

YOU, YOUR DOCTOR AND THE LAW by Loane Skene,
Oxford University Press, 1990, 297pp, \$18.95

In recent years lawyers and legal academics interested in medico-legal issues have witnessed an explosion of interest in the area. No doubt this is, at least in part, attributable to many recent developments in medical technology, such as in-vitro fertilisation, which have raised new legal and bioethical dilemmas to be resolved. Another is a dramatic shift in the way we conceive of the doctor/patient relationship. Doctors, lawyers, and indeed the public in general, have moved away from the traditional "doctor knows best" or paternalistic model of medical treatment, and have become much more broadly sympathetic to ideals of patient autonomy and fully informed consent.

This ideal of patient autonomy corresponds to the idea that patients cannot simply passively rely on doctors and other health care workers to make them well again, but that patients also have some responsibility for their health. It is in this context that the information patients have about their rights and responsibilities in their medical treatment becomes particularly important.

Given the huge increase in medico-legal issues and concern over patients' rights, Loane Skene's new book, *You, Your Doctor and the Law* is particularly timely. Although many in the area of law and medicine may be concerned about the intrusion of law into the medical realm, and the litigation mentality they fear it may foster, the stated purpose of this book "is to avoid conflict between doctor and patient, not to encourage it". Indeed, the book is ideally suited to this purpose. Beginning with the assumption that people will make better patients if they have a greater understanding of their rights and responsibilities as patients, Ms Skene embarks on a comprehensive overview of these rights and responsibilities.

The current legal position in Australia in key areas of medical practice is explained through the extensive use of case studies of medical situations and examples of "optimal" doctor/patient conversations. Her explanations are presented in a manner which is informative and yet accessible to those not legally trained, particularly doctors and patients. One example of this accessibility is that "checklists" are provided for patients in order to assist them in explaining their symptoms to doctors and deciding on treatment options.

Yet the book should not simply be regarded as a book for lay persons only. It addresses a broad range of medico-legal issues including those that are relatively new and have been the subject of a great deal of debate in the medico-legal literature. For this reason this book must serve as a useful addition to the shelves of legal academics and lawyers interested in law and medicine.

The introductory chapter consists of a discussion of the changing nature of the doctor/patient relationship and the "increasing recognition of patient autonomy". The discussion of this issue includes consideration of shifts in governmental policy and legislative changes, non-governmental initiatives, and changes in the attitudes of doctors and patients themselves.

Chapter 1 is concerned with helping patients obtain medical information. The broad scope of this chapter is to consider what sort of information patients need in order to be able to make informed decisions about their health care. The chapter includes matters such as the rights and responsibilities of patients in an initial consultation with a doctor, including suggestions for how they should present their symptoms to the doctor, the information patients should receive from their doctors if further tests or a referral to a specialist is suggested, treatment alternatives and risks of treatment, information to be given when medication is prescribed and consent, including situations where doctors may not be obliged to provide patients with certain information.

Chapter 2 deals with a number of specific forms of medical treatment and the information patients may need in respect of those treatments. Treatments discussed include those arising from pregnancy and childbirth, major surgery, the administration of anaesthesia, cancer treatment, abortion, cosmetic surgery, sterilisation, sex-change operations, in-vitro fertilisation, organ donation and transplantation, testing for AIDS, electroconvulsive therapy and clinical trials.

Chapter 3 is concerned with patients' access to their medical records and chapter 4 deals with confidentiality in the doctor/patient relationship. The discussion of confidentiality includes exceptions to the requirement of confidentiality while the discussion of confidentiality with respect to HIV-positive men who refuse to tell their wives of their HIV status, provides a succinct presentation of the issues in a difficult debate.

Chapters 5 and 6 deal with situations that lead to particular difficulties with the granting of informed consent. The particular patients dealt with here are those under the age of 18, the intellectually disabled, terminally ill patients, the elderly, mentally ill individuals, and those who have poor comprehension of the English language.

Chapter 7 discusses limitations that are placed on the rights of patients to choose their treatment. These limitations include treatment of mentally ill, alcoholic or drug-dependent people, and the limitations laid down in public health legislation or prohibited by law (for example, euthanasia).

Chapter 8 outlines grievance procedures for dissatisfied patients and includes both administrative grievance procedures (such as the Complaints Unit of the NSW Department of Health) and litigation. Finally, chapter 9 consists of a brief discussion of the responsibilities of other health care workers such as nurses.

Although this book was clearly not written primarily for lawyers, it nonetheless provides a comprehensive and concise outline of the legal position of the many difficult issues that often arise in the medico-legal context.

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