

**Medical Law for the Attending Physician: A Case-Oriented Analysis.** By Salvatore F. Fiscina, M.D., J.D. (Southern Illinois Univ. Press, Carbondale, Ill.) (1982) 485 pp., \$40.00.

Many health care professionals regard the increasing prominence afforded medicolegal considerations as an unnecessary intrusion and an undesirable impediment to the delivery of quality care. In part, these negative attitudes reflect both misunderstanding of the intended role of law in medicine and from confusion regarding the language of law and its translation into practice. Salvatore Fiscina, M.D., J.D., a coauthor of the West casebook on *Law and Medicine*, takes here a major step towards the interpretation and clarification of medical jurisprudence.

Fiscina's book is divided into two parts: case studies and clinicolegal teaching cases. The case studies section is divided into nine chapters. The first two chapters deal with the nature, functions, responsibilities, and variations of the physician-patient relationship. Chapters III thru VI cover specific elements of the physician-patient relationship, such as diagnosis, therapeutics, communications, and consent. Chapter VII deals with problems related to multiple health care providers, Chapter VIII with records, access, and confidentiality, and Chapter IX with the patient's conduct and compliance. Each section begins with a short and succinct discussion of legal definitions and concepts. This substantive material is followed by representative case law. Fiscina has rewritten standard cases in a lucid, narrative style to make them understandable for the medical reader. While excluding much of the discussion regarding causation and damages, he emphasizes the physician's duty and its breach in delineating a standard of care.

Part II, the clinicolegal teaching cases, is a unique feature of Fiscina's approach. The use of case law as the basis for legal education has a time-honored tradition. Similarly, clinical pathologic correlations and morbidity and mortality rounds are regularly

encountered by the attending physician. Review of these medical cases serves as a retrospective analysis which allows the practitioner to sharpen and challenge his skills, learn from his mistakes, and review current literature and expert consultation. Fiscina uses elements of both formats in his clinicolegal cases. These vignettes are short and focus on due diligence as the standard of care. Sixty-one cases are presented with the facts, allegations of the plaintiff, and a subsequent discussion of the issues and holdings. Fiscina helpfully lists each case by descriptive summary, inventory of clinical condition, management, and specialty. This listing of the cases as well as their correlation to the chapters of Part I allows for directed study and reading.

*Medical Law for the Attending Physician* is readable, objective, and balanced in its approach. Major principles are distilled from complex procedural issues which are confusing and of less concern to the attending physician. A table of cases is provided in the appendix for those interested in formal case citations, and a helpful glossary of legal terminology is provided for the specific legal concepts which migrate into the text.

Fiscina's goal in writing this text is to provide us with a source "primarily for the attending physician" which is "intended to guide the practitioner through a journey which highlights medico-legal landmarks by illustrating professional conduct in the clinical context." He has accomplished his task with dedication and style. Yet, the major criticism of the book is, perhaps, Fiscina's insistence on casting the attending physician out on this journey prematurely and ill-prepared. Fiscina's book has no introductory discussion of how a case-oriented approach in the health law field can be useful to the attending physician in his or her practice and approach to patients. To have defined more clearly the "societal expectation for a physician's professional conduct under varying clinical circumstances," the author could first have presented the practitioner with an introduction to the concept, purpose, and function of medical jurisprudence. A frame-

work outlining the structure of constitutional, statutory, administrative, and common law is strikingly missing from this innovative, medically oriented text.

A second major concern with this text stems not from its content, method, or style, but rather from its suitability for its intended audience, the attending physicians. It is unlikely that the clinical medical practitioner will have either the time or energy to give this book the attention and effort it requires. This is an excellent text for interested health law students, be they in medicine, law, or public health. Perhaps a motivated attending physician in academia will be inclined and equipped to continue the dialogue which Fiscina has so admirably begun.

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● **Rights and Advocacy for Retarded People.** By Stanley S. Herr (Lexington Books, Lexington, Mass.) (1983) 257 pp., \$26.95.

Over a century ago, Dr. Samuel Gridley Howe, a pioneer in the field of mental retardation, shocked his colleagues by boldly suggesting: "Even idiots have rights which should be carefully considered." This revolutionary sentiment lay largely dormant over the years, however, until a recent crop of mental retardation professionals, this time trained in the ways of the law, began to advocate on behalf of their disabled clients. Few, if any, of these advocates have made as major a contribution to their effort to convert from the traditional alms model of charity and administrative benefits to a civil rights model predicated on entitlement and claim, as has the author of this volume. Leading counsel in landmark litigation and writer of a number of influential articles and reports, Stanley Herr, who is currently affiliated with the Columbia University Center for the Study of Human Rights, can proudly add this book to his already impressive list of credentials as one of America's premier

# **Rights And Advocacy For Retarded People**

**Cecil R. Reynolds, Elaine Fletcher-  
Janzen**



## **Rights And Advocacy For Retarded People:**

**Rights and Advocacy for Retarded People** Stanley S. Herr, 1983      *From Rights to Realities* Stanley S. Herr, 1979 The 1970s was a decade for discovery of the enforceable legal rights of disabled people. What does the coming decade hold in store? Where once disabled people were a silent minority, their consumer organizations and self-help groups will increasingly assert claims of right, not charity. The International Year of the Disabled will offer a time to formulate specific agendas to breathe life into noble declarations of principle and just statements of law. The International Year will also mark the tenth anniversary of the United Nations Declaration on the Rights of Mentally Retarded Persons. Will these events provoke a searching reassessment of existing legal protection at national, state, and local levels? Will this focus attention on governmental and private compliance with evolving international norms of decent treatment for and social integration of retarded persons? This paper examines some ways of strengthening legal advocacy services as a means of keeping society's promises to disabled people and turning broad rights into realities.

**Making All the Difference** Martha Minow, 2016-10-01 Should a court order medical treatment for a severely disabled newborn in the face of the parents' refusal to authorize it? How does the law apply to a neighborhood that objects to a group home for developmentally disabled people? Does equality mean treating everyone the same, even if such treatment affects some people adversely? Does a state requirement of employee maternity leave serve or violate the commitment to gender equality? Martha Minow takes a hard look at the way our legal system functions in dealing with people on the basis of race, gender, age, ethnicity, religion, and disability. Minow confronts a variety of dilemmas of difference resulting from contradictory legal strategies: strategies that attempt to correct inequalities by sometimes recognizing and sometimes ignoring differences. Exploring the historical sources of ideas about difference, she offers challenging alternative ways of conceiving of traits that legal and social institutions have come to regard as different. She argues in effect for a constructed jurisprudence based on the ability to recognize and work with perceptible forms of difference. Minow is passionately interested in the people, different people whose lives are regularly misshaped and misdirected by the legal system's ways of handling them. Drawing on literary and feminist theories and the insights of anthropology and social history, she identifies the unstated assumptions that tend to regenerate discrimination through the very reforms that are supposed to eliminate it. Education for handicapped children, conflicts between job and family responsibilities, bilingual education, Native American land claims: these are among the concrete problems she discusses from a fresh angle of vision. Minow firmly rejects the prevailing conception of the self that she believes underlies legal doctrine: a self seen as either separate and autonomous or else disabled and incompetent in some way. In contrast, she regards the self as being realized through connection, capable of shaping an identity only in relationship to other people. She shifts the focus for problem solving from the different person to the relationships that construct that difference, and she proposes an analysis that can turn difference from a basis of stigma and a rationale for unequal treatment into a point of human

connection The meanings of many differences can change when people locate and revise their relationships to difference she asserts The student in a wheelchair becomes less different when the building designed without him in mind is altered to permit his access Her book evaluates contemporary legal theories and reformulates legal rights for women children persons with disabilities and others historically identified as different Here is a powerful voice for change speaking to issues that permeate our daily lives and form a central part of the work of law By illuminating the many ways in which people differ from one another this book shows how lawyers political theorist teachers parents students every one of us can make all the difference Programs for the Handicapped ,1983 *The Human Rights of Persons with Intellectual Disabilities* Stanley S.

Herr, Lawrence Ogalthorpe Gostin, Harold Hongju Koh, 2003 Inequality Marcia H Rioux **Encyclopedia of Special Education** Cecil R. Reynolds, Elaine Fletcher-Janzen, 2007-02-26 The Third Edition of the highly acclaimed Encyclopedia of Special Education has been thoroughly updated to include the latest information about new legislation and guidelines In addition this comprehensive resource features school psychology neuropsychology reviews of new tests and curricula that have been developed since publication of the second edition in 1999 and new biographies of important figures in special education Unique in focus the Encyclopedia of Special Education Third Edition addresses issues of importance ranging from theory to practice and is a critical reference for researchers as well as those working in the special education field

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mental health clinician who provides services on either an inpatient or an outpatient basis It is written for psychiatrists psychologists social workers nurses and other therapists to help them understand and manage legal issues in their daily practice The issues covered apply to therapists who work for an agency or hospital as well as those who work independently The book is meant to serve as a handbook but it also provides a quick resource as legal questions arise which are related to the obligations of the therapist It addresses the legal issues that confront the clinician It is not aimed at the clinician who specializes in forensic mental health issues because the information provided does not reach that level of detail or sophistication Nor is it aimed at the scholar because our goal is to provide practical information in a clear and concise format We have not addressed the wide array of laws protecting the mentally disabled from discrimination most notably the Americans with Disabilities Act 1990 and the Fair Housing Act Most states also have laws that prohibit discrimination in employment services and housing These issues are beyond the scope of this book because we are addressing the legal issues that arise in providing care rather than the rights of mentally disabled persons

11 ORGANIZATION OF THE BOOK The book consists of eleven chapters and a Glossary of Legal Terms

**The Love Commandments** Edmund N. Santurri, William Werpehowski, 2009-11-01 Contents Introduction ix Gene Outka Universal Love and Impartiality 1 Edmund N Santurri Who Is My Neighbor Love Equality and Profoundly Retarded Humans 104 William Werpehowski Agape and Special Relations 138 David Little The Law of Supererogation 157 Timothy P Jackson Christian Love and Political Violence 182 John H Whittaker Agape and Self Love 221 Jean Porter Salvific Love and Charity A Comparison of the Thought of Karl Rahner and Thomas Aquinas 240 Ronald M Green Kant on Christian Love 261 John P Reeder Jr Analogues to Justice 281

**Embarking on a New Century** Robert L. Schalock, Pamela C. Baker, M. Doreen Croser, 2002 Captures the challenging and controversial era between 1975 2000 that led the field of intellectual disability into an age of community acceptance and inclusion This title includes chapters that focus themes such as public policy and health care

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## **Table of Contents Rights And Advocacy For Retarded People**

1. Understanding the eBook Rights And Advocacy For Retarded People
  - The Rise of Digital Reading Rights And Advocacy For Retarded People
  - Advantages of eBooks Over Traditional Books
2. Identifying Rights And Advocacy For Retarded People
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Rights And Advocacy For Retarded People
  - User-Friendly Interface
4. Exploring eBook Recommendations from Rights And Advocacy For Retarded People
  - Personalized Recommendations
  - Rights And Advocacy For Retarded People User Reviews and Ratings
  - Rights And Advocacy For Retarded People and Bestseller Lists

5. Accessing Rights And Advocacy For Retarded People Free and Paid eBooks
  - Rights And Advocacy For Retarded People Public Domain eBooks
  - Rights And Advocacy For Retarded People eBook Subscription Services
  - Rights And Advocacy For Retarded People Budget-Friendly Options
6. Navigating Rights And Advocacy For Retarded People eBook Formats
  - ePub, PDF, MOBI, and More
  - Rights And Advocacy For Retarded People Compatibility with Devices
  - Rights And Advocacy For Retarded People Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Rights And Advocacy For Retarded People
  - Highlighting and Note-Taking Rights And Advocacy For Retarded People
  - Interactive Elements Rights And Advocacy For Retarded People
8. Staying Engaged with Rights And Advocacy For Retarded People
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Rights And Advocacy For Retarded People
9. Balancing eBooks and Physical Books Rights And Advocacy For Retarded People
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Rights And Advocacy For Retarded People
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Rights And Advocacy For Retarded People
  - Setting Reading Goals Rights And Advocacy For Retarded People
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Rights And Advocacy For Retarded People
  - Fact-Checking eBook Content of Rights And Advocacy For Retarded People
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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