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Defense counsel for Marshfield Clinic explains why he believes the trial court record was inadequate to support the plaintiffs' claims and offers an insider's perspective on Judge Posner's opinion.
The Embryonic Self-Evaluative Privilege: A Primer for Health Care Lawyers Thomas F. O'Neil III 33 ADAM H. CHARNES
In an era in which health care fraud is a top law enforcement priority, internal audits by health care entities are increasingly important. While the self-evaluative privilege, intended to encourage voluntary, confidential self-analysis, offers some protection of such sommunications, its scope is restricted.
Investigational Treatments: Coverage, Controversy, and Consensus
Medical and legal controversies surrounding payment for investigative treatments abound. The debate should be moved from the legal to the medical arena, and health plans should support the quest for scientific evidence by contributing to well-conceived clinical trials in appropriate circumstances.
Legal and Political Issues Facing Telemedicine
The emergence of telemedicine—medical diagnosis and treatment via telecommunications—offers the promise of reduced cost, improved patient outcomes, and greater access to quality medical care. But a variety of legal barriers to telemedicine must be addressed to assure its effective use.
The Captive Medical Malpractice Insurance Company Alternative
Health care providers, driven by skyrocketing premiums, are seeking alternatives to conventional medical malpractice insurance. Captive malpractice insurance companies are an increasingly popular choice, but providers should consider tax, regulatory, and other consequences before adopting this option.

Equicare is a proposed market-based, proconsumer approach to state health care reform. While it was developed for a gubernatorial primary race in Pennsylvania, it addresses problems that arise in every state, including incomplete access, inadequacies in public programs, and inefficiencies in care.

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Rights of the Terminally Ill Patient JOHN HODGSON 169

An examination of the rights in the United Kingdom of terminally ill patients, both competent and incompetent, shows the struggle courts face.

Beyond Baby M: International Perspectives on Gestational Surrogacy and the Demise of the Unitary Biological Mother

Biological Mother TODD M. KRIM 193

Gestational surrogacy raises a host of legal and ethical issues. A review of state, federal, and international response, both legislative and judicial, to these issues reveals that the United States would benefit from comprehensive federal legislation regulating the reproductive technology field.

Both the United States and the United Kingdom have created national data banks intended to improve the quality of medical care by identifying and reducing medical errors. A comparison of the United States' National Practitioner Data Bank to the United Kingdom's National Confidential Enquiry into Perioperative Deaths sheds insight on how well these goals are being met.

In the United Kingdom, the most difficult aspect of proving a medical malpractice claim may be establishing causation—the link between the medical professional's breach of duty and the patient's damages. Because the traditional "but for" test unfairly burdens the plaintiff, a rule such as the "loss of chance" doctrine would be more equitable.