

# PRINCIPLES OF MEDICAL LAW

SECOND EDITION



# Principles Of Medical Law

**Charles Foster**



## **Principles Of Medical Law:**

**Principles of Medical Law** Ian Kennedy, 2010-12-09 Replete with references to primary sources and the secondary literature this major undertaking provides a comprehensive exposition of English medical law from the organization of health care to the legal meaning of death

*Principles of Medical Law* Ian Kennedy, Andrew Grubb, 2001-01-01 This book written by the leading practitioners and academics in the field is rapidly becoming recognized as the authoritative first point of reference for all medical law practitioners Replete with references to primary sources and the secondary literature this major undertaking provides a comprehensive exposition of English medical law from the organisation of health care to the legal meaning of death The book has been designed with the needs of the practitioner in mind while retaining a depth of analysis that will also find favour with an academic audience The internal layout of the book has been specifically designed for ease of access and it will be kept thoroughly up to date by way of annual cumulative supplements compiled by the General Editors The supplement brings the main work fully up to date to September 2000 and is included in the purchase price Contents of the Third Supplement include on the legislative front the Health Act 1999 introducing a range of significant changes to the structure of the NHS in particular the introduction of primary care services and clinical governance arrangements in the NHS and the Data Protection Act 1998 which came into force on 1 March 2000 introducing a new scheme for regulating the processing of and access to data including health information Important judicial decisions include the House of Lords decision in *McFarlane v Tayside Health Board* which has radically restricted wrongful conception claims There have been important decisions on the duty of confidentiality *ex p Source Informatics Ltd* the GMC's procedures for disciplining doctors *ex p Toth* and a trio of Court of Appeal decisions exploring the scope of the declaratory jurisdiction over incompetent adults *Re A*, *Re S* and *Re F*

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**Medical Law** John Devereux, 2002-07-22 After a brief introduction to some leading bio ethical principles Professor Devereux here examines the interplay of different areas of law as they impact on medical practice such as constitutional limitations on the delivery of health care and the impact of the law of contract tort and crime

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access to data including health information Important judicial decisions include the House of Lords decision in *McFarlane v Tayside Health Board* which has radically restricted wrongful conception claims There have been important decisions on the duty of confidentiality ex p *Source Informatics Ltd* the GMC s procedures for disciplining doctors ex p *Toth* and a trio of Court of Appeal decisions exploring the scope of the declaratory jurisdiction over incompetent adults *Re A* *Re S* and *Re F*

**Healthcare Law and Ethics: Principles & Practices** James Shing Ping CHIU, Albert LEE, Kar-wai TONG, 2023-02-06  
With the increasing number of complaints and court cases relating to healthcare disputes healthcare practitioners HCPs are now facing more challenges and dilemmas in their daily practices This book is unique in that most chapters are written jointly by two authors one with legal training and one with a healthcare background The balanced view offered thus allows readers to gain a thorough understanding of the concepts presented Although most of the examples and scenarios are specific to medical doctors the basic principles and ethical considerations as well as the enforcement of laws and regulations are with some modifications equally applicable to other HCPs such as dentists nurses midwives etc Readers interested in healthcare law and ethics from numerous fields and stages of training including legal and healthcare practitioners trainees postgraduate researchers and undergraduate students will find this book both informative and practical as an aid to their work and studies

The Oxford Handbook of Comparative Health Law David Orentlicher, Tamara K. Hervey, 2021-08-26  
The Oxford Handbook of Comparative Health Law addresses some of the most critical issues facing scholars legislators and judges today how to protect against threats to public health that can quickly cross national borders how to ensure access to affordable health care and how to regulate the pharmaceutical industry among many others When matters of life and death literally hang in the balance it is especially important for policymakers to get things right and the making of policy can be greatly enhanced by learning from the successes and failures of approaches taken in other countries Where there are common challenges in law and health there is much to be gained from experiences elsewhere Thus for example countries that suffered early from the COVID 19 pandemic provided valuable lessons about public health interventions for countries that were hit later Accordingly the Handbook considers key health law questions from a comparative perspective In health law common challenges are frequent In addition to ones already mentioned there are questions about addressing the social determinants of health e g poverty and pollution organizing health systems to optimize use of available resources ensuring that physicians provide care of the highest quality protecting patient privacy in a data driven world and properly balancing patient autonomy with the interest in preserving life when reproductive and end of life decisions are made This Handbook s wide scope and comparative take on health law are particularly timely Economic globalization has made it increasingly important for different countries to harmonize their legal rules Students practitioners scholars and policymakers need to understand how health laws vary across national boundaries and how reforms can ensure a convergence toward an optimal set of legal rules or ensure that specific legal arrangements are needed in particular contexts Indeed comparative analysis

has become essential for legal scholars and The Oxford Handbook of Comparative Health Law is the only resource that provides such an analysis in health law

**Principles of Medical Law** Andrew Grubb,1998-01-01 *Philosophical Foundations of Medical Law* Andelka M. Phillips,Thana C. de Campos,Jonathan Herring,2019-11-28 With advances in personalised medicine the field of medical law is being challenged and transformed The nature of the doctor patient relationship is shifting as patients simultaneously become consumers The regulation of emerging technologies is being thrown into question and we face new challenges in the context of global pandemics This volume identifies significant questions and issues underlying the philosophy of medical law It brings together leading philosophers legal theorists and medical specialists to discuss these questions in two parts The first part deals with key foundational theories and the second addresses a variety of topical issues including euthanasia abortion and medical privacy The wide range of perspectives and topics on offer provide a vital introduction to the philosophical underpinnings of medical law

Medical Law in France Anne-Marie Duguet,2023-07-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the law affecting the physician patient relationship in France Cutting across the traditional compartments with which lawyers are familiar medical law is concerned with issues arising from this relationship and not with the many wider juridical relations involved in the broader field of health care law After a general introduction the book systematically describes law related to the medical profession proceeding from training licensing and other aspects of access to the profession through disciplinary and professional liability and medical ethics considerations and quality assurance to such aspects of the physician patient relationship as rights and duties of physicians and patients consent privacy and access to medical records Also covered are specific issues such as organ transplants human medical research abortion and euthanasia as well as matters dealing with the physician in relation to other health care providers health care insurance and the health care system Succinct and practical this book will prove to be of great value to professional organizations of physicians nurses hospitals and relevant government agencies Lawyers representing parties with interests in France will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of medical law in the international context

**Routledge Handbook of Medical Law and Ethics** Yann Joly,Bartha Maria Knoppers,2014-09-19 This book explores the scope application and role of medical law regulatory norms and ethics and addresses key challenges introduced by contemporary advances in biomedical research and healthcare While mindful of national developments the handbook supports a global perspective in its approach to medical law Contributors include leading scholars in both medical law and ethics who have developed specially commissioned pieces in order to present a critical overview and analysis of the current state of medical law and ethics Each chapter offers comprehensive coverage of longstanding and traditional topics in medical law and ethics and provides dynamic insights into contemporary and emerging issues in this heavily debated field Topics covered include Bioethics health and human rights

Medical liability Law and emerging health technologies Public health law Personalized medicine The law and ethics of access to medicines in developing countries Medical research in the genome era Emerging legal and ethical issues in reproductive technologies This advanced level reference work will prove invaluable to legal practitioners scholars students and researchers in the disciplines of law medicine genetics dentistry theology and medical ethics **Routledge Handbook of Medical Law and Ethics** Yann Joly,Bartha Maria Knoppers,2014-09-19 This book explores the scope application and role of medical law regulatory norms and ethics and addresses key challenges introduced by contemporary advances in biomedical research and healthcare While mindful of national developments the handbook supports a global perspective in its approach to medical law Contributors include leading scholars in both medical law and ethics who have developed specially commissioned pieces in order to present a critical overview and analysis of the current state of medical law and ethics Each chapter offers comprehensive coverage of longstanding and traditional topics in medical law and ethics and provides dynamic insights into contemporary and emerging issues in this heavily debated field Topics covered include Bioethics health and human rights Medical liability Law and emerging health technologies Public health law Personalized medicine The law and ethics of access to medicines in developing countries Medical research in the genome era Emerging legal and ethical issues in reproductive technologies This advanced level reference work will prove invaluable to legal practitioners scholars students and researchers in the disciplines of law medicine genetics dentistry theology and medical ethics **Medical Law and Ethics** Sheila McLean,2017-11-22 This title was first published in 2002 The wide range of essays contained within this volume present contemporary thinking on the legal and ethical implications surrounding modern medical practice

**Choosing Life, Choosing Death** Charles Foster,2009-02-27 Autonomy is a vital principle in medical law and ethics It occupies a prominent place in all medico legal and ethical debate But there is a dangerous presumption that it should have the only vote or at least the casting vote This book is an assault on that presumption and an audit of autonomy s extraordinary status This book surveys the main issues in medical law noting in relation to each issue the power wielded by autonomy asking whether that power can be justified and suggesting how other principles can and should contribute to the law It concludes that autonomy s status cannot be intellectually or ethically justified and that positive discrimination in favour of the other balancing principles is urgently needed in order to avoid some sinister results This book is a sustained attack on the hegemony of the idea of autonomy in medical ethics and law Charles Foster is no respecter of authority whether of university professors or of law Lords He grabs his readers by their lapels and shakes sense into them through a combination of no nonsense rhetoric and subtle argument that is difficult to resist Tony Hope Professor of Medical Ethics Oxford University This book is unlikely to be in pristine state by the time you have finished reading it Whether that is because you have thrown it in the air in celebration or thrown it across the room in frustration will depend on your perspective But this book cannot leave you cold It is a powerful polemic on the dominance of autonomy in medical law which demands a

reaction Charles Foster sets out a powerful case that academic medical lawyers have elevated autonomy to a status it does not deserve in either ethical or legal terms In a highly engaging accessible account he challenges many of the views which have become orthodox within the academic community This will be a book which demands and will attract considerable debate Jonathan Herring Exeter College Oxford University This is a learned lively and thought provoking discussion of problems central to the courts approach to ethical issues in medical law What principles are involved More significantly which really underlie and inform the process of seeking justice in difficult cases Charles Foster persuasively argues and demonstrates that respect for autonomy is but one of a number of ethical principles which interact and may conflict He also addresses the sensitive issue of the extent to which thoughts and factors which go to influence legal decisions may not appear in the judgments Adrian Whitfield QC Introducing the Jake La Motta of medical ethics Foster is an academic street fighter who has bloodied his hands in the court room He provides a stinging relentless ground attack on the Goliath of medical ethics the central place of autonomy in liberal medical ethics This is now the first port of call for those who feel that medical ethics has become autonomized Julian Savulescu Uehiro Chair in Practical Ethics University of Oxford This important book offers a robust challenge to anyone whether lawyer or ethicist who sees respect for autonomy as the only game in town It argues eloquently and effectively that on the one hand despite the reverence paid to it by judges in practice the law even in the context of consent weaves together a number of moral threads of which autonomy is merely one in the pursuit of a good decision It argues on the other hand that were the day to day practice of law to be guided primarily by respect for autonomy this would be wrong Foster concludes that whilst any society that does not have laws robustly protecting autonomy is an unsafe and unhappy one so too would be a society in which too much emphasis was placed on respect for autonomy at the expense of other important moral principles This is essential reading for anyone interested in the role of autonomy and indeed of medical ethics in the law Michael Parker Professor of Bioethics University of Oxford [Dreeben-Irimia's Introduction to Physical Therapy Practice for Physical Therapist Assistants](#) Christina M. Barrett, 2019-11-12 Dreeben Irimia s Introduction to Physical Therapy Practice for Physical Therapist Assistants Fourth Edition introduces students to the role of the physical therapist assistant in physical therapy care **Medical Law: A Very Short Introduction** Charles Foster, 2013-02-28 Medicine evolves fast and medical law tries to keep up It deals with some of the most fascinating fundamental and difficult questions about the human body and mind Charles Foster surveys the principles governing medical law [Medical Law in Austria](#) Aline Leischner-Lenzhofer, Danielle Noe, Claudia Steinböck, Gisela Ernst, 2022-08-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the law affecting the physician patient relationship in Austria Cutting across the traditional compartments with which lawyers are familiar medical law is concerned with issues arising from this relationship and not with the many wider juridical relations involved in the broader field of health care law After a general introduction the book systematically

describes law related to the medical profession proceeding from training licensing and other aspects of access to the profession through disciplinary and professional liability and medical ethics considerations and quality assurance to such aspects of the physician patient relationship as rights and duties of physicians and patients consent privacy and access to medical records Also covered are specific issues such as organ transplants human medical research abortion and euthanasia as well as matters dealing with the physician in relation to other health care providers health care insurance and the health care system Succinct and practical this book will prove to be of great value to professional organizations of physicians nurses hospitals and relevant government agencies Lawyers representing parties with interests in Austria will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of medical law in the international context     *Dreeben-Irimia's Introduction to Physical Therapist Practice for Physical Therapist Assistants* Barrett,Christina M. Barrett,2016-01-22 Preceded by Introduction to physical therapy for physical therapist assistants Olga Dreeben Irimia 2nd ed 2011     *A New Era for Mental Health Law and Policy* Piers Gooding,2017-10-13 International human rights law challenges core tenets of mental health law policy and practice This book explores this challenge



## The Enigmatic Realm of **Principles Of Medical Law**: Unleashing the Language is Inner Magic

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