: This is a review of the literature related to forensic responsibility of errors in the prescription of AVK to elderly patients.

Results: The errors related to the prescription of an AVK are mainly related to the absence of prescription, a prescription not consistent, insufficient supervision (overdose, inefficiency) or mismanagement of the anticoagulant treatment in the elderly population having to undergo an act at hemorrhagic risk. These errors may incur the criminal responsibility of the prescribing physician but also the civil and administrative responsibility.

The elements of criminal responsibility are the legal element, the moral element, the material element and the unfair element. For the civil responsibility, it is up to the elderly patient, victim of medical error, to show 3 elements necessarily present that are the fault, the damage and the direct and certain causal link between the fault and the damage caused to him/her. Moreover, Article 85 of the Code of Obligations and Contracts stipulates that the administration has to cover the agent from civil convictions pronounced against them.

Conclusion: Forensic responsibility at the prescription of antagonists of Vitamin K to elderly patients is engaged if the elements of criminal responsibility are established and if the causal link between the fault and the damage is direct and certain.