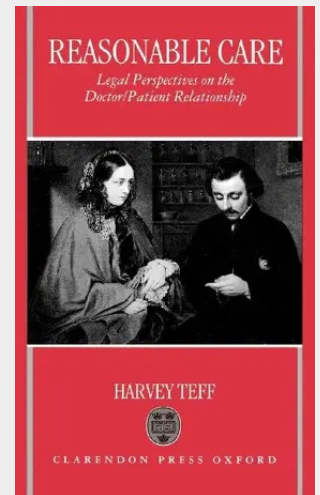


Reasonable Care

Legal Perspectives on the Doctor-Patient Relationship

Though more and more medical disputes are reaching the courts, English law still essentially allows doctors to set their own standards. Criticism of this stance, as of medical paternalism itself, centres on the denials of patients' rights. But the interest that patients have in their well-being should not be expressed exclusively through the assertion of rights. Unqualified self-determination and the moves towards contractualism in the restructured NHS may be detrimental to patient welfare. A collaborative approach to medical care can offer distinctive therapeutic advantages as well as due respect for patient autonomy. Increasingly, patients wish to be involved in decisions about their treatment. 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 looking too at a range of therapies in different contexts. As such it provides a unique analysis of the central areas of medical law written in a fashion that will be appealing to anyone with an interest in medicine, health care and the law.

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.



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