

# Medical Malpractice Law

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The Nurse's Liability for Malpractice  
The Martindale-Hubbell Law Directory  
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Health Care Law and Ethics  
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Revised Civil Statutes and Laws Passed by the 16th, 17th, 18th, 19th, & 20th Legislatures of the State of Texas  
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this monograph is the most comprehensive comparative law study of legal responsibility arising from medical care presently available it is written for doctors as well as health care administrators and legal professionals focusing on the problems of civil liability it presents the development points of contact with and differences between the modern law of medical liability stemming from both the common law and civil law traditions of england scotland eire new zealand australia canada the united states south africa france belgium west germany switzerland and austria it demonstrates the extent to which both problems of medical law and trends towards their solution are already familiar in these legal systems the work describes principles and trends not by confronting the reader with national reports and separate chapters on different legal systems rather the relevant legal problems are analyzed from an integrative comparative viewpoint the main thrust of the presentation is the analysis of numerous court decisions the number of which is rising ominously in the united states on the civil liability of doctors and hospitals for damages arising from substandard treatment or inadequate disclosure of information to the patient references to the legal and medical literature indexes and a refined system of cross references together with an important collection of appendices covering legal and ethical declarations make this work accessible as a handbook and reference work for the legal and social problems encountered today in the wide area of law ethics and medicine

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health care law and ethics was one of the first casebooks to face the formidable task of providing adequate coverage of the multiple areas where law and medicine intersect the sixth edition continues that tradition by being well suited for use in a survey course in health care law or a more focused study of malpractice or bioethics material is logically organized into three main parts the patient and the provider the patient the provider and the state institutions providers and the state the crucial issues of quality ethics access and cost are considered throughout the book strong coverage of bioethics provides important contextual background for discussions of the right to die reproductive rights organ transplantation the authors address cutting edge issues such as genetics and managed care along with such standard topics as confidentiality medical malpractice public health law and health care financing and regulation clear author notes provide context and background information and smooth the transitions between cases helpful introduction supplies an overview of the health care system to help students navigate this complicated area changes for the sixth edition heighten classroom effectiveness while keeping pace with rapid developments in the law new coverage of todays most urgent issues oversight of medical research including genetic research and cloning hmo liability patient bill of rights and new privacy rules and bioterrorism improved and expanded treatment of erisa preemption reorganized part three for greater clarity in response to user feedback major new cases including rush prudential v moran and pegram v herdich regulation of managed care ferguson v city of charleston reporting drug test results to law enforcement j b v m b disposition of frozen embryos an authors website where a detailed table of contents is hyperlinked to the latest updates

most experts would agree that the current medical malpractice system in the united states does not work effectively either to compensate victims fairly or prevent injuries caused by medical errors policy responses to a series of medical malpractice crises have not resulted in effective reform and have not altered the fundamental incentives of the stakeholders in medical malpractice economist frank sloan and lawyer lindsey chepke examine the u s medical malpractice process from legal medical economic and insurance perspectives analyze past efforts at reform and offer

realistic achievable policy recommendations they review the considerable empirical evidence in a balanced fashion and assess objectively what works in the current system and what does not sloan and chepke argue that the complexity of medical malpractice stems largely from the interaction of the four discrete markets that determine outcomes legal medical malpractice insurance medical care and government activity after describing what the evidence shows about the functioning of medical malpractice types of defensive medicine and the effects of past reforms they examine such topics as scheduling damages as an alternative to flat caps jury behavior health courts incentives to prevent medical errors insurance regulation reinsurance no fault insurance and suggestions for future reforms medical malpractice is the most comprehensive treatment of malpractice available integrating findings from several different areas of research and describing them accessibly in nontechnical language it will be an essential reference for anyone interested in medical malpractice frank a sloan is j alexander mcmahon professor of health policy and management and professor of economics at duke university he is the coauthor of the price of smoking mit press 2004 and author or editor of many other books on health economics lindsey m chepke an attorney is a research associate at the center for health policy at duke university

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