

Health Care Choices: Using Private Contracts for Health Reform

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Health Care Choices Private Contracts As Instruments Of Health Reform

E. Haavi Morreim



Health Care Choices Private Contracts As Instruments Of Health Reform:

Health Care Choices Clark C. Havighurst, 1995 This text argues that private contracts would allow for more and genuine consumer choice based on real differences between competing health plans in content mixture and cost of services It further argues that contracts would establish set standards and obligations for all parties The Challenge of Regulating Managed Care John Eugene Billi, Gail Bopp Agrawal, 2010-02-01 Representatives of industry government caregivers and consumers join scholars and policy analysts in comparing market forces to regulation as potential means for righting what is wrong with managed care The contributors that John E Billi and Gail B Agrawal have gathered here quickly move the healthcare debate beyond the classroom think tank and statehouse to the boardroom and examining room Some argue strongly that the solution is to be found in the democratic process and government intervention while others maintain that only market forces in a competitive environment can respond quickly to the needs of consumers and purchasers alike The contributors diverse opinions about the oversight of managed care reflect an enduring divide one that will affect how society ultimately resolves questions about the inevitable tradeoffs among health care quality cost and access in an environment of limited resources The Challenge of Regulating Managed Care will appeal to policymakers those in the medical field and all readers interested in the American experience with managed care John E Billi is Associate Professor of Internal Medicine and Medical Education Associate Dean for Clinical Affairs University of Michigan Medical School and Associate Vice President for Medical Affairs University of Michigan Gail B Agrawal is Associate Professor of Law University of North Carolina Chapel Hill

American Health Care Roger D. Feldman, President Clinton's health care reform proposals of 1993 represented the most far reaching program of social engineering attempted in the United States since the passage of Medicare and Medicaid in 1965 Under the guise of reforming the health care system the Clinton plan would have herded almost all Americans under age sixty five into large government sponsored health insurance purchasing alliances that would have contracted with insurers to offer a standard set of benefits at regulated prices The plan came under fire from both Republicans and Democrats including moderates from both parties but it soon became apparent that what doomed it was a public unwilling to trust government to manage their health care The critical literature has failed to offer a cogent analysis of why government control of health care does not work American Health Care delivers that analysis This volume examines why untoward consequences usually follow when government sets out to do good things The contributors demonstrate how hospital rate regulation raises hospital prices that no fault medical malpractice increases the occurrence of faulty medicine and that FDA regulation is a major cause for the escalating cost of new drugs Part 1 trace the genesis of Medicare and its later developments and argue the consumer advantages of medical savings accounts and written health contracts Part 2 explore the fallacies of antitrust policies that serve the interests of competitors attack community rating for making health insurance unaffordable to large numbers of young workers Part 3 contains a powerful critique of the FDA for withholding vital

information on the health benefits of aspirin and shows how HMOs and other plans have caused pharmaceutical marketing to shift its focus from medical effectiveness to cost effectiveness The final section explores how the private sector is improving in the areas of regulating physician and other health professional fees and the supply and quality of health professionals American Health Care proposes reasonable balances between government and market options for in supply of health services Without denying the need for some governmental action the contributors show how far the market can go farther in performing critical functions in the health care industry This volume will be important reading for health policymakers economists and health care professionals Roger Feldman is professor at the Institute for Health Services Research University of Minnesota Mark V Pauly is professor in the Department of Health Care Systems of the Wharton School University of Pennsylvania

Holding Health Care Accountable E. Haavi Morreim, 2001-08-16 Health care in the US and elsewhere has been rocked by economic upheaval Cost cuts care cuts and confusion abound Traditional tort and contract law have not kept pace Physicians are still expected to deliver the same standard of care including costly resources to everyone regardless whether it is paid for Health plans can now face litigation for virtually any unfortunate outcome even those stemming from society's mandate to keep costs down while improving population health This book cuts through the chaos and offers a clear persuasive resolution Part I explains why new economic realities have rendered prevailing malpractice and contract law largely anachronistic Part II argues that pointing the legal finger of blame blindly or hastily can hinder good medical care Instead of whom do we want to hold liable we should focus first on who should be doing what for the best delivery of health care When things go wrong each should be liable only for those aspects of care they could and should have controlled Once a good division of labor is identified what kind of liability should be imposed depends on what kind of mistake was made Failures to exercise adequate expertise knowledge skill care effort should be addressed as torts while failures to provide promised resources should be resolved under contract Part III shows that this approach though novel fits remarkably well with basic common law doctrines and can even enlighten ERISA issues With extensive documentation from current case law commentary and empirical literature the book will also serve as a comprehensive reference for attorneys law professors physicians administrators bioethicists and students

Medical Malpractice and the U.S. Health Care System William M. Sage, Rogan Kersh, 2006-06-19 Publisher Description

The Privatization of Health Care Reform M. Gregg Bloche, 2002-10-17 Markets not politics are driving health care reform in America today Inventive entrepreneurs have transformed medicine over the past ten years and no end to this period of rapid change is in sight Consumer anxieties over managed care are mounting and medical costs are again soaring Meanwhile the federal government remains mostly on the health policy sidelines as it has since the collapse of the Clinton administration's campaign for health care reform This book addresses the changes that the market has wrought and the challenges this transformation poses for courts and regulators The law that governs the medical marketplace is an incomplete overlapping patchwork conceived mainly without medical

care specifically in mind The ensuing confusion and incoherence are a central theme of this book Fragmentation of health care lawmaking has foreclosed coordinated system wide policy responses and lack of national consensus on many of the central questions in health care policy has translated into legal contradiction and bitter controversy Written by leading commentators on American health law and policy this book examines the widely perceived failings of managed care and the law s relationship to them Some of the contributors treat law as a cause of trouble others emphasize the law s potential and limits as a corrective tool when the market disappoints The first two chapters present contrasting overviews of how the doctrines and decision makers that constitute health law work together for better or worse to constrain the medical marketplace The next six chapters address particular market developments and regulatory dilemmas These include the power of state versus federal government in the health sphere conflict between insurers and patients and providers over medical need financial rewards to physicians for frugal practice the role of antitrust law in the organization of health care provision and financing the future of public hospitals and the place of investor owned versus non profit institutions Acknowledging the health sphere s complexities the authors seek remedies that fit this country s legal political and cultural constraints and can contribute to reasoned regulatory governance Within limits they believe a measure of rationality is possible

Ethical Issues in Health Care on the Frontiers of the Twenty-First Century S. Wear,J.J. Bono,G. Logue,A. McEvoy,2006-04-11 of UB s medical school that UB developed its School of Arts and Sciences and thus assumed its place among the other institutions of higher education Had Fillmore lived throughout UB s first seventy years he would probably have been elated by the success of his university and he should have been satisfied and pleased that UB remained intrinsically bonded to its community while at the same time engrafting the values and standards important to higher education s mission in the region UB and its medical school have undergone many challenging transitions since 1846 Included among them were 1 the completion of an academic campus in the far northeast corner of the City of Buffalo while leaving its medical dental and law schools firmly situated in the core of downtown Buffalo 2 the eventual relocation after the second world war of the law school to the newer campus in Amherst and the medical and dental school to the original academic campus and 3 the merger with the State University of New York System in 1962 Despite these significant transitions any one of which could have changed the intrinsic integrity of UB and disrupted the bonding between community and university that did not happen To this day the ties between community and academe persist Fillmore and White should celebrate their success and important contribution to Buffalo and Western New York

Meaning and Medicine Hilde Lindemann Nelson,1999-07-22 A chief aim of this resource is to rekindle interest in seeing health care not solely as a set of practices so problematic as to require ethical analysis by philosophers and other scholars but as a field whose scrutiny is richly rewarding for the traditional concerns of philosophy

Labanotation Ann Hutchinson Guest,2014-04-08 A definitive book for students of dance and movement studies Labanotation is now available in a fourth edition the first complete revision

of the text since 1977 Initiated by the movement genius Rudolf Laban and refined through fifty years of work by teachers here and abroad Labanotation the first wholly successful system for recording human movement is now having the effect on ballet and other forms of dance that the perfection of music notation in the Renaissance had on the development of music This book makes it possible to record accurately for study and reconstruction the great dance creations of the theater as well as such diverse activities as time motion studies for industry personnel assessment and physical therapy So comprehensive that it can indicate even facial expressions the system is also simple enough for a child to learn easily as an integral part of athletic or dance training **The Oxford Handbook of Comparative Health Law** David Orentlicher,Tamara K.

Hervey,2021-08-26 The Oxford Handbook of Comparative Health Law addresses some of the most critical issues facing scholars legislators and judges today When matters of life and death literally hang in the balance it is especially important for policymakers to get things right Comparative analysis has become an essential component of the decision making process and The Oxford Handbook of Comparative Health Law is the only resource available that provides such an analysis in health law Handbook of Health Economics A J. Culyer,J.P. Newhouse,2000-07-19 What new theories evidence and policies have

shaped health economics in the 21st century Editors Mark Pauly Thomas McGuire and Pedro Pita Barros assemble the expertise of leading authorities in this survey of substantive issues In 16 chapters they cover recent developments in health economics from medical spending growth to the demand for health care the markets for pharmaceutical products the medical workforce and equity in health and health care Its global perspective including an emphasis on low and middle income countries will result in the same high citations that made Volume 1 2000 a foundational text Presents coherent summaries of major subjects and methodologies marking important advances and revisions Serves as a frequently used non journal reference Introduces non economists to the best research in health economics **Industry Studies** Larry L.

Duetsch,2019-07-23 Featuring new chapters on casino gambling and the nursing home industry and updated throughout the new edition of this highly readable text analyzes well defined industries from commodities and manufacturing to distribution and services showing how firms compete with one another Each study gives appropriate attention to government policies that have influenced competitive conditions in the industry and the material is presented without the use of calculus so that anyone with some background in economic principles can benefit from it The book provides balance in regard to the mix of industries dealt with and also in the varying perspectives of the contributors Uncertain Times Peter J. Hammer,Deborah

Haas-Wilson,William M. Sage,Mark A. Peterson,2003-12-08 A new look at Kenneth Arrow s classic study of the economics of health care is his formulation still relevant 40 years later **Complementary and Alternative Medicine** Michael H.

Cohen,1998-02-02 Explores the legal issues that health care providers institutions and regulators confront as they contemplate integrating complementary and alternative medicine into mainstream U S health care A third of all Americans use complementary and alternative medicine including chiropractic acupuncture homeopathy naturopathy nutritional and

herbal treatments and massage therapy even when their insurance does not cover it and they have to pay for such treatments themselves Nearly a third of U S medical schools offer courses on complementary and alternative therapies Congress has created an Office of Alternative Medicine within the National Institutes of Health and federal and state lawmakers have introduced legislation authorizing widespread use of such therapies These institutional and legislative developments argues Michael H Cohen express a paradigm shift to a broader more inclusive vision of health care than conventional medicine admits Cohen explores the legal issues that health care providers both conventional and alternative institutions and regulators confront as they contemplate integrating complementary and alternative medicine into mainstream U S health care Challenging traditional ways of thinking about health disease and the role of law in regulating health Cohen begins by defining complementary and alternative medicine and then places the regulation of orthodox and alternative health care in historical context He next examines the legal ramifications of complementary and alternative medicine including state medical licensing laws legislative limitations on authorized practice malpractice liability food and drug laws professional disciplinary issues and third party reimbursement The final chapter provides a framework for thinking about the possible evolution of the regulatory structure This book is the first to set forth the emerging moral and legal authority on which the safe and effective practice of alternative health care can rest It further suggests how regulatory structures might develop to support a comprehensive holistic and balanced approach to health one that permits integration of orthodox medicine with complementary and alternative medicine while continuing to protect patients from fraudulent and dangerous treatments

Personhood and Health Care David C. Thomasma, David N. Weisstub, Christian Hervé, 2013-04-17 PERSONHOOD AND HEALTH CARE This book arose as a result of a pre conference devoted to the topic held June 28 1999 in Paris France The pre conference preceded the Annual Congress of the International Academy of Law and Mental Health Other chapters were solicited after the conference in order to more completely explore the relation of personhood to health care The pre conference was held in honor of Yves Pelicier who led so many of our French colleagues in medicine philosophy and ethics as Christian Herve notes in his Tribute As health care is aimed at healing persons it is important to realize how difficult it is to construct a theory of personhood for health care and thus a theory of how healing in health care comes about or ought to occur The book is divided into four parts Concepts of the Person Theories of Personhood in Relation to Health Care and Bioethics Person and Identity and Personhood and Its Relations Each section explores a critical arena in constructing the relation of personhood to health care Although no exploration of this nature can be exhaustive every effort was made to present both conflicting and complementary views of personhood from within similar and different philosophical and religious traditions PART ONE CONCEPTS OF THE PERSON Tracing the origins of the concept of person from antiquity through present day Jean Delemeau provides an historical sketch of the development of a wide range of meanings

Medicine and the Market Daniel Callahan, Angela A. Wasunna, 2006-05-22 Outstanding Academic Title for 2007 Choice

Magazine Much has been written about medicine and the market in recent years This book is the first to include an assessment of market influence in both developed and developing countries and among the very few that have tried to evaluate the actual health and economic impact of market theory and practices in a wide range of national settings Tracing the path that market practices have taken from Adam Smith in the eighteenth century into twenty first century health care Daniel Callahan and Angela A Wasunna add a fresh dimension they compare the different approaches taken in the market debate by health care economists conservative market advocates and liberal supporters of single payer or government regulated systems In addition to laying out the market versus government struggle around the world from Canada and the United States to Western Europe Latin America and many African and Asian countries they assess the leading market practices such as competition physician incentives and co payments for their economic and health efficacy to determine whether they work as advertised This timely and necessary book engages new dimensions of a development that has urgent consequences for the delivery of health care worldwide

Reading Engelhardt Brendan P. Minogue, Gabriel

Palmer-Fernández, J.E. Reagan, 2012-12-06 This volume consists of fourteen chapters selected from papers presented at the conference Ethics Medicine and Health Care An Appraisal of the Thought of H Tristram Engelhardt Jr along with a response to those chapters by Engelhardt and a Foreword by Laurence B McCullough The chapters direct primary attention to various aspects of Engelhardt s philosophy of medicine and bioethics as presented in The Foundations of Bioethics and Bioethics and Secular Humanism The Search for a Common Morality Among the topics treated are the economics of health care and the medical profession the libertarian and communitarian aspects of Engelhardt s thought the moral status of children abortion the moral foundations for a health care system feminism and clinical epistemology and the relation between secular and religious moralities In response to the various challenges posed by the authors Engelhardt considers the implications of the failure of the modern philosophical project the role of reason in ethics and the resolution of conflict among communities that do not share the same moral vision The book will be of interest to professionals in medicine philosophy theology health policy and law and to graduate students in those disciplines

Medicine and Social Justice Rosamond Rhodes, Margaret

Battin, Anita Silvers, 2012-09-13 This unique and comprehensive second edition of an important volume presents writing from renowned authors about achieving social justice in medicine Each of the 42 chapters addresses continuing and emerging policy challenges facing medicine They deepen our understanding of theoretical and practical aspects of issues in the contemporary debate

Medical Malpractice Richard E. Anderson, 2007-11-05 Books such as this one are deceptively difficult to create The general subject is neither happy nor easy nor most anyone s idea of fun M practice litigation however has become a central fact of existence in the practice of medicine today This tsunami of lawsuits has led to a high volume of irreconcilable rhetoric and ultimately threatens the stability of the entire health care system Our goal has been to provide a source of reliable information on a subject of importance to all who provide medical care in the United States The book is

divided into four sections Part I gives an overview of insurance in general and discusses the organization of professional liability insurance companies in particular Part II focuses on the litigation process itself with views from the defense and plaintiff bar and the physician as both expert and defendant Part III looks at malpractice litigation from the viewpoint of the practicing physician Some of the chapters are broadly relevant to all doctors the rise of e medicine and the importance of effective communication for example The other chapters are constructed around individual medical specialties but discuss issues that are of potential interest to all Part IV looks ahead The Case for Legal Reform presents changes in medical legal jurisprudence that can be of immediate benefit The final two chapters take a broader perspective on aspects of our entire health care system and its interface with law and public policy

Health and Social Justice Jennifer Prah Ruger, 2010 This book brings together the latest thinking in social justice and health policy and seeks to integrate a capabilities perspective with the demands of health and economic policies that impact on health

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