

Cleveland State University
EngagedScholarship@CSU



Cleveland-Marshall
College of Law Library

Cleveland State Law Review

Law Journals

1968

Book Review

James K. Gaynor
Cleveland-Marshall Law School

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstrev>

 Part of the [Medical Jurisprudence Commons](#)

How does access to this work benefit you? Let us know!

Recommended Citation

James K. Gaynor, Book Review, 17 Clev.-Marshall L. Rev. 616 (1968)

This Book Review is brought to you for free and open access by the Law Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

Book Reviews

Reviewed by James K. Gaynor*

PROBLEMS IN HOSPITAL LAW, Health Law Center, Pittsburgh, Pa. (1968), pp. 203; \$10.00 per copy.

As hospital services have increased in recent years, the legal problems of hospital administrators have shown a corresponding increase. The amount of litigation in which hospitals have been unsuccessful, for day-to-day activities which at one time were not considered problem areas, has been a matter of concern to those institutions whose budgets have been adversely affected.

The lawyer, of course, recommends competent legal advice in any doubtful situation and may be loath to recommend a do-it-yourself book designed to solve legal problems for laymen. Nevertheless, it is wholly impracticable for medical administrative personnel to consult hospital legal counsel each time a situation arises which may result in liability. Some basic guidance is necessary.

With this in mind, the Health Law Center of the University of Pittsburgh produced an exhaustive four-volume treatise in 1959, a pioneering work entitled *Hospital Law Manual*. In loose-leaf service form with subject tabs for ready reference, it became a standard treatise in the field of hospital law.

Now, the Health Law Center has produced a condensed version, in permanent cloth binding, for more convenient use by those in hospital administration.

The more important litigated cases are cited but the style is designed to provide the answers to problems without the legal verbiage which so often is confusing to the layman.

The first of the sixteen chapters, which are somewhat unrelated, considers the hospital administrator: his qualifications, his authority, and his liability.

The chapter on admitting and discharging patients explains the differences in charitable, proprietary, and government hospitals. Problems relating to the admission of minority groups are briefly discussed. Several cases are cited which concern the discharge of patients who are in need of further treatment, such as *Meiselman v. Crown Heights Hospital*, 285 N.Y. 389, 34 N.E.2d 367 (1941), in which it was held that the discharge was unreasonable.

There are several suggested forms in the chapter on consent to medical and surgical procedures. The first form shown was included to illustrate the uselessness of an improperly-drafted form. It was quoted from *Rogers v. Lumbermen's Mutual Casualty Co.*, 119 So.2d 649 (La. App.,

* Dean, Cleveland-Marshall Law School.

1960), in which the court characterized the form as "so ambiguous as to be almost completely worthless." Any lawyer would agree that a hospital should have its forms reviewed by its legal counsel, but the forms suggested in the book would appear to suffice for general use.

Medical-moral problems are interesting and three kinds are discussed: abortion, sterilization, and artificial insemination. It is explained that there is an Oklahoma statute on the status of one born as the result of artificial insemination, but it is apparent that this field is one which may be expected to result in much litigation in the future.

The donation of his body by a person for medical use after his death is discussed in the chapter on dead bodies. Exhaustive treatment of the subject in a book of this kind is impracticable. There is too much variation in procedures in the different jurisdictions.

There are chapters on the hospital governing board, auxiliaries and volunteer activities, labor relations including a summarization of laws relating to unions, the medical staff, and medical records. Rather brief treatment is given to the liability of nurses, the pharmacy, and taxation.

A unique feature of the book, which is interesting but does not add to its value by the user, is that it is the first computerized treatise to be published. The content was fed into a computer and type was set from the computer tape.

To summarize its overall value, it is this reviewer's conclusion that it is a very useful hornbook for the lawyer engaged in hospital cases, since it gives a starting point for further research in the hospital administrative field. Furthermore, it is a book which the lawyer may recommend to his clients who are in hospital administration, for it will answer their basic problems without endeavoring to make them feel that consultation with counsel is unnecessary.