CONTENTS

Foreword .............................................................................................................................. i

ARTICLES


This article explores a child's right to refuse medical treatment, in contrast to giving the state or the parents this choice. The article specifically explores a child's right to refuse psychotropic drugs, which are more limiting of personal liberty than physical restraints and can have long-lasting side effects. With a focus on children's competence and the significant side effects of psychotropic drugs, the author concludes that caseworkers do not know the best interests of children in state custody and thus adolescents should be allowed to make their own decisions about psychotropic medications.

Greenberg v. Miami Children's Hospital: Unjust Enrichment and the Patenting of Human Genetic Material .......... DEBRA L. GREENFIELD, J.D. 213

Individuals and societal groups are questioning the practice of patenting human genetic material in the context of medical research and health care, where diverse ethical, social, and political objections are being raised by critics. A recent case provides a broad legal theory, the common law cause of action, unjust enrichment, and a precedent for challenging the commercialization and patenting of human genetic material.

Moral Hazard in Health Insurance: Are Consumer-Directed Plans the Answer? .......... DOUGLASS FARNSWORTH, J.D., M.B.A. 251

The concept of moral hazard in relation to health insurance is an area that has both haunted and fascinated economists, policy-makers, and payers almost since the first health insurance plans were offered by employers. Through the years since Kenneth Arrow's groundbreaking work in 1963, the health care industry has been looking for the proper level of cost-share for patient insureds that will affect their health care choices. The approach of some newer plan offerings, termed 'consumer-directed' or 'consumer-driven' plans by their promoters, seem to have the potential of affecting moral hazard in health insurance.
Reconceptualizing Elder Abuse: Treating the Disease of Senior Community Exclusion

DONNA SCHUYLER, J.D. & BRYAN A. LIANG, M.D., PH.D., J.D.

This article focuses on the phenomenon of elder abuse, which is one of the paramount symptoms of the larger community's failure to address the social, medical, and legal needs of the senior populace. Although there have been multidisciplinary efforts to address this problem, they are not responsive to the needs of the senior population itself. In response, the authors propose a model that takes into account the specific concerns of local senior communities and provides seniors and their stakeholder providers a stable infrastructure to ensure open, consistent, and effective participation and delivery of services.

FIFTH ANNUAL HEALTH LAW & POLICY COLLOQUIUM:
COST & QUALITY IN HEALTH CARE:
DOES ANYONE GET WHAT THEY PAY FOR? ..................... 307

Efficiencies in Health Care Regulation:
Observations Near and Far ........... JOHN D. BLUM, J.D., M.H.S. 309

Transcribed Speech of Professor John D. Blum ...................... 321

Rising Health Care Costs .................. MARY M. POZARYCKI 331

Transcribed Speech of Troyen Brennan ......................... 339

The Legal Ramifications of Best Practices in Health Care ..................... KEVIN RASP 361

Transcribed Speech of Jane Reister Conard ....................... 367

Provider Response to Cost Containment:
Fraud & Abuse Issues ....................... CHARISSE LOGARTA 373

Transcribed Speech of Joan Polacheck ......................... 379

Provider Response to Cost Containment:
An Insider Perspective .................. ANNALS OF HEALTH LAW 387

Transcribed Speech of David L. Woodrum ...................... 393

List of Attendees ................................................. 399