

PREFACE TO THE THIRD EDITION

With this third edition, the book has been changed in two important ways. As always, the primary motivation for revising a book on healthcare law and ethics is to update the material and provide more current information about a broad range of issues. The third edition includes information about several important developments, such as decisions by the U.S. Supreme Court about the liability of health plans and physician-assisted suicide. In addition to discussing the Terri Schiavo case, the third edition addresses current issues in the law and ethics of human reproduction, such as emergency contraception, the federal Partial-Birth Abortion Ban Act, and the Supreme Court's decision upholding that Act. There is an expanded and updated discussion of medical malpractice reform and legal requirements to report medical errors, as well as updated material on the obligations to provide emergency care and to make healthcare services accessible to persons with limited English proficiency. Other updates include the new Medicare prescription drug law and a federal case involving the HIPAA privacy rules. Finally, new material has been added about the ongoing effort to promote universal health insurance coverage.

The second major change in the third edition is a change in emphasis and focus. At the time of the first and second editions, the healthcare industry and the rest of the country were preoccupied with the issues and problems of managed care. HMOs and other managed care organizations were using strict methods of utilization review in an effort to reduce healthcare costs, and there was a severe backlash against managed care. Some of the most important legal issues before Congress, the Supreme Court, and state governments at that time involved objections to managed care techniques and proposals for managed care reform.

Since then, many things have changed. Congress has become concerned with matters other than managed care, and the public backlash has forced third-party payers to tone down some of their techniques of cost containment. Not surprisingly, healthcare costs have increased significantly in the past few years. Now people are much more concerned with the cost and availability of health insurance than with the techniques of cost containment. The problem of the uninsured is back on the "radar screen"

(where it should have been all along). As many companies outsource jobs, eliminate benefits, and go bankrupt, people are now very worried about the continued availability of health insurance coverage.

For all of these reasons, the third edition adds a new final chapter on health insurance and the ongoing effort to achieve universal coverage. Instead of building toward the ultimate issues of managed healthcare, the new third edition builds toward the ultimate issues of providing and extending health insurance coverage. The topics in that new final chapter are (1) state regulation of insurance companies and HMOs; (2) the problem of extending access to coverage; and (3) state efforts to achieve universal health insurance coverage. This chapter includes material on the 2006 Massachusetts law on healthcare reform and health insurance coverage, as well the litigation in federal court over Maryland's 2006 Fair Share Health Care Fund Act.