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ARTICLES

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Research, and Public Policy In the Context of
Severe Traumatic Brain Injury** STACEY A. TOVINO, J.D. 1
& WILLIAM J. WINSLADE, PH.D., J.D.

This article addresses the legal and ethical implications of treatment, research, and public policy decisions in the context of severe traumatic brain injury. Examining the tragic circumstances of a fifteen year-old boy from Connecticut who remained in a near vegetative state for almost three years, the authors provide a thorough discussion of the diverse legal and ethical issues encountered by those close to traumatic brain injury victims as they consider treatment options, research activities, and public policy decisions.

**Apology and Medical Mistake:
Opportunity or Foil?** LEE TAFT, J.D., M.Div. 55

An innovative examination of the true nature of apology and its ameliorative properties, this article discusses the difficult situations arising in the wake of medical error. An interesting blend of psychology, sociology, and jurisprudence, the author responds to one physician's account of his tragic error, and offers evidence suggesting that the incidence of medical malpractice litigation may be diminished by physicians and hospitals taking responsibility and apologizing for their mistakes.

**Reconsidering the Model State
Emergency Health Powers Act:
Toward State Regionalization
in Bioterrorism Response** MATTHEW E. BROWN, J.D. 95

This article takes a critical look at the Model State Emergency Health Powers Act, legislation developed quickly as part of the country's "War on Terror." The author examines the potential bioterrorist threat, criticizes protocols currently in place under the Act, and offers his suggestions for a more effective, more efficient response to bioterrorism in light of technological advances affecting warfare tactics and pathology.

**The MedSouth Joint-(Ad)venture
The Antitrust Implications of Virtual
Health Care Networks ANDREW S. OLDHAM, M.PHIL. 125**

Winner of Epstein Becker & Green's 6th Annual Health Law Writing Competition, this article is a detailed examination of physician joint ventures and their impact on managed care. The author analyzes the Federal Trade Commission's surprising endorsement of a Denver individual practice association, comments on the FTC's apparent lack of consideration of antitrust regulation, and eagerly anticipates the competition inevitably entering the managed care industry as a result.

**An Rx for the Modification of the
Medicare Prescription Drug, Improvement,
and Modernization Act of 2003:
Toward a Reform with Results DANIEL KATZ 183
& MONICA DESHPANDE**

This article provides a thorough analysis of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and examines its impact on the efficiency of prescription drug coverage. The authors explain the plan slated to take effect in January of 2006, highlight its inefficiencies, and offer their suggestions regarding potential improvements to eliminate problems in advance of the Act's implementation.