

MISHAP OR MALPRACTICE?

Clifford Hawkins

The Threat of Litigation
Competition From Quacks
Preventing Medical
Accidents
Confidentiality
Compensating Patients
Why Patients Complain
Defensive Medicine
Informed Consent

Translated by Robert M. Veatch, M.D., and
The National Bioethics Council
with David G. Thoma, M.D.

MISHAP OR MALPRACTICE?

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1977

Mishap Or Malpractice

Dieter Giesen



Mishap Or Malpractice:

Medical Malpractice: the Patient Versus the Physician United States. Congress. Senate. Government Operations, 1969 Exploring the Domain of Accident Law Don DeWees, David Duff, Michael Trebilcock, 1996-01-04 In the mid 1980s there was a crisis in the availability affordability and adequacy of liability insurance in the United States and Canada Mass tort claims such as the asbestos DES and Agent Orange litigation generated widespread public attention and the tort system came to assume a heightened prominence in American life While some scholars debate whether or not any such crisis still exists there has been an increasing political judicial and academic questioning of the goals and future of the tort system Exploring the Domain of Tort Law reviews the evidence on the efficacy of the tort system and its alternatives By looking at empirical evidence in five major categories of accidents automobile medical malpractice product related accidents environmental injuries and workplace injuries the authors evaluate the degree to which the tort system conforms to three normative goals deterrence corrective justice and distributive justice In each case the authors review the deterrence and compensatory properties of the tort system and then review parallel bodies of evidence on regulatory penal and compensatory alternatives Most of the academic literature on the tort system has traditionally been doctrinal or in recent years highly theoretical Very little of this literature provides an in depth consideration of how the system works and whether or not there are any feasible alternatives Exploring the Domain of Tort Law contributes valuable new evidence to the tort law reform debate It will be of interest to academic lawyers and economists policy analysts policy professionals in government and research organizations and all those affected by tort law reform **Medical Malpractice: the Patient Versus the Physician** United States. Congress. Senate. Committee on Government Operations. Subcommittee on Executive Reorganization, 1969 *Medical Malpractice and Compensation in Global Perspective* Ken Oliphant, Richard W. Wright, 2013-10-29 The papers in this collection are drawn from a symposium held in Vienna in December 2010 Organised by the Institute for European Tort Law and the Chicago Kent Law Review in collaboration with the European Centre of Tort and Insurance Law the conference drew together legal experts from 14 national or regional systems across six continents Medical malpractice and compensation for medical injuries are issues which regularly create tension and innovation in national legal systems but the analysis of these areas is often limited to national audiences This study examines the issues in a uniquely global context demonstrating the breadth of approaches currently taken around the world and revealing key areas of tension and the likely direction of future developments Wherever possible the analysis is supported by reference to empirical data The 14 legal systems covered in the collection are Austria Brazil Canada China France Germany Italy Japan New Zealand Poland Scandinavia South Africa the United Kingdom and the United States A general comparative introduction completes the collection **Mishap Or Malpractice?** Clifford Frank Hawkins, 1985-01-01 Medicine is an emotive subject and anything that goes wrong receives immense publicity Litigation against doctors is increasing An accusation of

negligence is sometimes correct but this legal term is feared by doctors as the cause may instead be an unavoidable medical accident This book gives an account of measures taken by doctors to protect themselves from unfair accusations and describes the law as it now affects the practice of medicine The descriptions of the hazards and pitfalls of practice should be of practical help to doctors and dentists the world over and of interest to lawyers

The Development of Medical Liability Ewoud Hondius, 2014-07-31 A historical examination of the liability of healthcare professionals in tort and other systems of compensation in various European countries

Complaints, Controversies and Grievances in Medicine Jonathan Reinartz, Rebecca Wynter, 2014-12-17 Recent studies into the experiences and failures of health care services along with the rapid development of patient advocacy consumerism and pressure groups have led historians and social scientists to engage with the issue of the medical complaint As expressions of dissatisfaction disquiet and failings in service provision past complaining is a vital antidote to progressive histories of health care This book explores what has happened historically when medicine generated complaints This multidisciplinary collection comprises contributions from leading international scholars and uses new research to develop a sophisticated understanding of the development of medicine and the role of complaints and complaining in this story It addresses how each aspect of the medical complaint between sciences professions practitioners and sectors within politics ethics and regulatory bodies from interested parties and patients has manifested in modern medicine and how it has been defined dealt with and resolved A critical and interdisciplinary humanities and social science perspective grounded in historical case studies of medicine and bioethics this volume provides the first major and comprehensive historical comparative and policy based examination of the area It will be of interest to historians sociologists legal specialists and ethicists interested in medicine as well as those involved in healthcare policy practice and management

International Medical Malpractice Law Dieter Giesen, 1988-09 This monograph is the most comprehensive comparative law study of legal responsibility arising from medical care presently available It is written for doctors as well as health care administrators and legal professionals Focusing on the problems of civil liability it presents the development points of contact with and differences between the modern law of medical liability stemming from both the Common Law and Civil Law traditions of England Scotland Eire New Zealand Australia Canada the United States South Africa France Belgium West Germany Switzerland and Austria It demonstrates the extent to which both problems of medical law and trends towards their solution are already familiar in these legal systems The work describes principles and trends not by confronting the reader with national reports and separate chapters on different legal systems rather the relevant legal problems are analyzed from an integrative comparative viewpoint The main thrust of the presentation is the analysis of numerous court decisions the number of which is rising ominously in the United States on the civil liability of doctors and hospitals for damages arising from substandard treatment or inadequate disclosure of information to the patient References to the legal and medical literature indexes and a refined system of cross references together with an important collection of appendices covering legal

and ethical declarations make this work accessible as a handbook and reference work for the legal and social problems encountered today in the wide area of law ethics and medicine

Movie Therapy for Law Students (and Pre-law, Paralegal, and Related Majors) Sonia J. Buck, 2009 Packed with black letter law dozens of exam study tips useful Internet links and other valuable resources for law students legal movie trivia and other interesting nuggets Geared toward law students but entertaining and straightforward enough for anyone

REVIEWS Alan M Dershowitz Esq Felix Frankfurter Professor Harvard Law Reversal of Fortune has been subject to many analyses over the years This one is the best I have seen for law students and a legal audience It really gets to the heart of the legal tactical and ethical issues in the case It would be extremely useful for law students who view the film to read this perceptive and insightful analysis Jon S Oxman Esq The analysis of Silkwood brings into focus the complex linkages among labor law workers compensation rights and federal and state statutory protections such as OSHA and whistleblower acts Watching Silkwood with the author's insights in mind will deepen the significance of both the movie and the law school experience Patricia E Weidler Esq I wish I had this book when going through law school It's perfect for those times when a student needs to step back from studying legal concepts and yet wishes to learn from a different angle Attorney Buck's book allows a student to take a couple of hours off and yet apply critical thinking skills analyze the issues and critique Hollywood's views on the law Reading this book will encourage lawyers law school students and armchair lawyers alike to look at real cases which sometimes are even stranger than the movies Susan Quigley Esq I wish I had this book when I was in law school Sonia does a great job of educating through her analyses of the movies a great teaching tool Links to longer reviews <http://aallspectrum.wordpress.com> 2009 11 17 book review movie therapy for law students and pre law paralegal and related majors <http://www.alnyethelawyer.com> al_nye_the_lawyer_guy 2009 12 movie therapy for law students by sonia j buck esq.html

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

Mech, 1991

Surgical Audit Alan Pollock, Mary Evans, 1989 Detailed

information on carrying out and evaluating audits of structure and process of outcome patient satisfaction ethics and publications Annotation copyrighted by Book News Inc Portland OR **The International Journal of Indian Psychology, Volume 2, Issue 1, No. 3** IJIP.In,2014-11-25 The International Journal of Indian Psychology ISSN 2348 5396 is an academic journal that examines the intersection of psychology home sciences and education IJIP is published quarterly and is available in electronic versions Our expedited review process allows for a thorough analysis by expert peer reviewers within a time line that is much more favorable than many other academic publications *Product Liability Insurance* United States. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee for Consumers,1977

Australasian Journal of American Studies ,1997 **Alternative Medical Liability Act** United States. Congress. House. Committee on Ways and Means. Subcommittee on Health,1984 Documentation for Rehabilitation - E-Book Lori Quinn,James Gordon,2024-04-12 Better patient management starts with better documentation Documentation for Rehabilitation 4th Edition demonstrates how to accurately document treatment progress and patient outcomes using a framework for clinical reasoning based on the International Classification for Functioning Disability and Health ICF model adopted by the American Physical Therapy Association APTA The documentation guidelines in this practical resource are easily adaptable to different practice settings and patient populations in physical therapy and physical therapy assisting Realistic examples and practice exercises reinforce the understanding and application of concepts improving skills in both documentation and clinical reasoning Workbook textbook format with examples and exercises in each chapter helps reinforce understanding of concepts Coverage of practice settings includes documentation examples in acute care rehabilitation outpatient home care nursing homes pediatrics school and community settings Case examples for a multitude of documentation types include initial evaluations progress notes daily notes letters to insurance companies Medicare documentation and documentation in specialized settings NEW Movement Analysis Linking Activities and Impairments content addresses issues related to diagnosis NEW An eBook version included with print purchase provides access to all the text figures and references with the ability to search customize content make notes and highlights and have content read aloud Updated case examples provide clinical context for patient documentation Revised content including updated terminology from the latest updates to the Guide to Physical Therapist Practice provides the most current information needed to be an effective practitioner Updated references ensure content is current and applicable for today s practice

Encyclopedia of Forensic and Legal Medicine ,2015-09-29 Encyclopedia of Forensic and Legal Medicine Volumes 1 4 Second Edition is a pioneering four volume encyclopedia compiled by an international team of forensic specialists who explore the relationship between law medicine and science in the study of forensics This important work includes over three hundred state of the art chapters with articles covering crime solving techniques such as autopsies ballistics fingerprinting hair and fiber analysis and the sophisticated procedures associated with terrorism investigations forensic chemistry DNA and

immunoassays Available online and in four printed volumes the encyclopedia is an essential reference for any practitioner in a forensic medical healthcare legal judicial or investigative field looking for easily accessible and authoritative overviews on a wide range of topics Chapters have been arranged in alphabetical order and are written in a clear and concise manner with definitions provided in the case of obscure terms and information supplemented with pictures tables and diagrams Each topic includes cross referencing to related articles and case studies where further explanation is required along with references to external sources for further reading Brings together all appropriate aspects of forensic medicine and legal medicine Contains color figures sample forms and other materials that the reader can adapt for their own practice Also available in an on line version which provides numerous additional reference and research tools additional multimedia and powerful search functions Each topic includes cross referencing to related articles and case studies where further explanation is required along with references to external sources for further reading

Medical Professional Liability and the Delivery of Obstetrical Care Institute of Medicine, Division of Health Promotion and Disease Prevention, Committee to Study Medical Professional Liability and the Delivery of Obstetrical Care, 1989-02-01 The second volume of an overall look at the malpractice crisis sheds fresh light on the civil justice and insurance systems medical liability issues and their combined effect on health care for mothers and children Topics include the liability implications of the rising rate of Cesarean sections an evaluation of the American Medical Association's proposed alternative to the justice system for resolving medical liability disputes and a review of legislative proposals under consideration

Nursing Malpractice Charles C. Sharpe, 1999-05-30 Students and professional nurses at any level of clinical practice will find this book to be a vital resource on the basic legal concepts and principles of malpractice liability and risk management and their implications for the profession The book also provides detailed strategies for dealing with these issues The content is also highly relevant to practitioners in all other health care and legal disciplines that collaborate in the delivery of health care Issues discussed include the expanding and evolving roles for professional nurses and the concomitant legal accountability and risk for liability the increasing incidence of nurses named as defendants in malpractice lawsuits anticipated changes in our health care delivery system and breakthroughs in science and technology that will present new legal questions The book also includes material on other important facets of today's nursing practice including the growing phenomenon of tele nursing the essentials of malpractice insurance and the legal significance of documentation and patients medical records It helps the reader identify the nurse at risk for a malpractice suit and the characteristics of the patient likely to sue The appendices provide information on state laws concerned with access to medical records a list of useful websites a list of state boards of nursing and a glossary of important terms

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