

THE MENTAL CONSEQUENCES OF IMPAIRED PHYSICAL INTEGRITY

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The most recent Law on Obligatory relations, from year 2005., has brought significant changes in defining the term consequential damage which had resulted with new expertise challenges concerning violation of physical and mental integrity. Fear, physical and emotional pain, no longer represent independent forms of violation regarding one's integrity but qualificational circumstances, forming the criteria used for assessment of severity in violating one's identity. The content of this presentation are issues arising from the fact how one harmful effect may disturb various identity rights. Specifically, the traffic accident may result in severe physical injury and simultaneously afflict the right for physical and mental integrity. Each physical injury is accompanied by reasonable emotional reaction. The ancillary emotional pain resulted from physical impairment and also physical injury with its circumstances could provoke temporary or permanent mental disorder. Law conceded responsibility in enhancement of medical criteria, guidelines and injury quantification regarding expertise to medical profession however the last few years resulted with insufficient consensus. There are only few well established recommendations which could offer final solution. When collaboration with other medical experts is being considered the most significant is to delimit competence of psychiatrist in comparison to other medical experts. Today's accepted point of view is there is no need in psychiatrization of physical impairments and how all normal psychological emotional disturbances

should be under competence of other medical experts. A psychiatrist is employed for delineation of comprehensible profane "normal" mental pain out of mental disorders which represent the psychological consequences of brain disorder, impairment of other organs or mental consequences supervened from physical injury. There is a quality proposal in modifying the Croatian criteria concerning evaluation of mental integrity impairment although it yet has not been accepted. Basic principle of this proposal is identical evaluation of mental integrity impairment irrespective to cranio-cerebral trauma, impact of other physical trauma on mental state or mental trauma resulted from physical injury. The percentage of physical damage is divided into five categories ranging from 0% - 100%. The psychiatrist, as medical expert, should be engaged: 1. in all cases of psychological consequences resulted from organic brain trauma; 2. if psychological difficulties have arisen from physical injury or combination of such states; 3. if physical injuries caused impairments of organs important for adequate mental functioning (disturbances in endocrine systems, genital organs, sense organs etc.). Another special issue is methodology of calculating overall physical and mental integrity impairment which should be founded on combination of usual practice formulas and joint stand of experts concerning total real impairment of physical and mental integrity. Accordingly, calculating formulas should be taken as auxiliary, not binding, guidelines in expert medical assessment.