

# Denver Law Review

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Volume 65  
Issue 2 *Health Law Symposium*

Article 2

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February 2021

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### Recommended Citation

Edward P. Richards, Introduction to the Health Law Symposia, 65 Denv. U. L. Rev. [vii] (1988).

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# INTRODUCTION TO THE HEALTH LAW SYMPOSIA

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## INTRODUCTION

This symposia issue is concerned with medical legal issues other than professional liability. In the increasingly polar debate over medical malpractice and tort reform, we have seen physicians and lawyers become enemies. Each side accuses the other of putting personal greed above the public welfare. In this issue, we have tried to explore areas where physicians and lawyers may find common ground as professionals serving the public interest.

## THE ARTICLES

The first three articles deal with AIDS. Physicians and lawyers have often worked at cross purposes in attempting to balance the rights of individuals against society's right of self-defense. Fortunately, Colorado has fared better than any other state in reconciling the legal and medical interests surrounding AIDS control.

In "Colorado's Promising 'Model' for AIDS Control," Dr. Tomas Vernon, Director of the Colorado Department of Health, explains the philosophy behind Colorado's AIDS control program. Unlike most other states, Colorado treats AIDS as a medical and public health problem. Through this approach, Colorado has demonstrated that traditional disease control measures such as partner notification and disease reporting do work for AIDS. In particular, the Colorado experience conclusively disproves the myth that disease reporting discourages voluntary testing for the human immunodeficiency virus (HIV) that causes AIDS.

Dr. Peter Rosen sets AIDS in the broader perspective of historical plagues in his article, "The Impact of AIDS: A Modern Day Plague." Plagues have always played a major role in shaping human society. If we are to understand the potential ramifications of the AIDS epidemic, we must account for the psychological impact of death and fear on political institutions.

"Communicable Disease Control in Colorado: A Rational Approach to AIDS" analyzes the Colorado AIDS Control Law in the broader context of the Colorado public health system. This article combines practical advice on complying with disease control laws with the legal underpinnings of these laws. This preventive law approach to public health duties will enable physicians and their attorneys to better understand how to cooperate in protecting the public's health.

While not directly concerned with AIDS, David Miller's article,

"Right-To-Die Damage Actions: Developments in the Law," highlights an issue that haunts all fatal diseases, including AIDS. This article arose from a recent Colorado case. It discusses the extent of a patient's right to refuse medical care, and why current tort law theories are inadequate to enforce this right.

Dr. Donald Bross's article, "Medical Diagnosis as a Gateway to the Child Welfare System: A Legal Review for Physicians, Lawyers, and Social Workers," provides a practical introduction to the child welfare system in Colorado. As with the public health system, the child welfare system is a working example of a cooperative venture between medicine and law that improves the welfare of society.

Mr. Donald Cordova, President of the Denver Bar Association, and Dr.'s John Sbarbaro and Edmund Casper, respectively, President and a member of the Board of Directors of the Denver Medical Society, discuss the role of professional societies in preserving the public welfare. The articles "Should We Really Blame The Lawyers" and "A Case For Independent Judgment: The Medical Society In Perspective For The 1990's," are followed by an example of the fruitful cooperation between the lawyers and physicians of Colorado, the Interprofessional Code.

The final articles, by editors of the *Denver University Law Review*, discuss two timely medical legal issues: the admissibility of evidence based on new medical tests; and the legal prohibitions on discriminating against persons infected with certain communicable diseases, including HIV.