BOOK REVIEW (REPRINT)


Emerging Legal Issues in Blood Banking and Transfusion Medicine is a collation of 11 chapters each dealing with one or more legal aspects of transfusion medicine and each written by legal experts in the field. Some authors also are physicians with considerable experience in this area of medicine. The editors are particularly suited to this task, each with long-term and intense experience in managing the legal affairs of the American National Red Cross Blood Services during an era of substantial regulatory and legal demands. On subjects regarding tort law, all of the authors are from the “defense establishment.” The omission of plaintiff legal experts is not a serious flaw because plaintiff theories appear to be well presented. In addition, virtually all of the readers of this book are likely to conceive of themselves in defense positions.

This is an important and valuable book for professionals in the broad field of transfusion medicine. It is recommended reading for medical, technical, and administrative personnel in management roles. In addition, I recommend this book to blood bank fellows, clinical pathology residents, and SBB students. Such individuals often find themselves in management roles during their careers. This information is not duplicated elsewhere so conveniently and the mere 132 pages are well worth the effort.

The editors state, “Our instructions to the authors were to make their text intelligible to professionals who manage blood centers, hospital blood banks, and hospital transfusion services...” This was, in part, accomplished. As with most books with many contributing authors, there is variation in style and clarity. In addition, there is some overlap of subject matter. In some cases the overlap is welcome. It is often useful to receive a different “spin” on difficult concepts. The erosion of the standard of care concept, as it has been applied in tort law, is one of the more important of these. The evolving changes in this concept is well described in this book. It leaves the reader with a guarded caution. Simply following regulations and usual practice standards may be inadequate if, as a generality, “a reasonably prudent patient” would expect the practitioner to be held to a higher standard.

Although the first seven chapters focus on tort related matters, this book should not be read with the primary aim to become bulletproof against the aggressive plaintiff. The last four chapters cover economic, regulatory, and public policy issues. Some important areas of business law, such as antitrust issues and unfair business practices are well described. Confidential property, fiduciary obligations, and employee relations are lightly touched.

Although government regulation is a major legal burden for blood establishments, do not expect this book to be of much help in that arena. The editors acknowledge it is too large an issue to be treated adequately in a book of this scope. Curiously out of context, however, is a chapter on FDA regulation of stand-alone computer products. I can only conclude that it is included here because the subject is new and shrouded in controversy. Although instructive, the author appears to use this chapter as a platform to launch criticism of the FDA for forcing itself into a regulatory role of blood bank computer systems using the device regulations. The venom is hardly concealed.

The final chapter, titled “Mad Cows and Perceptions of the Safety of the Blood Supply,” is a historical review of the events of the 1980s that relates these events to the processes that have shaped public policy and, subsequently, regulation and law. It is a well-narrated cause-and-effect treatise on the subject. It is of considerable nostalgic value to those who lived through the era and an important capsule of history for those reading it for the first time. This chapter is worth the book, and above all others can be read and enjoyed out of context from the rest.

It is fantasy to suggest that if the book were available in 1982, the course of subsequent events would have been different. The events of the 1980s, as with medicine, caused significant changes in legal understanding and principles. The many lessons of this book are a result of those experiences. More important, it seems the full evolution stimulated by these events is not yet complete. Like medicine and technology, this subject will need periodic updating for professionals in this field. Hopefully, this book is only a first edition.

William C. Sherwood, MD
Director, Transfusion Services
American Red Cross Blood Services
Penn-Jersey Region
Musser Blood Center
700 Spring Garden Street
Philadelphia, PA 19123-3594