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Like other employers, healthcare providers can be held liable for sexual harassment in the workplace. However, by implementing an effective sexual harassment policy, healthcare providers can avoid corporate liability for sexual harassment and create a more productive working environment as well.

Psychotherapists' Sexual Relationships with Their Patients ....................... CLIFTON PERRY 35

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Sexual contact between psychotherapists and their patients is currently one of the leading causes of malpractice claims against psychotherapists. Some courts have recognized the devastating emotional harm that patients suffer as a result of psychotherapist-patient sex and have expanded the remedies available to these patients; a few state legislatures have enacted statutes that impose civil or criminal penalties on psychotherapists who engage in sexual activity with their patients.

Employee Participation Programs After Electromation: They're Worth the Risk! .......... K. BRUCE STICKLER 55

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Employee participation programs ("EPP"s) can be an invaluable means of utilizing employee input, particularly in the healthcare industry. However, the National Labor Relation Board's ("NLRB") recent decision in Electromation, Inc. affects the structure and use of EPPs. There are still ways in which EPPs can be structured to meet the NLRB's requirements.

Criminal Investigation and Enforcement of the Antitrust Laws in the Health Care Field .. TOBY G. SINGER 67

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Criminal enforcement of the antitrust laws has only recently become a serious issue in health care. It is likely to remain one of the Justice Department's priorities. However, providers of healthcare can avoid the risk of criminal liability.

Recent Developments for Tax-Exempt Healthcare Organizations ............... THOMAS K. HYATT 79

Significant developments in the law of tax-exempt healthcare organizations occurred during the early 1990s. The span of developments includes a seminal Seventh Circuit case, Living Faith v. Commissioner, as well as an Internal Revenue Service determination letter recognizing the charitable tax status of integrated delivery systems, showing the recent activism of the IRS in the healthcare arena. In addition, the federal and state courts have struggled to define and apply concepts of community benefit and charity to modern healthcare organizations.
Healthcare rationing means the equitable distribution of limited healthcare resources. The means of distribution and the manner in which these choices are made vary depending on each person's perspective. Rationing already occurs in the United States in areas such as organ transplantation.

Canada has been able to develop a fairly successful system of healthcare rationing by balancing the conflicting concerns of equal access and cost efficiency, federal funding and provincial control, and public sector management and private sector provision. Financial constraints limit the kinds of services included within the notion of equal access, however, forcing healthcare providers to make difficult choices about who will receive a particular healthcare service.

Healthcare benefits are provided universally to all Canadians through a national healthcare system with provincial differences. A history of the manner in which healthcare issues have been understood in different historical and constitutional periods reveals the ever present inequalities in many aspects of healthcare delivery.

An analysis of the history of constitutional interpretation in the United States reveals that any right Americans have to health care is a political rather than constitutional right.

Although Britain's National Health Service has implemented a number of reforms designed to improve the quality of care in a cost-effective manner, healthcare litigation in the United Kingdom continues to increase. Resource shortages have prompted many patients to bring legal actions against the National Health Service in an attempt to compel a resource allocation, while other patients have sued their physician for negligence in providing a healthcare service.

The escalating costs of inpatient care have resulted in the increased utilization of outpatient facilities and home care. As the sites of care proliferate, the system of healthcare delivery must be integrated so that healthcare provision is both cost-effective and safe.