Yale University Press

AIDS AND THE HEALTH CARE SYSTEM

edited by Lawrence O. Gostin

With contributions by:

George J. Annas Lawrence Bartlett Ronald Bayer David Bell Robert J. Blendon Allan M. Brandt Troyen A. Brennan Paul D. Cleary Bernard M. Dickens Karen Donelan Anthony S. Fauci Daniel M. Fox Lawrence O. Gostin Margaret A. Hamburg Donald H. J. Hermann Albert R. Jonsen C. Everett Koop Carol Levine Jonathan Mann Kenneth H. Mayer David G. Ostrow Wendy E. Parmet Jeff Stryker Emily H. Thomas

Contents

- Policies and Priorities: Planning for the 1990s
 Preface: Hospitals, Health Care Professionals, and Persons with AIDS
- Setting Priorities and Developing Policies for the Next Decade
- II. Prevention, Treatment, Care, & Dignity
 The Natural History of HIV Infection and Current Therapeutic Strategies
- Neuropsychiatric Aspects of HIV Disease
- In and Out of The Hospital
- Perinatal Transmission of HIV Infection
- III. Patients' Rights and Public Health: Confidentiality, Duty to Warn, Discrimination
- AIDS and Discrimination
- An Anti-discrimination Law
- AIDS: Confidentiality and the Duty to Warn
- IV. The Threat to Health Care Workers: Assessment and Responsibility
- # HIV Infection in Health Care Workers
- Routine Hospital Testing for HIV
- V. Professional Responsibility
- Occupational Transmission of HIV
- The Duty to Treat Patients with AIDS and HIV Infection
- VI. Balancing Hope and Risk: Regulation of Blomedical Research
- # HIV Infection and AIDS
- # Faith (Healing), Hope and Charity at the FDA
- VII. The Price: Financing, Reimbursement Systems, and the Financial Impact on Providers
- The Cost of AIDS
- Financing Health Care for Persons with AIDS
- Institutional and Professional Liability
- VIII. The International Perspective
- Afterword: AIDS and Health Workers from a Global Perspective

A Yale Fastback

Available Spring 1990

- (1) Cloth ISBN 04719-3 \$35.00 Special discount \$28.00
- (2) Paper ISBN 04720-7 \$12.95 Special discount \$10.25

Advance praise for AIDS and The Health Care System

"This timely book will have a major impact on society. It will be essential to every health care provider, administrator, student, health financier, and public health professional in the nation. It is desperately needed."—Alvin Novick, M.D., Yale University

This book provides an up-to-date and accessible analysis of the challenges that AIDS presents to our health care workers and institutions and thus will be an invaluable resource for meeting those challenges in a fair, compassionate, and knowledgeable manner.

Lawrence O. Gostin is Executive Director of the American Society of Law and Medicine and Adjunct Associate Professor of Health Law at the Harvard School of Public Health. Also available:

AIDS & THE LAW

Edited by Harlon L. Dalton and Scott Burris

Informative, provocative and compassionate It is a must for the health professional who plans to become directly involved with any apsect of this disease. -Grace Heltsch, M.D., New Physician

1987 382 pp. (3) Cloth ISBN 04077-6 \$25.00 \$20.00 (4) Paper ISBN 04078-4 \$9.95 \$8.00

Order form/Gostin

Gostin, CI \$28.00 Gostin, Pb \$10.25 Daiton, Cl \$20.00 Datton, Pb \$8.00 Subtotal 8% (CT residents) Postage & Handling 2.75 Total enclosed

Address all orders to: Direct Mail Department Yale University Press 92A Yale Station New Haven, CT 06520

Fax: 203-432-0948

Telephone: 203-432-0940/0941

Please fill out completely, including subtotal, tax (if applicable), postage and handling, and your
phone number (if paying by credit card).
Individuals are asked to pay in advance.
MosterCard, VISA, and checks are accepted.
Please make checks payable to Yale University
Press. Provide shipping information in the
designated area below. Checks drawn on
Canadian banks should be marked "Pay in U.S. dollars."
Ship to (name and address): please print

Phone number MasterCard# VISA# Expiration date Signature

Examination Copy Policy. We will send an examination copy if the request for it includes the name of the course and estimated enrollment. An invoice will be sent after sixty days. This charge will be cancelled upon notification that ten or more copies have been ordered with a local bookstore. If copies nave been ordered win a local pocastore. Ihe book is not adopted, it may be purchased at a 20% discount or returned. A complimentary desk copy is available for every ten copies of any title ordered for classroom use, but the number of desk copies cannot exceed the number of instructors. teaching the course.

Course . Enrollment Institution _ Name of bookstore Please use space to left for shipping address

American Society of Law & Medicine

THE SOCIETY

The American Society of Law & Medicine is a national organization dedicated to continuing medicolegal education. The membership services of the Society provide attorneys, physicians, nurses, hospital administrators, allied health professionals, and students with a variety of opportunities to keep abreast of new developments in law, medicine, health care and bioethics.

PUBLICATIONS

Membership in the American Society of Law & Medicine includes annual subscriptions to two publications: Law, Medicine & Health Care and the American Journal of Law & Medicine.

LAW, MEDICINE & HEALTH CARE, a quarterly publication, is read by over 6,500 doctors, lawyers and health care administrators. It provides well-written and often controversial articles on such timely medicolegal issues as surrogate motherhood, AIDS and euthanasia. Each issue also features review essays on significant recent publications, cases and policy decisions.

The AMERICAN JOURNAL OF LAW & MEDICINE is a law review co-published quarterly with the Boston University School of Law. The Journal was founded to fulfill the need for a scholarly journal dedicated to improving communication among legal and medical professionals. Each issue contains scholarly articles written by national authorities, book reviews, annotations of recent health care-related court decisions and legislative enactments.

In conjunction with Health Administration Press, the Society has published a number of texts. Each volume includes edited, supplemented and footnoted versions of papers presented to the conference the book was based upon, as well as seminal articles on the topic.

Defining Human Life: Medical, Legal and Ethical Implications

Refusing Treatment in Mental Health Institutions: Values in Conflict

Legal and Ethical Aspects of Treating Critically and Terminally Ill Patients

Health Care Labor Law

Institutional Ethics Committees and Healthcare Decisionmaking

Legal and Ethical Aspects of Health Care for the Elderly

Human Organ Transplantation: Societal, Medical-Legal, Regulatory, and Reimbursement Issues

CONFERENCES

A principal activity of the Society is the sponsorship of continuing education conferences in major cities across the country. Society Members receive advance notice of all conferences and are provided with the opportunity to register at reduced rates. Students are also encouraged to attend and are given further price reductions.

Past conference topics have included workers' compensation, mental health law, AIDS and genetics and the law. Each conference includes how-to workshops, panel debates, roundtable discussions and general sessions. Society conferences are accredited for continuing education credit by medical, nursing, legal and administrative associations.



OTHER SERVICES

The Sagall Library of Law, Medicine & Health Care is located at the Society's national headquarters in the Boston University School of Law. The Library contains the most comprehensive collection of medicolegal reference texts available nationwide. The extensive collection includes texts, periodicals, judicial opinions, pamphlets and reprints. On-site materials are supplemented by the Boston University School of Law Library.

The Speakers' Bureau provides a means by which authorities in the health care delivery system may be contacted by organizations seeking qualified speakers. Society members interested in speaking on specific issues are encouraged to provide bibliographic information which is kept on file and distributed to organizations interested in speakers.

MEMBERSHIP BENEFITS

Membership in the Society guarantees you:

- —Annual subscriptions to the AMERICAN JOURNAL OF LAW & MEDICINE and LAW, MEDICINE & HEALTH CARE and the ASLM Newsletter, ASLM Briefings
- Advance notice of ASLM conferences including registration fee discounts and continuing education credit
- -10% discount on all Society-published texts
- -Access to the Sagall Library of Law, Medicine & Health Care
- -Participation in the ASLM Speakers' Bureau
- -Tax deductible membership fee
- -Membership certificate suitable for framing

American Society of Law & Medicine MEMBERSHIP/SUBSCRIPTION APPLICATION
Please enroll me as a member of ASLM (subscriptions to Law, Medicine & Health Care and the American Journal of Law & Medicine are included.) 1 year 3 year
Doctoral (PhD, MD, JD, LLB, MBA or US \$ 95 250 equivalent professional position)
Non-doctoral/ allied health professionals US\$ 80 200 (e.g., nurse, social worker)
Student (full-time, without doctoral level degree, US \$ 40 N/A enclosed is a copy of my current student ID) SUBSCRIPTION ONLY
Law, Medicine & Health Care only US\$ 50
American Journal of Law & Medicine only US\$ 45
ALL Foreign Addresses (outside US) Add \$25/yr
TOTAL ENCLOSED US \$
☐ Check enclosed (Please pay in US funds drawn on a US bank)
Charge my: VISA MasterCard
Charge my. Wisk Master Card
Card No.
Expiration Date Signature
Name Degrees
Title and Organization
Mailing Address (☐Home ☐ Business)
0 11 11 11 11 11 11 11 11 11 11 11 11 11
Daytime Telephone ()
765 Commonwealth Avenue, 16th FL, Boston, MA 02215 (617) 262-4990

SUBMISSION OF ARTICLES

The Editors encourage the submission of manuscripts on a wide range of medicolegal topics for publication in the JOURNAL. Acceptable subjects include health law and policy; legal, ethical, social, and economic aspects of medical practice, education, and research; health-related insurance; and other important or interesting subjects involving the relationship of the life sciences to the social sciences and humanities. The JOURNAL is interdisciplinary. Contributions from specialists in a variety of disciplines are welcomed. All materials should be sent to the Editor-in-Chief, AMERICAN JOURNAL OF LAW & MEDICINE, Editorial Offices, 765 Commonwealth Avenue, 16th Floor, Boston, Massachusetts 02215.

GENERAL FORM: Manuscripts should be typewritten on one side of the paper only, with triple spacing and liberal margins. Manuscripts should be submitted in *triplicate*, i.e., an *original* and two carbon or Xerox copies. The title of the paper and the author's name and address should be given on a covering sheet.

ABSTRACT: A short abstract (normally not exceeding 200 words) succinctly summarizing the content of the manuscript should accompany the manuscript on a separate sheet. If the paper is accepted, the abstract will be published along with the manuscript.

REFERENCES: Footnotes to sources should be numbered consecutively, and placed on triple spaced pages at the end of the text. All footnotes should conform to A Uniform System of Citation (14th ed.), published and distributed by the Harvard Law Review Association, Gannett House, Cambridge, Massachusetts 02138. Nonlawyers unfamiliar with this system should follow the citation form accepted in their field and the Editors of the JOURNAL will make the appropriate modifications if the paper is published.

ILLUSTRATIONS: Illustrations and tables accompanying manuscripts should be numbered, provided with suitable legends, and marked lightly on the back with the author's name. Authors should indicate on the manuscript the appropriate positions of tables and text figures. Special arrangements must be made with the Editor-in-Chief for color plates, elaborate tables, half-tone illustrations or extra illustrations, drawings, and photographs.

SELECTION AND EDITING TIMETABLE: Receipt of manuscript will be acknowledged within one week of receipt. Authors will be notified of the manuscript's acceptance or rejection within one to three months, and accepted manuscripts will be published within three to eight months of acceptance.

PROOFS AND AUTHOR OFFPRINTS: Because of time pressures, printer's proofs of articles accepted for publication will *not* be made available to authors. Orders for offprints, for which a fee is charged, must be communicated at least one month prior to publication.

RETURN OF MANUSCRIPTS: Upon request of the author and upon receipt of a suitable envelope stamped with adequate postage, the Editor-in-Chief will return to the author the original of any manuscript not accepted for publication.

AMERICAN SOCIETY OF LAW & MEDICINE 765 COMMONWEALTH AVENUE BOSTON, MASSACHUSETTS 02215

NON PROFIT ORG. U.S. POSTAGE PAID Lincoln, NE Permit No. 264