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The need for quality improvement and for cost saving are driving both individual choices and health system dynamics. The health services research that we need to support informed choices depends on access to data, but at the same time, individual privacy and patient-health care provider confidentiality must be protected.

In recent decades, advances in biomedical research have helped save or lengthen the lives of children around the world. With improved therapies, child and adolescent mortality rates have decreased significantly in the last half century. Despite these advances, pediatricians and others argue that children have not shared equally with adults in biomedical advances. Even though we want children to benefit from the dramatic and accelerating rate of progress in medical care that has been fueled by scientific research, we do not want to place children at risk of being harmed by participating in clinical studies. Ethical Conduct of Clinical Research Involving Children considers the necessities and challenges of this type of research and reviews the ethical and legal standards for conducting it. It also considers problems with the interpretation and application of these standards and conduct, concluding that while children should not be excluded from potentially beneficial clinical studies, some research that is ethically permissible for adults is not acceptable for children, who usually do not have the legal capacity or maturity to make informed decisions about research participation. The book looks at the need for appropriate pediatric expertise at all stages of the design, review, and conduct of a research project to effectively implement policies to protect children. It argues persuasively that a robust system for protecting human research participants in general is a necessary foundation for protecting child research participants in particular.

CONTENTS.

This book provides a comparative and accessible analysis of key areas of healthcare law, comparing English law with selected common and civil law jurisdictions within a framework of law and medical ethics, and encompassing pivotal cases, codes and legislation. The introduction examines medical decision making, and legal and ethical frameworks in Western and non-Western cultures. Part I examines healthcare law in England and Wales, including abortion, consent, confidentiality, children, euthanasia, persistent vegetative state patients, organ transplantation, sterilisation of the mentally incapacitated, surrogacy, UK cloning proposals and the landmark conjoined twins case. Part II covers non-English common law jurisdictions such as Australia, New Zealand, Ireland and certain American jurisdictions. Civil law examples focus on France and Germany, and, where appropriate, Scandinavian countries. International perspectives on abortion laws and euthanasia are also provided. The book concludes with a comparative overview, which highlights common healthcare themes across various jurisdictions. Comparative Healthcare Law brings together information never previously accessible within the covers of one volume, making this unique book indispensable for scholars and practitioners in the field of healthcare law.

The high profile cases of Charlie Gard, Alfie Evans, and Tafida Raqeeb raised the questions as to why the state intrudes into the exercise of parental responsibility concerning the medical treatment of children and why parents may not be permitted to decide what is in the best interests of their child. This book answers these questions. It argues for a reframing of the law concerned with the medical treatment of children to one which better protects the welfare of the individual child, within the context of family relationships recognising the duties which professionals have to care for the child and that the welfare of children is a matter of public interest, protected through the intervention of the state. This book undertakes a rigorous critical analysis of the case law concerned with the provision of medical treatment to children since the first reported cases over forty years ago. It argues that understanding of the cases only as disputes over the best interests of the child, and judicial resolution thereof, fails to recognise professional duties and public responsibilities for the welfare and protection of children that exist

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alongside parental responsibilities and which justify public, or state, intervention into family life and parental decision-making. Whilst the principles and approach of the court established in the early cases endure, the nature and balance of these responsibilities to children in their care need to be understood in the changing social, legal, and political context in which they are exercised and enforced by the court. The book will be a valuable resource for academics, students, and practitioners of Medical Law, Healthcare Law, Family Law, Social Work, Medicine, Nursing, and Bioethics.

Medical confidentiality has long been recognised as a core element of medical ethics, but its boundaries are under constant negotiation. Areas of debate in twenty-first century medicine include the use of patient-identifiable data in research, information sharing across public services, and the implications of advances in genetics. This book provides important historical insight into the modern evolution of medical confidentiality in the UK. It analyses a range of perspectives and considers the broader context as well as the specific details of debates, developments and key precedents. With each chapter focusing on a different issue, the book covers the common law position on medical privilege, the rise of public health and collective welfare measures, legal and public policy perspectives on medical confidentiality and privilege in the first half of the twentieth century, contestations over statutory recognition for medical privilege and Crown privilege. It concludes with an overview of twentieth century developments. Bringing fresh insights to oft-cited cases and demonstrating a better understanding of the boundaries of medical confidentiality, the book discusses the role of important interest groups such as the judiciary, Ministry of Health and professional medical bodies. It will be directly relevant for people working or studying in the field of medical law as well as those with an interest in the interaction of law, medicine and ethics.

This volume analyses how effectively criminal law operates as a forum for resolving ethical conflict in the delivery of health care.

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.

Healthcare professionals face an increasing threat of litigation from parties whom they have never met in their daily medical practice and who look nothing like the traditional patient. The so-called 'non-patient' may take many forms—for example, a person who is injured or killed by a mentally-ill, physically-disabled or diseased patient; a wrongfully-accused parent in a child neglect/abuse case; or a local authority which is put to the expense of caring for a negligently-treated patient. This book explores the legal principles and conundrums which arise when determining a healthcare professional's liability in negligence towards a wide variety of non-patients. The topic is assuming increasing legal importance and relevance, given the potential for many non-patient claims to give rise to class actions litigation, and in light of the legislative and human rights interventions, and the frequent appellate judicial consideration, which non-patient claims have attracted in recent times. The aim of the book is to have

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utility for both legal and medical professionals; for academics and students of comparative medical negligence and tort law; and for law reformers who may be interested in adopting certain features of statutory models elsewhere which pertain to some non-patient claims, such as those based upon 'Good Samaritan' conduct. Important parallels or counterpoints from other common law jurisdictions, in which courts and commentators have grappled with the legal complexities of non-patient claims, are also discussed and critically analyzed.

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