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ARTICLES

Who Should Determine What Is Best for Children in State Custody Who Object to Psychotropic Medication?STEPHEN A. TALMADGE, PH.D. 183

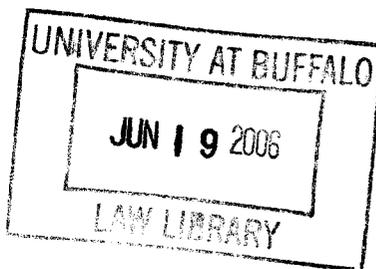
This article explores a child's right to refuse medical treatment, in contrast to giving the state or the parents this choice. The article specifically explores a child's right to refuse psychotropic drugs, which are more limiting of personal liberty than physical restraints and can have long-lasting 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 MaterialDEBRA 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. 275
& 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.

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