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Law and psychiatry—current and future perspectives

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We describe relevant interfaces between law and psychiatry and current ethical and legal views and changes within the past decades. Ideas of patient autonomy and patients' rights have been major drivers of changes in legal frameworks. We describe developments in the areas of patient information and informed consent, involuntary placement and involuntary treatment, use of coercive measures, forensic psychiatry, digital mental health, data privacy, physician liability, suicide, assisted suicide, euthanasia, end of life decision-making, advance directives, legal and illegal drugs, and delegation and substitution of professional activities. There is no unidirectional pathway between law and ethics. Views, conflicts, and requirements differ between countries and within countries and will need to be balanced according to the societies' changing values also in the future.

KEYWORDS

psychiatry, law, legislation, patient, patients' rights

Law and psychiatry: Interfaces

Psychiatry and law have many interfaces. Perhaps the classic example in the public's mind is the appearance of the psychiatric expert in the criminal court. However, the interfaces are much more numerous than this suggests and have increased over the years. While psychiatrists resisted any interference by the judicial system in their supposed sole competence until the middle of the 20th century, their profession, as in other areas of medicine, has since been shaped more and more by legal issues. Patients' rights apply equally to those with mental illness. The wider recognition of the fact has impacted treatment. Some of the challenges faced by psychiatry are similar to those in medicine in general and include questions regarding information disclosure, informed consent, data privacy, and liability in the event of treatment failures. A feature of psychiatry that is not unique to this specialty of medicine but gains most public attention is that it treats people who may temporarily or permanently lack the capacity for free decision-making. The necessity to make decisions on behalf of these people in an appropriate manner to protect their and others' rights makes them highly vulnerable to disrespectful or abusive practices. Thus, a central objective of legislation is to prevent misuse and to protect the rights of particularly vulnerable persons. Ideas around rights, autonomy, and the duty to protect have become central to the regulation of the profession. The tension between freedom and a duty of care, as well as self-determination and protection, has to be explored again and again. We will outline briefly the most relevant areas where legal frameworks follow the evolution of societal and ethical views on mental illness and

Psychiatry And Law

Ralph Slovenko



Psychiatry And Law:

Psychiatry in Law / Law in Psychiatry, Second Edition Ralph Slovenko, 2009-03-03 Psychiatry in Law Law in Psychiatry 2nd Edition is a sweeping up to date examination of the infiltration of psychiatry into law and the growing intervention of law into psychiatry Unmatched in breadth and coverage and thoroughly updated from the first edition this comprehensive text and reference is an essential resource for psychiatry residents law students and practitioners alike *Psychiatry in Law/law in Psychiatry: Law in psychiatry* Ralph Slovenko, 2002 Since c 1960 the interplay of psychiatry and law has emerged from an elective seminar to a topic of national prominence In its breadth and coverage Ralph Slovenko s Psychiatry and Law Law in Psychiatry provides a critical exposition of the many practices and basic premises of law and psychiatry It is a complete text for psychiatry residents or law students and an invaluable reference for practicing professionals in each field New approaches for practitioners are provided as well as material to assist them in preparing and documenting their cases Psychiatry and Law Law in Psychiatry is rooted in Dr Slovenko s previously published work Psychiatry and Law Little Brown 1973 which received the American Psychiatric Association s prestigious Manfred Guttmacher award *Psychiatry and the Law* Tobias Wasser, Rocksheng Zhong, 2024-03-29 This book is designed to help new psychiatrists and other medical professionals confront the complicated legal and ethical issues that arise at the intersection of the mental health and judicial systems The law provides the boundaries in which clinical care operates Appreciating these boundaries is particularly important when working with individuals whose rights may already be curtailed forensic settings for example Understanding how psychiatry and the law interface provides students and trainees with a foundation for building their skills and attitudes through training and beyond This text can guide or supplement education on the legal regulation of psychiatry the use of psychiatry to answer legal questions and the treatment of individuals with criminal justice involvement In the second edition of this text the editors have updated several chapters with new information and added chapters covering topics not addressed in the first edition Each chapter begins with a clinical case vignette that brings the topic to life through a clinical encounter the majority of which are based on landmark legal cases that set a historical precedent The text presents details of the legal case historical significance and the precedent it set before discussing the core principles of the subject area Each chapter reviews the existing literature and reinforces the most salient points Topics include risk assessment substance misuse and the law legal issues within child and adolescent psychiatry involuntary medication considerations and other challenges that are often not sufficiently addressed in training Psychiatry and the Law Basic Principles covers a wide range of topics that would be suitable for use as the basis of a course in forensic psychiatry for psychiatry residents and is an excellent resource for new psychiatrists psychologists social workers students and other professionals navigating medical and legal boundaries in clinical practice *Clinical Handbook of Psychiatry & the Law* Paul S. Appelbaum, Thomas G. Gutheil, 2007 Thoroughly updated for its Fourth Edition this award winning handbook gives mental health professionals

authoritative guidance on how the law affects their clinical practice Each chapter presents case examples of legal issues that arise in practice clearly explains the governing legal rules their rationale and their clinical impact and offers concrete action guides to navigating clinico legal dilemmas This edition addresses crucial recent developments including new federal rules protecting patients privacy regulations minimizing use of seclusion and restraint liability risks associated with newer psychiatric medications malpractice risks in forensic psychiatry and new structured assessment tools for violence risk suicidality and decisional capacity

Almost a Revolution Paul S. Appelbaum, 1994 Doubts about the reality of mental illness and the benefits of psychiatric treatment helped foment a revolution in the law's attitude toward mental disorders over the last 25 years Legal reformers pushed for laws to make it more difficult to hospitalize and treat people with mental illness and easier to punish them when they committed criminal acts Advocates of reform promised vast changes in how our society deals with the mentally ill opponents warily predicted chaos and mass suffering Now with the tide of reform ebbing Paul Appelbaum examines what these changes have wrought The message emerging from his careful review is a surprising one less has changed than almost anyone predicted When the law gets in the way of commonsense beliefs about the need to treat serious mental illness it is often put aside Judges lawyers mental health professionals family members and the general public collaborate in fashioning an extra legal process to accomplish what they think is fair for persons with mental illness Appelbaum demonstrates this thesis in analyses of four of the most important reforms in mental health law over the past two decades involuntary hospitalization liability of professionals for violent acts committed by their patients the right to refuse treatment and the insanity defense This timely and important work will inform and enlighten the debate about mental health law and its implications and consequences The book will be essential for psychiatrists and other mental health professionals lawyers and all those concerned with our policies toward people with mental illness

The Journal of the American Academy of Psychiatry and the Law, 2000

Law in the Practice of Psychiatry Seymour L. Halleck, 2012-12-06 Once upon a time only forensic psychiatrists had much to do with law and the legal system Now hardly a day passes in the life of a clinician without some significant encounter with the interface between the law and the practice of psychiatry That interface extends all the way from the general regulation of clinical practice to the specifics of clinical management of individual patients It includes like the chapters of this book such important topics as informed consent right to treatment privilege and confidentiality patients rights competency psychiatric testimony malpractice and liability Dr Halleck is one of the professions most distinguished thinkers and authors in the field of psychiatry and law and is this year's recipient of the coveted Isaac Ray Award of the American Psychiatric Association Having spent his entire academic and professional life deeply involved in the clinical practice of psychiatry he is particularly well suited to understand and respond to the clinician's need for a clear and concise elucidation of those areas of psychiatry and law which are involved in the daily work of psychiatrists and all mental health professionals

Psychiatry — Law and Ethics Amnon Carmi, Stanley Schneider, Albert Hefez, 2013-03-08 The

prostitution of the German psychiatric profession into a Nazi inquisitional tool was a major factor producing the total degradation of German medicine and morality. Its low point was its psychiatrists killing the patients they were sworn to care for and its other physicians performing inhuman experiments on patients they were pledged to treat. In America also psychiatry has been performing some of the functions of an Inquisition injuring innocents both patients and dissenters and exculpating criminals terrorists especially. Innocents are being injured both in and out of psychiatric hospitals. The increased fragmentation of care, the augmentation of its discontinuities and assigning the responsibility for organizing it to non medical managers are some of the factors worsening the treatment results of our hospitals. Wrongful deaths due largely to the specialty's intoxication with drugs while ignoring the importance of common human decency have become a national scandal.

Psychiatry in Law/law in Psychiatry Ralph Slovenko, 2009 Previous edition published in 2002 *Ethical Practice in Psychiatry and the Law* Richard Rosner, Robert Weinstock, 2013-11-11 We would expect a successful series such as *Critical Issues in American Psychiatry and the Law* to present timely relevant issues in a high quality manner and such is the hallmark of this outstanding series. But we might not expect the editors to dive into the especially controversial issues e.g. ethics and I applaud them for doing so and in such a comprehensive and thorough fashion. Public and professional concern about ethical aspects of psychiatrists' behavior and practice is growing and exponentially. Concern about the ethical practice of modern forensic psychiatry is paralleled by deep seated apprehension not only about the ethical dilemmas of psychiatry and medicine e.g. societal versus individual patient values, the corporatization of medicine, access to versus cost of medicine but also about the widely publicized ethical transgressions of religious and political leaders. That's why this volume is so timely and important. Ethics, the principles and rules of right conduct. Sounds simple. We know it is not. When I'm asked by colleagues to consider the perceived unethical behavior of a fellow professional I often find that like obscenity they can't always define it but they are definite that they know it when they see it. The perception of ethical conduct often appears to be in the eyes of the beholder. Read this volume. It may not always please you. Well that's why you will want to it may upset you and even offend you but it will definitely inform you. Clinical Psychiatry and the Law Robert I. Simon, 2003-07-01 Updates to this edition. Clinical and legal issues in the use of clozapine in treatment of schizophrenia. Clinical information and new cases involving tardive dyskinesia. Changes in civil and criminal law regarding right to refuse treatment. An update of clinical guidelines and legal regulations of ECT. An update on suicide risk assessment and new legal cases involving suicide. An update on violence risk assessment and new legal cases involving the duty to protect endangered third parties. New statutes and criminal sanctions regarding sexual misconduct. New statutes limiting the liability of therapists toward third parties who are injured or killed by patients. Changes in the relationship between psychiatrists and nonmedical therapists. Regulatory developments regarding physician impairment. Numerous tables and an updated glossary of legal terms. New section on common terms and abbreviations in legal citations. *Psychiatry and the Law* Warren J. Brookbanks, 1996 Purpose to

provide a general introduction to forensic psychiatry in New Zealand P vii **Psychiatry and the Law** Warren J. Brookbanks, 2007

Neither Bad Nor Mad Deidre N. Greig, 2002 This book looks at what happened when the government of Victoria Australia enacted special legislation to detain one person with a severe antisocial personality disorder on the grounds of his presumed dangerousness despite the fact that he did not fit within the ordinary criteria of mental illness or criminality

Clinical Handbook of Psychiatry and the Law Thomas G. Gutheil, Paul S. Appelbaum, 2019-05-01 Written by two renowned leaders in the field the much anticipated fifth edition of *Clinical Handbook of Psychiatry and the Law* offers mental health professionals authoritative guidance on how today's law affects clinical practice Each chapter in this award winning reference presents case examples of legal issues often seen in day to day practice clearly explains the governing legal rules their rationale and their clinical impact and offers concrete action guides to navigating clinicolegal dilemmas It's a must have resource for anyone in the mental health field who needs an easy to read practical handbook addressing both longstanding legal ethical issues and crucial recent developments in the field

Review of Clinical Psychiatry and the Law Robert I. Simon, 1991-10 In keeping with previous volumes in this series this latest edited collection addresses emerging legal pressure points in clinical psychiatric practice Supported by recent references to case law case vignettes and useful assessment tools this volume offers guidelines to clinicians on such issues as establishing an appropriate standard of disclosure in informed consent dealing with the problem of dual loyalties assessing patient suicide risk and following proper procedure in the event a patient does commit suicide

Psychiatry and Law Ralph Slovenko, 1973

The ^ARoots of Modern Psychology and Law Thomas Grisso, Stanley L. Brodsky, 2018-03-01 The *Roots of Modern Psychology and Law* A Narrative History reveals how the field developed during the first decade following the founding of the American Psychology Law Society The contributors to this edited volume widely considered to be among the founders of the field were responsible for establishing and nurturing many of the subfields and topics in psychology and law or forensic psychology that flourished across the next fifty years

Concise Guide to Psychiatry and Law for Clinicians Robert I. Simon, 1992 A revised edition of *Concise Guide to Psychiatry and Law* this pocket sized guide organizes a wealth of information into a quick reference format

Mental Health and Law Alan A. Stone, Clifford D. Stromberg, 1975

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