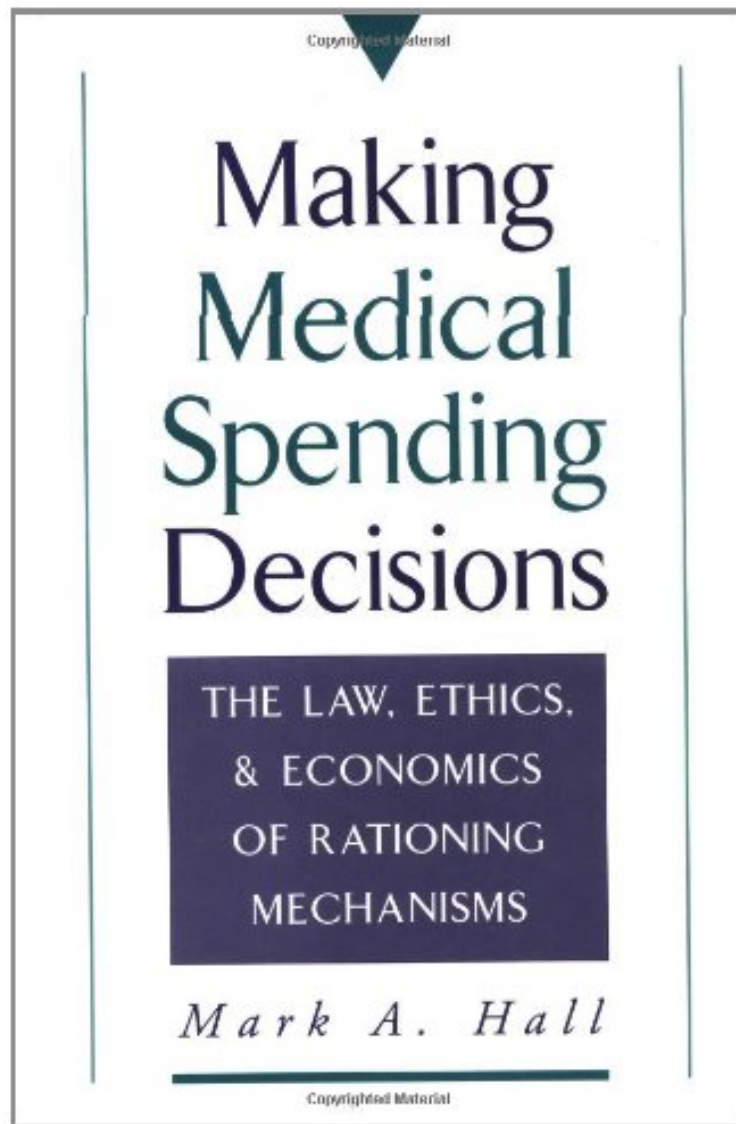


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Making Medical Spending Decisions: The Law, Ethics, and Economics of Rationing Mechanisms

Mark A. Hall

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#4763099 in Books Mark A Hall 1997-01-15Original language:EnglishPDF # 1 9.50 x 1.12 x 6.38l, 1.50
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Rationing Mechanisms | File size: 53.Mb

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A fresh and comprehensive exploration of how health care rationing decisions are made, this book offers not specific criteria for rationing--like age or quality of life--but a comparative analysis of three alternative decision makers: consumers paying out of pocket, government and insurance officials setting limits on treatments and coverage, and physicians making decisions at the bedside. Hall's analysis reveals that none of these alternatives is uniformly superior, and, therefore, a mix of all three is inevitable. The author develops his analysis along three lines of reasoning: political economics, ethics, and law. The economic dimension addresses the practical feasibility of each method for making spending decisions. The ethical dimension discusses several theories--principally classic liberalism, social contract theory, and communitarianism--as well as concepts like autonomy and coercion. The legal dimension follows recent developments in legal doctrine such as informed consent, insurance coverage disputes, and the emerging direction of federal regulation. Hall concludes that physician rationing at the bedside is far more promising than medical ethicists and the medical profession have traditionally allowed.

"His book is a helpful assessment of the decision-makers: individual patient, physician, and third party insurer....His arguments are thorough. He does not back away from discussing some of the most hotly debated topics in medical rationing. For the reader interested in a comprehensive study of rationing from a new perspective of who decides, Mark Hall's volume is a good place to begin." --Ethics and Medicine "A fresh and comprehensive exploration of how health care rationing decisions are made." --Issues in Law and Medicine "An ideal book for readers with an interest in careful argumentation and analysis as well as an informed and incisive examination of literature from a wide range of disciplines, including ethics, political theory, economics, sociology, and law....An unqualified success..." --Medical Humanities "Making Medical Spending Decisions is a formidable contribution to the rationing debate. Professor Hall's conclusion that physicians inevitably must serve as both economic and treatment agents should not only refuel the controversy over the physician's role at the bedside, but also provide an important springboard for discussion of physicians as overseers or case managers." --Journal of Legal Medicine "Noted in Journal of Ethics, Law and Aging" "This book...is a coherent whole, not a mere collection of essays. Hall draws on a remarkable range of sources, seeming equally at home in the legal, philosophical, and policy literature that he surveys. This book is a major contribution toward solving one of the most important problems faced by our country--taming the beast of health care cost inflation...." --Journal of Health Politics, Policy and Law " ...this is a compelling work. Professor Hall has opened the way for a meaningful dialogue on the uses and limitations of physician bedside rationing, ably laying the groundwork for further thought....The desire for more should be seen as a tribute to the success of this work in convincing the reader of its basic premise that physicians are not bound to ignore cost in clinical decisionmaking." --Michigan Law From the Back Cover One of the most fundamental issues in health care delivery is who should decide which items of medical care are not worth their cost. This book is a fresh and comprehensive exploration of how health care rationing decisions are made. Unlike prior works, its focus is not on the specific criteria for rationing, like age or quality of life. About the Author Mark A. Hall is Professor of Law and Public Health at the Bowman Gray School of Medicine at Wake Forest University.