



BOOKS

CLINICAL GUIDELINES AND THE LAW: NEGLIGENCE, DISCRETION AND JUDGEMENT

Brian Hurwitz. Radcliffe Medical Press. Oxford 1998.
ISBN 1 85775 044 6

Momentous changes have taken place in medicine in recent decades, continuously transforming the relationship between doctors and patients. The ever-increasing costs of care, the development of complex medical institutions in which health care is delivered by expanding teams of health professionals, the ability to prolong life, and the potential for influencing life through reproductive technology and genetic technology are, however, associated with a lack of consistency in medical practice, societal mistrust of doctors and intrusive managerial control over their work – which is becoming more of a marketable commodity than ever before.

Clinicians have a long tradition of valuing their autonomy and they place great store on their ability to make clinical judgements — a mode of practice which was well suited to home-based care in a previous era. The need to deliver health care equitably, efficiently, cost effectively, and as uniformly as possible on the basis of the best available evidence, and within complex institutional settings has given rise to management practices which place restrictions on doctors' autonomy. The development of national and institutional policies, audit trails, peer review processes, and practice guidelines have not spared medical practice. However, the best interests of patients may be threatened by conflicts of interest between institutional requirements and the aspirations of doctors to deliver the best care.

Clinical guidelines are here to stay — whether doctors like this or not. The recent publication from the General Medical Council 'Maintaining Good Medical Practice' makes it clear that it expects clinical guidelines to be used. The world-wide move towards evidence-based health care will be given a thrust in the UK by the National Health Service Research and Development programme, through which clinical guidelines will surely become increasingly influential.

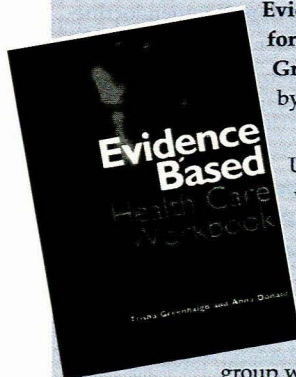
In a short, lucidly written and well-organised manner Hurwitz moves from a description of the nature of guidelines and the clinical context in which they have been developed, to a discussion on the authority and validity they may have (and how to assess these), their legal status, and the relationship between adherence to guidelines and considerations of negligence. He also reflects on the liability of authors of guidelines for the outcomes to which these may lead, the

extent to which discretion can and should be used in interpreting them, and the importance of clinical judgement in the complex context of clinical practice pervaded by uncertainty. He sensitively explores the discretionary space between the desirability of guidelines in such circumstances as those outlined by the National Health Service and slavish adherence to rules in ways which may undermine the advantages of allowing doctors the clinical freedom to integrate formal and informal knowledge of value in the care of ill people.

Those who read Dr Hurwitz's book will acquire insights into the strengths and limitations of clinical guidelines — and hopefully the ability to discriminate between these — and the need to understand the implications of using or not using guidelines as the law increasingly impinges on medicine. It is necessary for doctors to appreciate that there are thin dividing lines between what is considered to be guidance, as distinct from instructions, rules or law, and that 'lawyers do not generally distinguish between guidelines, protocols or codes of practice and other statements of clinical guidance... Although guidelines are regarded by courts as hearsay evidence only... as guideline care increasingly becomes customary, so acting outside the guidance of guidelines could expose doctors to the possibility of being found negligent, unless they can prove a special justification in the circumstances.'

The challenge for doctors is to participate in the process of continuing to treat individuals with patients' best interests at heart, while contributing to the more complex task of trying to apply modern medical knowledge with the insight, humility

BOOK MANAGER'S CHOICE



Evidence Based Health Care Workbook for Individual and Group Learning Trish Greenhalgh and Anna Donald, published by BMJ, Dec 1999, R220

Using real published papers, this workbook covers areas such as therapy, decision analysis, prognosis, diagnostic testing, economic analysis and qualitative research. It shows how to critically appraise the material and provides exercises for individual and group work. Based on successful and popular evidence based medicine workshops, this is a truly helpful guide to putting evidence based medicine into practice.

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and wisdom necessary to ensure that limited resources are used optimally and cost-effectively for the benefit of individuals and the community within which health care is provided. The dual responsibilities of doctors to individuals and to whole populations cannot be escaped. The tension between these requirements can only be resolved by openly developing rational frameworks which can be publicly defended, and by implementing these with accountability. Richard Smith (*BMJ* 27 June 1998) has outlined the extent to which the Bristol debacle will change medical practice. Dr Hurwitz's book will be among those publications which all doctors should read to enable them to understand, and effectively participate in, developing new ways of practice which combine the use of clinical guidelines (based on the best available evidence) with the discretion and clinical judgement required to ensure optimal health care.

S R Benatar

BOOKS RECEIVED

The receipt of these books is gratefully acknowledged. The *SAMJ* does not publish unsolicited reviews.

The Retinal Basis of Vision. Ed by Toyoda, Murakami, Kaneko and Saito. Pp. x + 290. Illustrated. NLG 295/US\$ 149.50. Elsevier. 1999. ISBN 0-444-50299-8.

Computer-Aided Diagnosis in Medical Imaging. Excerpta Medica International Congress Series 1182. Radiology. Ed by K Doi, H HacMahon, ML Giger and KR Hoffman. Pp. xii + 563. Illustrated. NLG 410/US\$208. Elsevier. 1999. ISBN 0-444-50058-8.

Control Mechanisms of Stress and Emotion: Neuroendocrine-Based Studies. Excerpta Medica International Congress Series 1185. Neurology. Ed by Yamashita, Funder, Verbalis, Ueta and Endo. Pp. xiv + 359. Illustrated. NLG 315/US\$160. Elsevier. 1999. ISBN 0-444-50118-5.

Variability in Human Drug. Excerpta Medica International Congress Series 1178. Ed by GT Tucker. Pp. xiii + 299. NLG 275/US\$ 139.50. Elsevier. 1999. ISBN 0-444-82958-X.

Abnormal Cortical Development and Epilepsy – From basic to clinical science. Ed. by R Spreafico, G Avanzini & F Andermann. Pp. xii + 324. Illustrated. £39. John Libbey & Co Ltd. 1999. ISBN 0-86196-579-5.

HIV Health & your Community. A Guide for Action. By Granich and Mermin. Pp. ix + 245. Illustrated. £8.95. Cambridge University Press. 1999. ISBN 0-8047-3350-3.

Butyl Benzyl Phthalate. Concise International Chemical Assessment Document No. 17. IPCS. Pp. iv + 41. Sw.fr.16. WHO. 1999. ISBN 92 4 153017 0.

SKIN: INTERFACE OF A LIVING SYSTEM

Perspective for Skin Care System in the Future. Excerpta Medica. International Congress Series 1159. Edited by Hachiro Taggami, John A Parrish and Tatsuya Ozawa. Pp. xii + 198. Illustrated. NLG235. /US\$135. Elsevier Science. 1998. ISBN 0-444-82964-4.

The proceedings of the Shiseido Science Symposium, which interfaces basic science and applied research, are presented in this publication.

The book is interesting and unique because it deals with the skin as a series of interfaces, and elaborates on cellular communication and the metabolic changes that occur when signals are transmitted across it to maintain body homeostasis and well-being. The skin is an integral part of the whole body, affected by the mind as well as by environmental factors outside the body.

The various sections deal with specific interfaces or concepts. The stratum corneum, which interfaces with the environment, is discussed as a protective biological membrane, with an important function in skin hydration, barrier function and inflammation. Desquamation and keratinisation represent a strictly regulated, dynamic reorganisation of cytoskeleton, cell-cell and cell-matrix junctions in which impairment of even one small molecule involved in keratinisation and cell adherence generates a disastrous skin surface as illustrated by a variety of hereditary skin disorders. At the dermal-epidermal interface, communication via cell-cell and cell matrix interactions regulates cell growth and the structural formation of the basement membrane in a 3-dimensional milieu. At the skin-nervous system interface, Langerhans cells are regulated by neuropeptides and cytokines and may in turn stimulate neuronal differentiation. The concept of a molecule having a physical as well as a metabolic role is highlighted by laminin, which may have different functions in different settings. Protease regulation of dry skin and the role of anti-oxidants and melanocyte-keratinocyte interfaces in photocarcinogenesis are reviewed. A description of somatic mutation generation in given cell types at a given time of life in transgenic mice is a crucial step forward in the understanding of skin physiology and pathology.

The cosmetics of the future are predicted to focus on all pathways of skin function regulation, not only those from the environment, but also those involving the nervous system and senses as well as the endocrine system and immune system.

This book will be of relevance to anyone interested in understanding skin physiology and pathology, especially those involved with skin care product development and use. It is easy to read, relevant and an important contribution to the dermatology literature.

Gail Todd