## Forthcoming from 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 WorkersRoutine 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 Biomedical 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 Heitsch, M.D., New Physician

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

#### Order form/Gostin

3 4

orm/Gostin	Please fill out completely, including subtotal, tax i applicable), postage and handling, and your phone number (if paying by credit card).	(if
Gostin, CI \$28.00 Gostin, Pb \$10.25 Dalton, CI \$20.00 Datton, Pb \$8.00	Individuals are asked to pay in advance.  MasterCard, VSA, and Arects are accepted.  Please make check payable to Yale University  Press. Provide shipping information in the designated area below. Checks arown on Canadian banks should be marked "Pay in U.S. dollar."	
RDTOOLI 1% (CT residents) Postage & Handling Total enclosed	2.75 Ship to (name and address): please print	
		_

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

Telephone: 203-432-0940/0941 Fax: 203-432-0948

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 canceled upon not on in U.S. print teaching the course. Book Enrollment Institution Phone number MasterCard# Name of bookstore VISA# \_ **Expiration date** Please use space to left for shipping address Signature \_

## indiana

"Larry Gostin has put together the definitive collection of essays on one of the most perplexing and titillating topics in contemporary medical ethics."

-Robert M. Veatch

## Surrogate Motherhood Politics and Privacy

**Edited by Larry Gostin** 

\*One of the most challenging questions regarding surrogacy is that of its Impact on women's autonomy. Surrogacy presents a classic example of the equal/ special treatment debate. Should the gestational mother be treated like others who are bound by contract? Or do the special circumstances involved in bearing a child mean that the gestational mother cannot or should not be bound by her word? The concept that contract principles—'a deal is a deal'-should govern the birth of a human being is, to some, inconceivable.\*

-from the Introduction

New in the series "Medical Ethics"

Ever since the explosion of publicity surrounding the case of Mary Beth Whitehead and Baby M, surrogate motherhood has been the center of intense debate. Does the right to reproductive freedom support surrogacy agreements or do these agreements deny rights to the gestational mother? is surrogacy a gift to infertile couples or no more than baby selling?

The essays in this collection, originally published as a special issue of the journal Law, Medicine, and Health Care, examine the legal, ethical, civil libertles, women's autonomy, and public health aspects of the surrogacy debate. For this edition, the editor has added a new introduction and substantial appendices of important source material, including excerpts from the Baby M decision and policy statements of the major groups involved in the debate.

\$29.95 • available May 1990

At bookstores or from

**INDIANA** University Press

Dept. A2FQ, 10th & Morton Sts. Bloomington, IN 47405 Orders: 1-800-842-6796

## Medical Decision-Making and the "Right to Die" After Cruzan

September 14-15, 1990 Hyatt Regency Crystal City Alexandria, VA

Sponsored by American Society of Law & Medicine The George Washington University Medical Center Center for Aging Studies and Services National Council on Death and Dying

Cooperating Organizations American Academy of Neurology American Association of Critical Care Nurses American Association of Retired Persons **American Geriatrics Society** American Hospital Association American Medical Association American Society for Pharmacy Law American Society For Parenteral & Enteral Nutrition District of Columbia Bar, Health Law Section The American Association of Nurse Attorneys

Co-Chairs: Alexander Morgan Capron, LLB, FCLM and Joanne Lynn, MD, FACP

- Medical Diagnosis and Prognosis
  - Who Are the Patients?
  - Techniques of Artificial Support: Respiration, Nutrition and Hydration
  - The Process of Dying
- Life Support and the Law
  - Liberty vs State Authority
  - What Can Surrogates Decide?
  - Family or Strangers as Surrogates?
- States' Requirements on Living Wills and Durable Powers of Attorney

- The Role of the Courts
- Decision-Making in Various Settings
  - Acute Care Hospitals
  - Nursing Homes and Long Term Care Facilities
  - Hospices
- Special Issues for Those Who
  - Terminate Treatment - Physicians
    - Nurses
  - Pharmacists
    - Dieticians
  - Nutrition Support Team

Name	•		
Address			
City	State	Zip	

# HAWACC'91

THE AMERICAN SOCIETY OF LAW & MEDICINE presents
OBSTETRICS, GYNECOLOGY, PERINATAL MEDICINE, AND THE LAW
(expanded to include)
EMERGENCY MEDICINE, ANESTRESIOLOGY

EMERGENCY MEDICINE, ANESTHÉSIOLOGY AND SURGERY JANUARY 2-6, 1991 MAUI

The seventh in a series of successful national conferences on obstetrics/pediatric/gynecologic practice and the law.

The conference will be chaired by AUBREY MILUNSKY, MBBCh, DSc, FRCP, DCH Director of Boston University's Center for HUMAN GENETICS.

MAUI - "The Valley Isle"
The Hawaiian Island of Maui, named after a Polynesian demigod who wrested the islands from the ocean floor, retains the magic and enchantment of its legendary beginning. Here you will find jungles of wild guava, meadows of fragrant white ginger, ancient taro plantations and serene vistas of mountain slopes. From miles of unspoiled golden beaches and blue seas to a 10,000 foot dormant volcano, Maui offers a mellow blend of island charm and cosmopolitan grace.

THE HYATT REGENCY MAUI . . .
located on a lovely half-mile stretch of Kaanapali Beach, occupies 20 acres of landscaped gardens and waterways, affording views that stretch from the lush, West Maui Mountains to the nearby islands of Lanai and Molokai, nestled in the eternally blue ocean at the horizon. The hotel features magnificent grounds and a lagoon populated by an impressive collection of waterfowl. The hotel adjoins the

of waterfowl. The hotel adjoins the Royal Kaanapali Golf Course and features five clay tennis courts and a spectacular swimming pool.

HAWAII 1991																													
LAST NAME		11	1	11	1	1	1	1	1	1 :	FI	ST	11	1	- 1	ı	1	1 1	- }	- 1	1	1	١	1	1	1	- }	1	
MAILING ADDRESS:		П	T	П	Т	T	П	7	Т	7 1	1	1	П		T	T	Т	П	$\neg$	T		Τ	Γ	Г	П	П	7	T	Ξ
[]Home []Office		П	Т	П	Т	Т	П	1	I			T	П		I	Τ	T	П	T		T	T	Γ			П	$\neg$	T	_
CITY [ ]		П	$\perp$	П	Ι	L		πX	ΙE			α	UN	IR	Z [	I	72	IP	Т	_[	I	L	L	Γ			$\Box$	T	_
BUS. PHONE	ıŦΞ	П	$\mathbf{I}$	H	ΜE	Е	Ш	١.	1_			1	Ш		[	F	ŽΧ	Ш	_[	$\exists$	Ŧ	I	L	[-			1	$\Box$	
																				_				_		_			

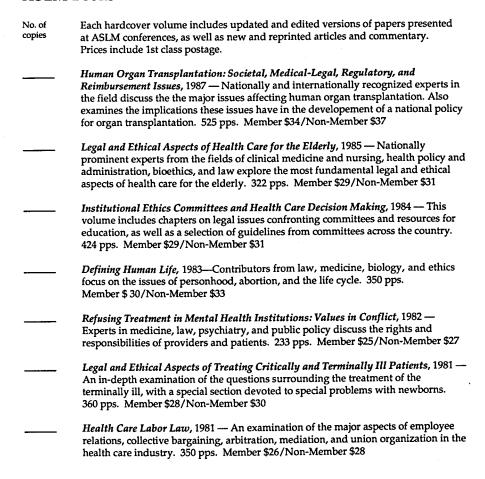
MEMBER OF ASIM | ADD ME TO YOUR MAILING LIST

Return to CONFERENCE REGISTRAR, ASIM, 765 Commonwealth Avenue, 16th Floor, Boston, MA 02215 USA

## American Society of Law & Medicine

\* books \* special issue journals \* conference materials \*

#### **ASLM Books**



### **Special Symposium Issues**

No. of copies	Law, Medicine & Health Care
	Sydney '86 – Proceedings from ASLM's First International Conference on Health Law & Ethics LMHC 14:3-4 double-issue \$25 US/\$35 All Foreigns (includes postage & handling)
	AIDS: Science & Epidemiology, Law & Policy LMHC 14:5-6 and 15:1-2 two double-issues sold only as a set \$35 US/\$50 All Foreigns (includes postage & handling)
<del></del>	Surrogacy: Politics & Privacy LMHC 16:1-2 Double issue devoted solely to Surrogacy \$25 US/\$35 All Foreigns (includes postage & handling)
	Jay Katz: Authority and Autonomy, Power and Process in Medical Research and Practice, in the Family, and in Society LMHC 16:3-4 Double issue in honor of Professor Jay Katz \$25 US/\$35 All Foreigns (includes postage & handling)
	American Journal of Law & Medicine
	Public Health & the Law AJLM 12:3-4 Double issue dedicated to Professor William J. Curran \$15 US/\$20 All Foreigns (includes postage & handling)
	Medical Privacy & the Supreme Court AJLM 13:2-3 Double issue in honor of U.S. Supreme Court Associate Justice Harry A. Blackmun \$15 US/\$20 All Foreigns (includes postage & handling)
Confe	erence Materials
	We have a limited number of conference materials from the 1987 Annual General Meeting "Justice Blackmun: The Supreme Court and the Limits of Medical Privacy." This is a collection of the speaker's outlines, court cases, and related articles compiled for distribution at this ASLM conference. Each Conference Materials book is \$40 for ASLM Members and \$44 for Non-Members. Price includes 1st class postage.
	TOTAL ENCLOSED \$
SEND PU	BLICATIONS TO:
NAME	
ADDRES	S
CITY	STATE ZIP
DAYTIM	E PHONE ()

Return this form with payment to: American Society of Law & Medicine, 765 Commonwealth Avenue, 16th Floor, Boston, MA 02215, (617) 262-4990.

## 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 & MEMBERSHIP/SUBSCRIPTION A								
Please enroll me as a member of ASLM (subscrip Health Care and the American Journal of Law & Med	dicine a	are i						
Doctoral (PhD, MD, JD, LLB, MBA or equivalent professional position)	US\$	95	250					
Non-doctoral/ allied health professionals (e.g., nurse, social worker)	US\$	80	200					
Student (full-time, without doctoral level degree, enclosed is a copy of my current student ID) SUBSCRIPTION ONLY	US\$	40	N/A					
☐ 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								
Card No.								
Expiration Date Signature								
Name D	Degree.	s						
Title and Organization								
Mailing Address (								
Doubles Talanhan (								
[ ·	Daytime Telephone ( )							
765 Commonwealth Avenue, 16th FL, Boston, M	A UZZ	15 (	01//20	4-4770				

### Please enroll me as a member of the American Society of Law & Medicine:

	1 year	3 уеаг
☐ Doctoral (PhD, MD, JD, LLB, MBA or equivalent professional position)	US\$ 95	250
☐ Non-doctoral allied health professionals (e.g., nurse, social worker)	US\$ 80	200
☐ Student (full-time, without doctoral level dependence of is a copy of my full-time studence)		N/A
Foreign Postage (outside US)	US\$ 25	75
TOTAL ENCLOSED	US\$	
Check enclosed [		
Charge my: ☐ VISA ☐ N	MasterCard	
Card No.		
Signature	Expiration	Date
Please print your name as you would like it to appear	ar on your membership o	certificate:
Mailing Address	siness	
Name	<del></del>	
Profession		
Institution		
Street	· · · · · · · · · · · · · · · · · · ·	
City		
State	Zip	
Country	77.1.1 ( : )	

Send to:

American Society of Law & Medicine

765 Commonwealth Avenue, Suite 1634

Boston, Massachusetts 02215

USA

Telephone: (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