

INTRODUCTION

Circumstances involving an interrelationship between law and medicine are innumerable. While personal injury and medical malpractice actions are the most obvious, attorneys dealing with every field of law are likely to encounter problems that require knowledge of or access to medical expertise. Furthermore, individuals involved in medically related fields are almost invariably faced with legal limitations upon their activities and liabilities for failure to perform according to legally imposed standards. The articles in this volume discuss a wide range of problems and questions involving both legal and medical implications.

Legal Aspects of Medical Care in California Juvenile Justice Institutions explores the present level of medical care in California Juvenile Justice institutions in light of the standards established under current state law. Where inadequacies exist, remedies are suggested and analyzed. Possible constitutional objections are pointed out.

Infectious Disease and California Workmen's Compensation deals with the special problems that cases of infectious disease raise under current California law. The article serves as a guide to these problem areas and recommends changes in the law.

The Right of the Fetus to Be Born Free of Drug Addiction examines the effects of maternal drug addiction on the fetus. The article discusses the rights of the unborn and the State's power and duty to protect the fetus from potential harmful effects of maternal drug use. Existing California law is analyzed and corrections are recommended.

Standard of Care in Administering Non-Traditional Psychotherapy explores the standards of malpractice liability applicable to encounter group leaders and others who utilize innovative therapy techniques. In determining the proper standard, emphasis is placed on the dichotomy between qualified psychiatrists and psychologists, on one hand, and therapists who lack professional qualifications, on the other.

Establishing the Contractual Liability of Physicians analyzes the factors involved in contractual undertakings between physicians and patients. The article examines judicial decisions, policy considera-

tions and practical problems in this area.

Lysergic Acid Diethylamide (LSD), Clinical Use and Research: A Proposal for Legislative Change describes the beneficial medical uses of LSD and present federal laws and administrative procedures discouraging these uses. Examples of successful clinical use and research are given. Proposals for legislative change of present laws are recommended.

Substantive Constitutional Rights of the Mentally Ill probes the problems inherent in the civil incarceration of mentally ill persons. The article examines traditional judicial approaches to the area of civil commitment and discusses recent cases which point in a new direction.

Exclusion of the Mentally Handicapped: Housing the Non-Traditional Family analyzes two techniques which communities use in attempting to prevent integration of the mentally handicapped into their neighborhoods. The article discusses the growing medical acceptance of this normalization process as an effective means of dealing with the problems of the mentally handicapped. The author concludes that communities should not be permitted to inhibit the implementation of this philosophy.

The Resurgence and Validity of Antismoking Legislation is an historical and legal study of antismoking activity in the United States. The article includes a summary of medical evidence linking inhalation of tobacco smoke by nonsmokers to impaired health. Proposed and enacted laws from all levels of government throughout the United States are listed and discussed, and recommendations are made for further action.

Strict Liability — The Medical Service Immunity — and Blood Transfusions scrutinizes California law regarding strict liability of hospitals. Special attention is given to blood transfusions.

Antitrust Implications in Prescription Drug Promotion: A Meprobamate by Any Other Name . . . explains that prescription drug manufacturers are currently enjoying the second highest profit margin of major American industries at the expense of the sick. This article discusses possible antitrust violations involved in the promotion of prescription drugs and the impact of these violations in sustaining high drug prices.

Emergency Care: Physicians Should Be Placed Under An Affirmative Duty to Render Essential Medical Care in Emergency Circumstances traces the history of affirmative legal duties and concludes that the California legislature should enact a proposed statute requiring physicians to render medical care in emergencies or face criminal and civil sanctions.

A Minor's Right to Contraceptives analyzes the pressing medical and social need to provide sexually active minors with legal access to contraceptives. The article examines statutory patterns presently

existing in the fifty states as well as current federal legislation. The author concludes that giving young people a right to birth control services upon request is both legally feasible and socially desirable.

The Effectiveness of FDA Medical Device Regulation points out the inadequacies of current FDA regulation of medical devices. The article comments on proposed remedial legislation and sets forth criteria to evaluate the effectiveness of this legislation.

Investor-Owned Hospital Management Corporations: Will Quality Medical Care Survive? discusses investor-owned hospital management corporations and their effect on the quality of medical care in the context of current California law on hospital liability. Changes in California's hospital liability law and regulatory scheme to take account of the new profit-oriented mode of delivering hospital services are proposed.

The Psychological Stress Evaluator: A Recent Development in Lie Detector Technology describes this new lie detection instrument and its potential use as an effective investigative tool. The admissibility of PSE results as evidence at trial is also discussed.

Medical and Psychological Experimentation on California Prisoners raises legal and ethical questions inherent in the use of prisoners as human subjects in experimentation. Current administrative controls and legislative proposals are analyzed and legal remedies available to an injured or unwilling inmate-subject are discussed.

Regulating the Practice of Acupuncture: Recent Developments in California analyzes the legal status of the practice of acupuncture in California by persons not licensed to practice medicine. The article advocates state restriction of the practice of acupuncture by such persons to acupuncture research projects sponsored by medical schools and supervised by physicians.

Veterinarians at Fault: Rare Breed of Malpractitioners cites the failure of administrative and legal sanctions to deter malpractice by California veterinarians. The article suggests how lawyers can provide new remedies to the victimized consumer of veterinary medical services which will benefit the public as well.

The Physician's Assistant and the Problem of Statutory Authorization explains the need for state statutory legitimization of the practice of the Physician's Assistant, the newly emerging health professional. The article analyzes existing state laws and makes recommendations for future legislation.

Roe! Doe! Where Are You?: The Effect of the Supreme Court's Abortion Decisions examines the holdings of *Roe v. Wade* and *Doe v. Bolton* with an eye to the future. The article discusses the present and potential legal impact of these two cases on State regulation of abortion. In this regard, special emphasis is placed on regulation of abortion in California.

Limitations on Individual Rights in California Incompetency Pro-

ceedings surveys the development and scope of guardianship for mental incompetents in light of the protection the law currently affords individual rights. Present California law and practice are thoroughly discussed, with certain policy and constitutional objections being raised.

Strict Liability in Tort: Its Applicability to Manufacturers of Prescription Drugs describes how strict liability in tort, though heralded as a radical breakthrough for consumers, in fact presently provides little more protection than the negligence doctrine to prescription drug victims. A proposal for stricter liability is presented.

Constitutional and Practical Considerations in Mandatory Sickle Cell Anemia Testing explores the basis of the controversy surrounding the mandatory sickle cell anemia testing statutes which have been enacted in some states. The article examines the constitutionality of compulsory screening of individuals for sickle cell anemia. The equal protection problems inherent in any attempt by state governments to impose marital restrictions or involuntary sterilization upon persons with this congenital disorder are also considered.

The Medical Practice Computer Profile: Proof of the Doctor's Actions in a Series of Similar Cases proposes evidentiary use in medical malpractice litigation of a computerized summary of the characteristics of a doctor's practice derived from analysis of the records of all of his patients. Problems of discovery and admissibility of such evidence are considered.

Taking the Public Inebriate Out of California's Criminal Justice System explores the nature of California's public inebriate problem, focusing on recent efforts to implement non-criminal solutions and on the legal questions generated by those public inebriates still in the criminal justice system.

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