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### EDITORIAL ARTICLE

## Forensic medicine in postpandemic time\*

### La medicina forense en la era post COVID-19

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From 11 March 2020, when the World Health Organisation (WHO) declared the existence of the COVID-19 pandemic and until the preparation of this editorial (11 October 2021), 236,599,025 confirmed cases of COVID-19 have been recorded, including 4,831,486 deaths<sup>1</sup>. In Spain there have been 4,973,619 confirmed cases, with 86,778 deaths and a total pandemic lethality of 1.7%<sup>2</sup>.

The whole of society has been tremendously affected by the pandemic, and legal and forensic medicine has not gone unscathed. As well as the several medical-legal aspects of the pandemic, to which the *Revista Española de Medicina Legal* dedicated a monographic edition<sup>3</sup>, important actions occurred at its height. On 20 March 2020 the Justice Administration Crisis Coordination Commission agreed to place the forensic doctors of the Legal and Forensic Science Institute (IMLCF) and professors of the National Institute of Toxicology

and Forensic Sciences (INTCF) at the service of the medical authorities to combat the coronavirus<sup>4</sup>. This initiative was surely accompanied by other similar efforts at regional or local level. In some autonomous communities, such as Castile y León, a framework for co-working was established by the General Public Health Board (DGSP) of Castile y León IMLCF to report on deaths and their demographic and medical characteristics<sup>5</sup>. Specific measures were also put into place during the COVID-19 pandemic for safety at work in the IMLCF and the INTCF<sup>6</sup> within the framework of the *Esquema de Seguridad Laboral y el Plan de Desescalada para la Administración de Justicia ante el COVID-19*<sup>7</sup>. All of this was within a context of recommendations on cadaver management and how to perform autopsies, with the Health Ministry<sup>8</sup> as well as with the Forensic Medical Council itself<sup>9</sup>. Many IMLCF found it hard to perform PCR tests prior to autopsy. On the other hand, due to the demand that face-to-face contact should be reduced to a minimum, new forms of working were introduced that we could describe as falling under the heading of a hypothetical “remote forensic medicine”. These forms of working included interviews of victims, people who had been arrested or patients admitted to psychiatric institutions, all of which took place remotely. Some forms of working that were already functioning prior to the pandemic were consolidated, such as remote atten-

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dance at trials. Some of these changes, which in principle were covered by art. 16 of *Ley 3/2020, de 18 de septiembre, de medidas procesales y organizativas para hacer frente al COVID-19 en el ámbito de la Administración de Justicia*<sup>10</sup>, were surely consolidated in the everyday working of the IMLCF.

Now that vaccination and other measures have had such a positive influence on the evolution of the pandemic, the authors of this editorial wish to emphasise the valuable work of forensic departments during the pandemic and also to broaden the outlook at a time of great legislative activity, which will have a decisive impact on the organisation of forensic medicine in Spain over the near future. Thus *Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia* (which modifies articles of the Criminal Justice Law and the Law on the Protection of Minors<sup>11</sup> in connection with age determination), *Ley 8/2021, de 2 de junio, por la que se reforma la legislación civil y procesal para el apoyo a las personas con discapacidad en el ejercicio de su capacidad jurídica*<sup>12</sup> and other laws that are already going through parliament (the Project for the Organic Law on the Complete Guarantee of Sexual Freedom<sup>13</sup>) or which are subject to hearings and public information (the Draft Project of the Criminal Justice Law<sup>14</sup>) which will affect the IMLCF.

We wish to refer above all to two projects which have been worked on simultaneously during the pandemic, and which we believe will be of key importance for Spanish forensic medicine in the coming years. These are the Speciality of Legal and Forensic Medicine (MLYF) and the project for the Royal Decree that will regulate the IMLCF. On 11 September 2021, the Official State Bulletin (BOE) published the offer of specialised medical training (SMT) for the year 2022. For the first time, this included 8 vacancies for the MLYF speciality in the IMLCF, provisionally accredited by the Ministry of Health as Teaching Units (Albacete, Aragón, Burgos, Caceres, Catalonia, Murcia, the Basque Country and Valencia)<sup>15</sup>. We hope that this offer consolidates, and that more IMLCF join the scheme, so that the number of places increases. This will crown a long process that has not been free of difficulties, as expressed in the 2020 renewal of the positions and presidency of the National Commission of the Speciality and *Real Decreto 704/2020, de 28 de julio, por el que se establece el acceso al título de médico/a especialista en Medicina Legal y Forense por el sistema de residencia*<sup>16</sup>. This Royal Decree modernises justice administration as it demands that forensic doctors undergo the same (speciality) training as all other doctors in Spain. It also requires proper compliance with art. 475 of the Organic Law of Judicial Power, which demands that a doctor must possess the official title of Qualification or Degree in Medicine and as a Specialist, when this is required by the Ministry of Justice<sup>17</sup>. This is currently awaiting publication by Ministerial Order of the Official Programme of the Speciality by the Ministry of Health.

Finally, the draft version of the Royal Decree approving the Regulation governing the IMLCF<sup>18</sup> is now at an advanced stage, and the Ministry of Justice subjected it to the procedure of hearing and public information last May. 25 years after the previous Regulation, and with all of the IMLCF now working, a fitting norm for the time that has passed was necessary which included the necessary legislative update.

It also had to be versatile and able to respond to the needs of the different IMLCF, including the current trend towards multidisciplinary working, recognition of the digital transformation of the justice system and the gradual inclusion of new extrajudicial functions (extrajudicial assessments, FSE or the medical and social outreach of the IMLCF). All of this within the demographic context of forensic doctors with a high average age (in 2019 28% were over 60 years old)<sup>19</sup>, as is the case for doctors in general.

Thus in the post-pandemic age Spanish forensic medicine is changing, with the consolidation of IMLCF organisation adapted to the new circumstances, including the start of the MLYF speciality in the IMLCF accredited as Teaching Units, which we are sure will improve the quality of the public service to justice supplied by legal and forensic medicine.

## References

1. WHO Coronavirus (COVID-19) Dashboard. 2021 Oct [Accessed 11 October 2021]. Available from: <https://covid19.who.int/>.
2. Centro de Coordinación de Alertas y Emergencias Sanitarias. Ministerio de Sanidad. Gobierno de España. Actualización nº 480. Enfermedad por el coronavirus (COVID-19). 08.10.2021 (datos consolidados a las 14:00 horas del 08.10.2021). 2021 Oct [Accessed 11 October 2021]. Available from: [https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Actualizacion\\_480\\_COVID-19.pdf](https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Actualizacion_480_COVID-19.pdf).
3. Barbería E, Pujol-Robinat A, Arimany-Manso J. Aspectos médico-legales de la pandemia. *Rev Esp Med Legal*. 2020;46:89–92, <http://dx.doi.org/10.1016/j.reml.2020.05.012>.
4. Resolución del Ministro de Justicia sobre la puesta a disposición del ministerio de Sanidad de los cuerpos especiales de la Administración de Justicia para prestar servicios sanitarios y/o de laboratorio en la situación de crisis sanitaria ocasionada por el covid-19, de 24 de marzo de 2020. [Accessed 11 October 2021]. Available from: <https://www.mjusticia.gob.es/es/Ciudadano/Documents/AvisosCovid19/Resoluci%C3%B3n%20del%20ministro%20de%20Justicia%20sobre%20la%20puesta%20a%20disposici%C3%B3n%20del%20Ministerio%20de%20Sanidad%20de%20los%20cuerpos%20especiales%20de%20la%20Adminis>
5. Barbería E, Grijalba M, Martínez JA, Marcos RA, García V. Defunciones por COVID-19 en España y estadísticas de mortalidad. *Gac Sanit*. 2021;35:303–4, <http://dx.doi.org/10.1016/j.gaceta.2020.09.003>.
6. Resolución de medidas específicas de seguridad laboral durante la pandemia COVID-19 para los Institutos de Medicina Legal y Ciencias Forenses y el Instituto Nacional de Toxicología y Ciencias Forenses, y para otras actividades de riesgo o bajo riesgo en la Administración de Justicia de 13 de mayo de 2020 [Accessed 11 October 2021]. Available from: <https://www.mjusticia.gob.es/es/Ciudadano/Documents/AvisosCovid19/RESOLUCION%20SEJ-ESQUEMA%20SEGURIDAD%20LABORAL%20IMLCF-INTCF%20COVID-19-Firmado.pdf>.
7. Orden JUS/394/2020, de 8 de mayo, por la que se aprueba el Esquema de Seguridad Laboral y el Plan de Desescalada para la Administración de Justicia ante el COVID-19. *Boletín Oficial del Estado*, 9 de mayo de 2020, núm. 129, p. 31869–31879.
8. Ministerio de Sanidad. Sociedad Española de Anatomía Patológica. Procedimiento para el manejo de cadáveres de casos de COVID-19 [Internet]. 2020 May [Accessed 11 October 2021]. Available from: [https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Manejo\\_cadaveres.COVID-19.pdf](https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Manejo_cadaveres.COVID-19.pdf).
9. Consejo Médico Forense. Comité científico-técnico. Recomendaciones del Consejo Médico Forense con motivo de la

- pandemia del COVID-19 [Internet]. 2020 Mar [Accessed 11 October 2021]. Available from: [https://www.mjusticia.gob.es/es/ElMinisterio/OrganismosMinisterio/Documents/1292430900105-Recomendaciones\\_del\\_Consejo\\_Medico\\_Forense\\_con\\_motivo\\_de\\_la\\_pandemia\\_de\\_COVID19.PDF](https://www.mjusticia.gob.es/es/ElMinisterio/OrganismosMinisterio/Documents/1292430900105-Recomendaciones_del_Consejo_Medico_Forense_con_motivo_de_la_pandemia_de_COVID19.PDF).
10. Ley 3/2020, de 18 de septiembre, de medidas procesales y organizativas para hacer frente al COVID-19 en el ámbito de la Administración de Justicia. Boletín Oficial del Estado, 19 de septiembre de 2020, núm. 250, p. 79102–79126.
  11. Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia. Boletín Oficial del Estado, 5 de junio de 2021, núm. 134, p. 68657–68730.
  12. Ley 8/2021, de 2 de junio, por la que se reforma la legislación civil y procesal para el apoyo a las personas con discapacidad en el ejercicio de su capacidad jurídica. Boletín Oficial del Estado, 3 de junio de 2021, núm. 132, p. 67789–67856.
  13. 121/000062 Proyecto de Ley Orgánica de garantía integral de la libertad sexual. Boletín Oficial de las Cortes Generales. Congreso de los Diputados. [Accessed 11 October 2021]. Available from: [https://www.congreso.es/public\\_oficiales/L14/CONG/BOCG/A/BOCG-14-A-62-2.PDF](https://www.congreso.es/public_oficiales/L14/CONG/BOCG/A/BOCG-14-A-62-2.PDF).
  14. Anteproyecto de Ley de Enjuiciamiento Criminal. [Accessed 11 October 2021]. Available from: <https://www.mjusticia.gob.es/es/AreaTematica/ActividadLegislativa/Documents/210126%20ANTEPROYECTO%20LECRIM%202020%20INFORMACION%20PUBLICA%20%281%29.pdf>.
  15. Orden SND/948/2021, de 8 de septiembre, por la que se aprueba la oferta de plazas y la convocatoria de pruebas selectivas 2021 para el acceso en el año 2022, a plazas de formación sanitaria especializada para las titulaciones universitarias de grado/licenciatura/diplomatura de Medicina, Farmacia, Enfermería y ámbito de la Psicología, la Química, la Biología y la Física. Boletín Oficial del Estado, 11 de septiembre de 2021, núm. 218, p. 110491–110821.
  16. Real Decreto 704/2020, de 28 de julio, por el que se establece el acceso al título de médico/a especialista en Medicina Legal y Forense por el sistema de residencia. BOE núm. 205, de 29/07/2020.
  17. Arimany-Manso J, Grijalba-Mazo M, Garrido-Lestache E, Perea-Pérez B, Galtés I, Baena S, et al. La especialidad de Medicina Legal y Forense en España: La consolidación por el sistema de residencia. *Rev Esp Med Legal*. 2020;46:159–61, <http://dx.doi.org/10.1016/j.reml.2020.09.001>.
  18. PROYECTO DE REAL DECRETO POR EL QUE SE APRUEBA EL REGLAMENTO DE LOS INSTITUTOS DE MEDICINA LEGAL Y CIENCIAS FORENSES. [Accessed 11 October 2021]. Available from: <https://www.mjusticia.gob.es/es/AreaTematica/ActividadLegislativa/Documents/PRD%20Reglamento%20IMLCF.pdf>.
  19. Grijalba M, Barbería E. Perfil demográfico del cuerpo de Médicos forenses en España. *Rev Esp Med Legal*. 2019;45:89–91, <http://dx.doi.org/10.1016/j.reml.2019.07.03>.