

November 2015

Table of Contents

DePaul College of Law

Follow this and additional works at: <https://via.library.depaul.edu/jhcl>

Recommended Citation

DePaul College of Law, *Table of Contents*, 1 DePaul J. Health Care L. (1997)
Available at: <https://via.library.depaul.edu/jhcl/vol1/iss4/1>

This Front Matter is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Journal of Health Care Law by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.

DEPAUL JOURNAL OF HEALTH CARE LAW

Volume 1

Summer 1997

Number 4

CONTENTS

ARTICLES

- Beware HMOs: The Future of HMO Medical
Malpractice Liability Is Uncertain *Neville M. Bilimoria* 711
- Defining "Health": Three Visions
and Their Ramifications..... *David S. Bloch* 723
William Robert Nelson, Jr.
- Medical Error Versus Malpractice *Marshall B. Kapp* 751
- Viatical Settlement and Accelerated Death
Benefit Law: Helping Terminally, but
Not Chronically Ill Patients *Alexander D. Eremia* 773
- Tardive Dyskinesia: Reducing Medical
Malpractice Exposure Through a
Risk-Benefit Analysis.....*John Baker* 799
- Placing Proper Limits on Battered
Woman Syndrome in Areas Beyond
Self-Defense: An Argument Against
Admission in Child Abuse
and Neglect Cases *Tobin P. Richer* 855
- CASE BRIEFS 911

DePaul University College of Law • Health Law Institute
Chicago, Illinois

Cite as 1 DEPAUL J. HEALTH CARE L.
Copyright 1996 DePaul University
All Rights Reserved
DEPAUL JOURNAL OF HEALTH CARE LAW

DePaul Journal of Health Care Law is published quarterly by the Health Law Institute at DePaul University College of Law. Subscriptions are \$50 per year; single issues cost \$15.00 per copy.

Subscriptions are accepted only on a per volume basis, are payable in advance, and will be renewed automatically unless notification to the contrary is received.

Change of address should be mailed to the *DePaul Journal of Health Care Law* at least thirty days before the next issue to ensure delivery. Include old and new address, with ZIP codes.

Back issues of the *DePaul Journal of Health Care Law* can be obtained directly from DePaul University College of Law.

Manuscripts submitted for publication in the *DePaul Journal of Health Care Law* must be typed and triple spaced with footnotes appended to the main body of the article. Citations must conform to *The Bluebook: A Uniform System of Citation* (15th ed. 1991), copyright by the Columbia, Harvard and University of Pennsylvania Law Reviews and the Yale Law Journal. Send manuscripts to:

Professor Donald H.J. Hermann
Editor-in-Chief
DEPAUL JOURNAL OF HEALTH CARE LAW
25 East Jackson Boulevard
Chicago, Illinois 60604-2287

Manuscripts will not be returned unless specifically requested.

Comments and suggestions regarding the content of this publication are invited.

As it is one objective of the *DePaul Journal of Health Care Law* to be a forum for the free expression and interchange of ideas, the opinions and positions stated in signed material are those of the authors and not by the fact of the publication necessarily those of the editors or of the Health Law Institute of DePaul University. Contributing authors are requested and expected to disclose any financial, economic or professional interest or affiliation that may influence positions taken or advocated in their articles. That they have done so is an implied representation by each author.

FROM THE EDITOR OF THE JOURNAL

With this issue, DePaul University College of Law's Health Law Institute inaugurates the publication of the DEPAUL JOURNAL OF HEALTH CARE LAW. This is a student-faculty edited publication that follows the model of an increasing number of subject focused law reviews. The publication will draw on the recognized tradition of scholarship and publication developed by the Health Law Institute over the last ten years.

The objective of this publication is to provide a forum for the best scholarship and analysis produced by practicing attorneys and established scholars, as well as young scholars and advanced law students. In addition, an invitation is being extended to the broad range of scholars and health care workers who are addressing issues in the health care field that are of interest to attorneys, public policy experts and scholars working in the health care field. The subject matter published in the JOURNAL will be as broad as the field itself, including such matters as corporate and regulating affairs, medical malpractice and informed consent, public policy issues in health care, legal aspects of medical ethics, and such specialized areas as AIDS, mental health law and public health law.

Health care law continues to be an explosive area with new and complex legal, ethical, and public policy issues arising almost daily. The objective of the DEPAUL JOURNAL OF HEALTH CARE LAW is to assist practitioners, public policy experts, scholars, students and the general public by providing explanation and analysis of important health law topics as well as review of recent legal developments.

I invite you to read this issue of the DEPAUL JOURNAL OF HEALTH CARE LAW and to see for yourself whether we are achieving our objectives.

Donald H.J. Hermann
Professor of Law and Philosophy
Director, Health Law Institute
Faculty Editor, DePaul Journal of Health Care Law

Subscription information is provided at the back of this issue
of the DEPAUL JOURNAL OF HEALTH CARE LAW.

Health Law Institute

DePaul University College of Law

DePaul University College of Law, through its Health Law Institute, has earned a reputation as offering one of the best health law programs in the country. That reputation has been built on a solid intellectual foundation. The program draws its strength from an interdisciplinary approach to health care law and policy, and from the pragmatic application of theory to policy development and effective representation of health law professionals. The institute is committed to a four-fold mission: research and scholarship; teaching; community service; and, professional and public programs.

DePaul University established the Health Law Institute in 1984 as a comprehensive program of interdisciplinary research and education in the field of health law. The institute provides law students, practicing attorneys and health care administration students with specialized training in health law, through the Master of Laws in Health Law and other degree and certificate programs. The institute also is committed to public education, in the form of national and community programs and through its publications. Blending the practical with the theoretical is the foundation of legal education at DePaul, and it is the guiding principle of the Health Law Institute.

The founder and director of the Health Law Institute is Professor Donald H.J. Hermann, one of the nation's foremost authorities on health law issues. His extensive research and writing on legal issues related to mental health, medical ethics, AIDS and corporate and regulatory issues in health care have established him as a recognized expert as well as an advocate for reform in all three areas. Professor Hermann has served as a consultant to government agencies dealing with health care and has testified before executive agencies and Congressional committees on health care issues.

Research and Publications

Research, more than any other component, defines the mission and the projects of the Health Law Institute. The institute's faculty and students work together on projects that cover every aspect of health law, from current health care system reform measures to medical malpractice to patient-assisted suicide. Often, this research leads to books or published articles in a wide range of law reviews and medical journals. But the institute's research efforts also extend far beyond the academic world. Proposed revisions to existing mental health statutes and model AIDS legislation, and regulations dealing with withholding and withdrawal of treatment, researched and drafted by students, have been introduced in the Illinois General Assembly and submitted to the U.S. Congress. The institute is now involved in the development of guidelines dealing with health care human rights issues, consumer rights and managed care, and a statutory framework for physician assisted suicide. Institute faculty members regularly testify before congressional committees and special commissions established to address emerging health care issues.

Joint Partnerships

Isaac Ray Center

Over the years, the Health Law Institute has formed alliances with other research organizations in the health care field that provide expanded opportunities for students. For over seven years, the institute has enjoyed a cooperative relationship with the Isaac Ray Center, of the Section of Law and Psychology at Rush-Presbyterian-St. Luke's Medical Center.

The Isaac Ray Center (IRC), of the Section of Law and Psychology at Rush-Presbyterian-St. Luke's Medical Center, is a research center staffed by psychiatrists, psychologists and lawyers who study the links between mental illness and criminal behavior. The IRC jointly offers courses on law and mental health issues with the Health Law Institute and provides DePaul's LL.M. in Health Law students with research and externship opportunities.

In a new program, the IRC coordinates with DePaul's Legal Clinic in filing psychological reports recommending custody and visitation arrangements for Cook County Circuit Court Domestic Relations cases.

Institute of Genetics, Law & Ethics

In 1992, the Health Law Institute teamed up with the Illinois Masonic Medical Center to establish the Institute of Genetics, Law & Ethics (IGLE). IGLE addresses issues arising from advances in medical genetics--an area of increasing controversy that calls upon medicine, law and ethics for examination and resolution. IGLE explores the impact of new genetic information on legal principles and practice, ethical considerations, and medical practice and standard of care.

IGLE cross-trains physicians, lawyers, ethicists and members of the clergy in the disciplines of genetics, health law and ethics, and offers a fellowship devoted to research in these fields. Through a course and lecture program that IGLE offers, DePaul's health law students learn about aspects of clinical genetics and ethics intrinsic to health law practice.

Community Outreach

The Health Law Institute is committed to improving professional and public awareness of important health law and public policy issues. Through national conferences and community programs, sometimes sponsored in cooperation with other organizations, the institute provides an interdisciplinary approach to medical, ethical and legal implications raised by the rapid and profound developments in medical science and the law. The institute's programs and conferences bring together experienced practitioners, academics and writers, whose combined backgrounds in law, medicine, philosophy and ethics create the interdisciplinary approach that the institute fosters.

Conferences and Seminars

From its inception, the Health Law Institute has presented a number of conferences and seminars on an annual basis that focus on the medical-scientific, ethical, legal and public policy aspects of significant and emerging issues in the field of health care. The programs are often co-sponsored with national and regional associations and professional groups that focus their attention on the issues being discussed. Conference topics have ranged from AIDS legal issues, to recent issues in genetics, and physician assisted suicide. Co-sponsors have included such seminars as:

- Psychological and Legal Aspects of Mild Head Injuries (with the Illinois Psychological Association)
- The Crisis in Health: Access to Women's Health Care (with the City of Chicago Commission on Women)
- Substance Abuse and the Pregnant Woman: Management and Legal Issues (with the Illinois Department of Alcohol and Substance Abuse)

Speaker Series

In 1993, the Health Law Institute launched a series of public lectures geared to clarifying issues associated with national health care reform. Most recently, the institute has been sponsoring a series of lectures on local, national and international problems in mental health law. In this time of heightened debate over public policy and health care concerns, the institute is providing an educational forum through which experts in the field discuss the health law and policy implications of various proposals.

Graduate Programs

DePaul's health law courses provide an interdisciplinary background in law, administration, medicine and ethics, vital to professionals in the health law field. Students benefit from what is perhaps the widest array of specialized health law courses available at any law school, dealing with ethical, corporate, regulatory, and policy issues.

The Master of Laws (LL.M.) in Health Law degree program provides formal training in health law for lawyers interested in pursuing careers in this growing specialty area. The LL.M. in Health Law opens up a broad range of attractive career opportunities for lawyers--in private law firm practice, as in-house counsel for hospitals and health care associations, or as attorneys and administrators for government agencies.

In addition to the LL.M. in Health Law, the institute offers a special group of courses for non-lawyer health care professionals, leading to a Certificate in Health Law. The Certificate in Health Law also is available to J.D. students. The institute also offers a Master of Science in Health Law and Administration in cooperation with DePaul University's Department of Management of Public Services.