

1. Record Nr.	UNINA9910743383903321
Titolo	Medical liability in Asia and Australasia / / Vera Lucia Raposo, Roy G. Beran, editors
Pubbl/distr/stampa	Singapore : , : Springer, , 2022
ISBN	981-16-4855-7 981-16-4854-9
Descrizione fisica	1 online resource (318 pages)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice, , 2214-9902 ; ; Volume 94
Disciplina	344.0411
Soggetti	Medical personnel - Malpractice - Asia Medical personnel - Malpractice - Australasia
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Intro -- Foreword I -- Foreword II -- Preface -- Contents -- Contributors -- Medical Negligence Law in Australia -- 1 Introduction -- 2 Negligence -- 3 Duty of Care -- 4 To Whom is the Duty Owed? -- 5 Duties to Third Parties -- 6 By Whom is a Duty Owed? -- 7 Duty to Diagnose and Treat -- 8 Duty to Diagnose is an On-Going One -- 9 Diagnosis and Treatment Includes Follow-Up -- 10 Defence in the Case of Diagnosis and Treatment -- 11 Duty to Advise of Material Risks -- 12 Factual Causation -- 13 Scope of Liability -- 14 Contributory Negligence -- 15 Damages -- 16 Wrongful Birth -- 17 Wrongful Life -- 18 Vicarious Liability -- 19 Non-delegable Duty of Care -- References -- Medical Malpractice Liability in China (Mainland) -- 1 An Overview -- 2 Enterprise Liability of the Medical Institutions -- 2.1 The Subject to Assume the Liability -- 2.2 Nature of the Institution's Liability -- 3 Liability for Medical Negligence -- 3.1 Malpractice -- 3.2 Negligence -- 3.3 Causation -- 3.4 Damage -- 4 Strict Liability of Medical Product and Blood Transfusion -- 4.1 Liability for Defective Medical Product -- 4.2 Blood Transfusion Liability -- 5 The Liability for the Violation of Informed Consent -- 5.1 General Duty of Informing -- 5.2 Informed Consent in "Special" Medical Measures -- 5.3 Physician Privilege -- 5.4 Incapable Patient -- 5.5 Compensation Liability -- 5.6 Emergency Treatment -- 6 Compensation -- References -- Medical Negligence

Law in Fiji -- 1 Introduction -- 2 Duty of Care in Negligence -- 3 Proof of Negligence -- 4 Causation -- 5 Contributory Negligence -- 6 Expert Evidence -- 7 Contribution Between Tortfeasors -- 8 Vicarious Liability -- 9 Damages -- 10 Conclusion -- References -- Clinical Liability in Hong Kong: Revisiting Duty and Standard of Care -- 1 Introduction -- 1.1 Duty of Care: Reasonable and Foreseeable -- 1.2 Standard of Care.

2 Outline of Basic Materials Used in the Chapter -- 2.1 Table of Cases -- 3 Discussion of that Material -- 3.1 The Case -- 3.2 The Facts and Issues -- 3.3 The Arguments for Duty of Care -- 3.4 The Arguments of Proximity, Foreseeability and Fair, just and Reasonable -- 3.5 Principles to Be Applied -- 4 Clinical Liability for Psychiatric Injury -- 4.1 The Case -- 4.2 Facts -- 4.3 Issues -- 4.4 Application of Cases -- 4.5 Principles of Fair, just and Reasonable -- 5 Standard of Care in Conducting Medical Assessment -- 5.1 Case Summary -- 5.2 Case Analysis -- 5.3 Would Being a General Medical Practitioner Affect the Standard of Care? -- 6 Conclusion -- References -- Law of Medical Liability in India -- 1 Introduction -- 2 The Disgruntled Patient and Forums -- 2.1 Civil Remedy -- 2.2 Criminal Remedy -- 3 Complaining to the Professional Regulatory Body -- 4 Civil Liability -- 5 Accepting the Patient for Treatment -- 6 Determining the Course of Treatment -- 7 Actual Administration of Treatment -- 8 RES IPSA LOQUITUR Cases -- 9 Not Meeting Standard of Care Parameters -- 10 Criminal Medical Liability -- 11 Conclusion -- Reference -- Medical Liability in Indonesia: Overview and Regulatory Trends -- 1 Introduction -- 2 Medical Liability in Indonesia's Medical Law -- 3 Medical Liability and the Protection of Patient's Rights in Health Regulations -- 4 Conclusion -- References -- Public Health Care Law and Ethics in Israel -- 1 Introduction -- 2 The Health Care System in Israel -- 3 Legislation -- 4 Public Health and Technology in Israel -- 5 Regulation of Medical Research and Clinical Trials -- 6 The Relationships Between Public Health, Law, and Ethics -- 7 Balancing Between Public Health Issues and Individuals Rights -- 8 Conclusion -- References -- Medical Injury Litigation and Compensation Systems in Japan -- 1 Introduction.

2 Prosecutions and Their Consequences -- 3 Civil Liability -- 4 The No-Fault Compensation System for Obstetrical Injury -- 5 Conclusion -- References -- Medical Liability in Macao -- 1 Brief Introduction to the Macanese Jurisdiction -- 2 Basic Features of Civil Medical Liability -- 2.1 Contract Liability Versus Tort Liability -- 2.2 Notification of Adverse Events -- 2.3 Medical Error Expertise Commission -- 3 Medical Dispute Mediation Centre -- 4 Basic Features of Medical Criminal Liability -- 4.1 An Especially Favourable Legal Framework for Healthcare Professionals -- 4.2 Violation of a patient's Informed Consent -- 5 The Absence of Relevant Caselaw in Macao -- References -- 'Medical Negligence in Malaysia: Selected Issues of Liabilities and Damages'? -- 1 Introduction -- 2 Personal Liability -- 2.1 Duty of Care to Third Parties -- 2.2 Standard of Care -- 3 Institutional Liability -- 3.1 Public Sector -- 3.2 Private Sector -- 4 Aggravated Damages -- References -- Medical Liability in New Zealand -- 1 Introduction -- 2 Accident Compensation -- 3 Psychiatric Injury -- 4 Exemplary Damages -- 5 Proceedings before the Human Rights Review Tribunal -- 6 New Zealand Bill of Rights -- 7 Discussion -- 8 Conclusion -- References -- Medical Negligence Law in Papua New Guinea -- 1 Introduction -- 2 Duty of Care in Negligence -- 3 The Test for Causation -- 4 Vicarious Liability -- 5 Damages -- 6 Conclusion -- References -- Medical Liability in Qatar -- 1 Introduction -- 2 Liability and the Law -- 2.1 Criminal Law -- 2.2 Negligence -- 2.3 Liability

in the Specialities -- 3 Resolving Disputes Through Hospitals and the Ministry -- 4 Discussion -- 5 Conclusion -- References -- Negligence in Russia: Expert Legal Analysis of Adverse Outcomes of Medical Care -- 1 Introduction -- 2 Expert Legal Assessment of Negligence -- 2.1 Forensic Examinations of Negligence Cases. 2.2 Prevention of Adverse Consequences for the Healthcare System -- 2.3 Concept of Negligence -- 3 Negligence Liability of Medical Professionals -- 3.1 Characterizing Negligence -- 3.2 Matters of Classification -- 3.3 Circumstances Excluding Criminality of an Act -- 3.4 Grounds for Release from Criminal Liability -- 4 Specific Aspects of Civil Liability in Negligence Cases -- 4.1 Basic Principle of Civil Liability -- 4.2 Presumption of Offender' Guilt -- 4.3 Employer's Liability for the Damage Caused by an Employee -- 4.4 Compensation for Injury to Life and Health -- 5 Discussion -- 6 Conclusions -- References -- The Patient-Centric Turn in Medical Liability in Singapore -- 1 Introduction -- 2 Overview of the Legal System of Singapore -- 3 Profession Self-regulation -- 4 Informed Consent and Trespass to Persons -- 5 Medical Negligence -- 6 Conclusion -- References -- Medical Liability in South Korea -- 1 Introduction -- 1.1 Medico-Legal System in Korea -- 1.2 Health Care Providers Responsible for Medical Liability -- 2 Medical Liability and Medical Malpractice -- 2.1 Contractual Liability -- 2.2 Tortious Liability and Medical Negligence -- 2.3 Filing of Medical Malpractice Lawsuit Against Medical Practitioner: Burden of Proof -- 3 Right to Self-determination and Duty to Explain -- 4 Medical Dispute Resolution System of Korea -- 5 Discussion: Recent Changes in Medical Liability in Korea -- 6 Conclusion -- References -- Medical Malpractice in Taiwan -- 1 Introduction -- 2 Basic Legal Principles of Medical Malpractice in Taiwan Before 2012 -- 3 Medical Malpractice Litigation in Taiwan -- 4 Alternative Medical Disputes Resolution Mechanisms in Taiwan -- 4.1 The Mediation by Township and County-Administered City -- 4.2 The Mediation by Local Health Authority -- 4.3 The Mediation by the Court or Referred by the Prosecutor -- 4.4 Reconciliation. 4.5 Arbitration -- 5 Public Attitudes Towards Medical Malpractice in Taiwan -- 6 No-Fault and Quasi-no-Fault Medical Injury Compensation Programs in Taiwan -- 6.1 Vaccine Injury Compensation Program (VICP) -- 6.2 Drug Injury Relief Program (DIRP) -- 6.3 Childbirth Accident Emergency Relief Program (BIERP) -- 7 Bills on the Medical Dispute Management and Compensation -- 7.1 The 2012 Bill Regarding Management of Medical Disputes and Compensation for Medical Incidents -- 7.2 The 2018 Bill Regarding Medical Incident Prevention and Dispute Management -- 8 Later Development in Legislation Related to Medical Malpractice -- 9 Later Development of Mechanisms of Alternative Medical Dispute Resolution in Taiwan -- 10 Conclusion -- References.

---