

DOCTOR-PATIENT RELATIONSHIP

Doctor-Patient Relationship Models

Informative
Doctor Provides
Facts to the Patient

Interpretive
Doctor helps the Patient
Find their Preference

Paternalistic
Doctor Decides
for the Patient

Deliberative
Doctor, Tells his
Preferences too



Reasonable Care Legal Perspectives On The Doctor Patient Relationship

Margaret Brazier



Reasonable Care Legal Perspectives On The Doctor Patient Relationship:

Reasonable Care Harvey Teff, 1994 Though more and more medical disputes are reaching the courts English law still reflects the fundamental belief that doctors should be allowed to set their own standards Criticism of this situation as of medical paternalism itself centres on the denial of patients rights The interest that patients have in their well being should not however be expressed exclusively through the assertion of rights Though patients increasingly wish to be involved in decisions about their treatment unqualified self determination and moves toward contractualism in the restructured NHS may prove detrimental to patient welfare A collaborative approach to medical care can offer distinctive therapeutic advantages as well as due respect for patient autonomy In the key legal area of liability for negligence it would be consistent with legal principle and with developments in other jurisdictions to accord less weight to customary practice and more to patients reasonable expectations This book offers a sustained treatment of these issues primarily as they arise in the hospital setting but also within the context of a wide range of diverse therapies As such it provides a unique analysis of the central areas of medical law written in a fashion which will appeal to anyone with an interest in medicine health care and the law

Inspiring a Medico-Legal Revolution Pamela R. Ferguson, Graeme T. Laurie, 2016-03-09 This book marks the retirement of Professor Sheila McLean whose contribution to the discipline of medical law has been truly ground breaking As one of the pioneers of the discipline Sheila McLean inspired a revolution in the ways in which lawyers doctors courts and patients perceive the relationship between medicine and the law The first International Bar Association Professor of Law and Ethics in Medicine she has worked tirelessly to champion the importance of law s role in regulating medicine and protecting patients rights The span in content of this book reflects the range of contributions that Professor McLean has herself made Her work gave direction and shape to a new field of study at a time when few questioned the authority of medicine or thought much about the plight of the patient This collection brings together 21 leading scholars in healthcare law and ethics to honour the depth and significance of her contribution Including authors from the US Australia Canada and New Zealand the contributions cover areas as diverse as start and end of life reproductive rights and termination of pregnancy autonomy of patients the protection of vulnerable patient groups and the challenges posed by new technologies

Medical Law: Text, Cases, and Materials Emily Jackson, 2013-08-15 Providing a clear and accessible guide to medical law this work contains extracts from a wide variety of academic materials so that students can acquire a good understanding of a range of different perspectives

The Impact of European Rights on National Legal Cultures Miriam Aziz, 2004-07 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T

H Marshall's typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other

Disputing Doctors

Mulcahy,2003-08-01 What are patient experiences of making complaints against doctors and what do they seek to achieve How do doctors and managers respond to complaints and what do their responses reveal about the implicit tensions in the doctor patient relationship What is the significance of the increasing incidence of disputes for approaches to the delivery of medical care This book looks at the dynamics of doctor patient disputes Reflecting on fifteen years of empirical research in the NHS it considers the contexts in which these disputes arise the different ways in which the parties construct disputing narratives and moral identities in the course of making and defending their claims and the extent to which existing systems for resolving disputes are sensitive to their needs This publication is timely Since the 1970s there has been an increasing amount of concern about the rise in complaints and medical negligence claims made by patients and their relatives Based on research with patients relatives doctors and NHS managers the book analyses how they perceive these disputes and what they seek to achieve by holding each other to account *Disputing Doctors* is valuable reading for all students researchers and academics working in the fields of the sociology of health and illness socio legal studies law and medicine medical sociology nursing and health policy

Hayes and Williams' Family Law Mary Hayes,Stephen Gilmore,Lisa Glennon,2012-08-23 Rev ed of *Family law principles policy and practice* 2nd ed c1999

The Impact of Ideas on Legal Development Michael Lobban,Julia Moses,2014-07-31 How have social and philosophical ideas influenced the development of tort law in Europe

Autonomy, Consent and the Law Sheila A.M. McLean,2009-09-10 The notion that consent based on the concept of autonomy underpins a good or beneficent medical intervention is deeply rooted in the jurisprudence of most countries throughout the world *Autonomy Consent and the Law* examines these notions in the UK Australia and the US and critiques the way in which autonomy and consent are treated in bioethics and law

Simester and Sullivan's Criminal Law J J Child,A P Simester,J R Spencer,F Stark,G J Virgo,2022-09-15 undoubtedly a first rate companion for any undergraduate or post graduate law course John Taggart *Criminal Law Review* This outstanding account of modern English criminal law combines detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings Primarily it is written for undergraduate students of criminal law covering all subjects taught at undergraduate level The book's philosophical approach ensures students have a deeper understanding of the law that goes beyond a purely doctrinal knowledge As a result over its numerous editions it has become required reading for many criminal law courses The 8th edition covers all

statutory law including the Assaults on Emergency Workers Act 2018 and Domestic Abuse Act s 71 Case law discussions now cover Grant complicity Barton dishonesty Broughton Field Kuddus and Rebelo homicide and AG s Ref No 1 of 2020 sexual offences

Handbook on Legal Contemporary Issues in India Ashish Kumar Rai, 2022-11-15 Since the professed idea of this book is to provide an opportunity for the Law Students Academicians and Advocates to publish their handpieces in a book of compiled chapters The chapters are collected under the event Call for Chapters which was organized by The Advocates League The Handbook on Legal Contemporary Issues in India will guide students throughout their educational endeavors and support the development of the educational system It will include the pertinent topics in the contemporary legal and social issues that will be helpful for law students as well as those who are beginning their careers in the legal field to have a clear and fundamental understanding of the issues happening in the country This book is also beneficial for researchers academicians and reviewers and supportive for legal institutions as well as organizations This book expresses the diversified views of the various Authors and Co Authors gives it a special touch and provides the opportunity for the reader to explore different opinions and ideas This framework of the book makes it unique and distinguishes it from other books This book is an outcome of the diligent editing work of Ms Tripti Bhushan Ma am This book contains a lucid exposition of essays articles studies research and analysis that discuss a variety of themes such as Indian judiciary Constitutional Laws Civil and Criminal Laws Intellectual Property Laws Cyber Laws International Laws Data Privacy and Security Consumer Laws Women and Child Laws Money Laundering Media Laws and so on

Law and Ethics in Nursing and Health Care Judith Hendrick, 2000 Provides an overview of the British legal and ethical issues that nurses and other health professionals come across Hendrick Oxford Brookes U discusses the relationship between law and ethics and how at times they overlap or diverge Chapters include case studies theoretical discussion possible outcomes and a summary of how the legal and ethical approaches compare They also examine the patient client relationship confidentiality consent responsibility and accountability as well as the relationship between the law codes of practice and health care circulars The book includes guidelines from professional bodies Distributed in the US by ISBS c Book News Inc

Medicine, Ethics and the Law in Ireland Deirdre Madden, 2011-01-01 Written by one of Ireland s leading medical law academics this practical book comprehensively covers Irish case law and regulations regarding the healthcare system the law relating to human reproduction and the key issues of consent and treatment Designed to be used by lawyers and healthcare professionals the book provides an invaluable reference tool for anybody who requires accurate information and guidance on this area of Irish law This second edition covers medical research and clinical trials organ donation and transportation patient safety and biobanking

Medicine, patients and the law Emma Cave, Margaret Brazier, Rob Heywood, 2023-06-06 Embryo research cloning assisted conception neonatal care pandemic vaccine development saviour siblings organ transplants drug trials modern developments have transformed the field of medicine almost beyond recognition in recent decades and the law

struggles to keep up In this highly acclaimed and very accessible book Margaret Brazier Emma Cave and Rob Heywood provide an incisive survey of the legal situation in areas as diverse as fertility treatment patient consent assisted dying malpractice and medical privacy The seventh edition of this book has been fully revised and updated to cover the latest cases Brexit related regulatory reform and COVID 19 pandemic measures Essential reading for healthcare professionals lecturers medical and law students this book is of relevance to all whose perusal of the daily news causes wonder hope and consternation at the advances and limitations of medicine patients and the law

Simester and Sullivan's Criminal Law
A P Simester, J R Spencer, G R Sullivan, G J Virgo, 2014-07-18 This is the fifth edition of the leading textbook on criminal law by Professors Simester Spencer Sullivan and Virgo Simester and Sullivan is an outstanding account of modern English criminal law combining detailed exposition and analysis of the law with a careful exploration of its theoretical underpinnings Primarily it is written for undergraduate students of criminal law and it has become the set text in many leading universities Additionally the book is used as an important point of reference in academic writing and postgraduate research in England and abroad Simester and Sullivan has been cited by appellate courts throughout the world There have been a large number of important appellate decisions since the last edition of this work This new case law among other things provides helpful guidance for the interpretation of offences under the Serious Crime Act 2007 and of the defence of loss of control provided by the Coroners and Justice Act 2009 There have been significant developments in the laws relating to rape self defence and defence of property and duress Special mention should be made of the continuing stream of appellate cases regarding the nature and scope of secondary liability in the crimes of others

Revisiting Landmark Cases in Medical Law Shaun D. Pattinson, 2018-09-27 Is it lawful for a doctor to give a patient life shortening pain relief Can treatment be lawfully provided to a child under 16 on the basis of her consent alone Is it lawful to remove food and water provided by tube to a patient in a vegetative state Is a woman's refusal of a caesarean section recommended for the benefit of the fetus legally decisive These questions were central to the four focal cases revisited in this book This book revisits nine landmark cases For each a new leading judgment is attributed to an imagined judge Athena who operates within the constraints of the legal system of England and Wales Her judgments accord with an innovative legal theory referred to as modified law as integrity and are linked as a line of precedent The result is a re spinning of extant judicial threads into a web of legal principles with a greater claim to coherence and defensibility than those in the original cases The book will be of great interest to scholars and students of medical law criminal law bioethics legal theory and moral philosophy

Medical Negligence in Victorian Britain
Kim Price, 2015-02-26 Medical Negligence in Victorian Britain is the first detailed exploration of the hundreds of charges of neglect against doctors who were contracted to the new poor law after the Poor Law Amendment Act of 1834 The author moves beyond the hyperbole of Victorian public scandal to use medical negligence as a prism through which to view hidden aspects of poor law doctors and their patients This provides a uniquely grounded perspective from the day to day experience

of medical practice for both doctor and patient to the context of the medico political socio legal and cultural processes that underpinned the social construction of negligence at this time The result is a clearly enunciated description of what negligence meant to the Victorians and how they sought to define and deal with negligent care moving the topic from the sidelines of English welfare history to the centre stage role it played in Victorian society Thematically and chronologically arranged in two parts the book uses extensive new archival material with a particular focus on the official inquiries into neglect conducted by poor law inspectors It offers a fresh perspective on the poor laws that has repercussions for wider histories of welfare medicine and legal medicine

Law and healing Margaret Brazier,2023-03-14 This book delves into medico legal history travelling back in time to explore English law s fascinating and often acrimonious relationship with healing and healers Challenging assumptions that medical law is a recent development Law and healing traces the regulation of healers from the Church s dominance to legal battles fought among medical practitioners As well as considering the history of the regulation of healers this book addresses moral issues such as abortion bodily sovereignty and the use of cadavers in research It highlights how fundamental legal and ethical questions continue to resurface for example from controversy in the Renaissance over human dissection to modern day debates about organ donation Law and healing provides a colourful but critical account of the longstanding and often fraught relationship between two fundamental pillars of human society

Delict Francis McManus,2012-01-06 e Recognising the multi faceted nature of this Scots law Francis McManus and Eleanor Russell have produced this all encompassing guide to delict With numerous case studies and questions for discussion after each chapter this is essential reading for all students encountering delict for the first time as well as practitioners who require a ready reference for their practice The Scots law of delict encompasses a vast array of legal sources and contradictions Many elements are modern and highly developed while others remain ancient and obscure The majority of delictual principles are case law driven yet increasingly legislation plays a part Further although the concept of delict is limited to the Scottish jurisdiction private international law cannot be ignored e

European Neonatal Research Su Mason,Chris Megone,2020-10-07 This title was first published in 2001 An important book presenting the results of the European Union funded EURICON project in biomedical ethics Involving experts in eleven countries this project was motivated by European neonatal clinicians concerns about the problem of obtaining informed consent in neonatal research It addressed the difficulties of obtaining consent from subjects involved in such research and investigated the relevance and appropriateness of obtaining consent from parents The project also examined the work of Research Ethics Committees in Europe It explored their responses to EURICON s analysis of the views of clinicians and parents and their attitudes towards the relevant laws and legal requirements The wide geographical scope of the project enabled international comparisons of the opinions of clinicians and parents the legal frameworks governing neonatal research and the effectiveness of Research Ethics Committees This is the first such investigation on a European scale and it offers a unique interdisciplinary approach to

these issues Incorporating clinical ethical legal and sociological perspectives the results and recommendations presented in this book will be of widespread significance to practitioners researchers and policy makers throughout Europe and beyond

Issues in Human Rights Protection of Intellectually Disabled Persons Andreas Dimopoulos, 2016-05-06 This book develops a legal argument as to how persons with intellectual disability can flourish in a liberal setting through the exercise of human rights even though they are perceived as non autonomous Using Ronald Dworkin s theory of liberal equality it argues that ethical individualism can be modified to accommodate persons with intellectual disability as equals in liberal theory Current legal practices the case law of the ECtHR on disability the provisions of the UNCRPD and a comparative analysis of English and German law are discussed as well as suggestions for positive measures for persons with intellectual disability The book will interest academics human rights activists and legal practitioners in the field of disability rights

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