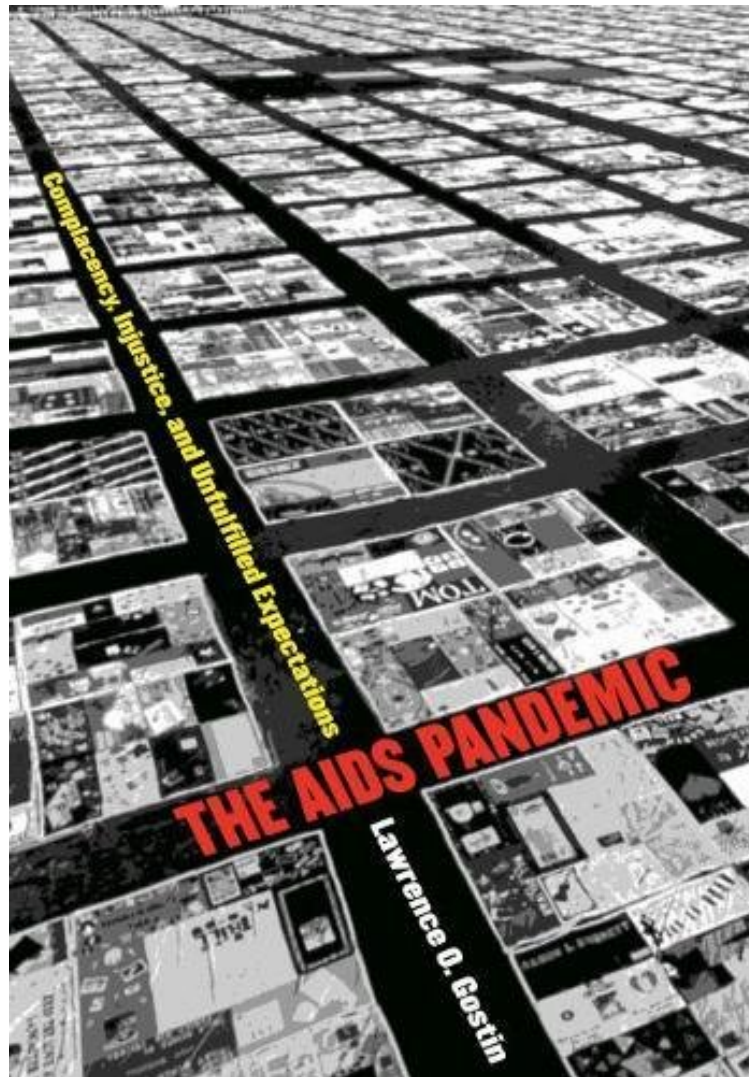


(Free pdf) The AIDS Pandemic: Complacency, Injustice, and Unfulfilled Expectations (Studies in Social Medicine)

## The AIDS Pandemic: Complacency, Injustice, and Unfulfilled Expectations (Studies in Social Medicine)

*Lawrence O. Gostin*

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**Lawrence O. Gostin : The AIDS Pandemic: Complacency, Injustice, and Unfulfilled Expectations (Studies in Social Medicine)** before purchasing it in order to gage whether or not it would be worth my time, and all praised The AIDS Pandemic: Complacency, Injustice, and Unfulfilled Expectations (Studies in Social Medicine):

In this collection of essays, Lawrence O. Gostin, an internationally recognized scholar of AIDS law and policy, confronts the most pressing and controversial issues surrounding AIDS in America and around the world. He shows how HIV/AIDS affects the entire population--infected and uninfected--by influencing our social norms, our economy, and our country's role as a world leader. Now in the third decade of this pandemic, the nation and the world still fail to respond to the needs of persons living with HIV/AIDS and continue to tolerate injustice in their treatment, Gostin argues. AIDS, both in the United States and globally, deeply affects poor and marginalized populations, and many U.S. policies are based on conservative moral values rather than public health and social justice concerns. Gostin tackles the hard social, legal, political, and ethical issues of the HIV/AIDS pandemic: privacy and discrimination, travel and immigration, clinical trials and drug pricing, exclusion of HIV-infected health care workers, testing and treatment of pregnant women and infants, and needle-exchange programs. This book provides an inside account of AIDS policy debates together with incisive commentary. It is indispensable reading for advocates, scholars, health professionals, lawyers, and the concerned public.

From The New England Journal of Medicine Lawrence O. Gostin notes in his new book, *The AIDS Pandemic*, that AIDS has provoked more legislation and litigation than any other disease in modern history. As evidenced by this compilation of previously published essays, it would be equally true to say that Gostin has done more than any other scholar to illuminate the legal issues concerning AIDS. What is particularly striking about the book is how well it demonstrates the complex interaction between sociopolitical forces and the law. This is best illustrated by the handling of health care workers in the United States who are infected with the human immunodeficiency virus (HIV). In 1990, a cluster of six cases of HIV-infection was linked to a Florida dentist. In response, the Centers for Disease Control and Prevention (CDC) recommended that health care workers infected with HIV (or infected with hepatitis B and with serologic evidence of hepatitis B e antigen) obtain approval from an expert panel and inform their patients of their serologic status before engaging in "exposure-prone procedures." Although the CDC had the power only to recommend this action, Congress mandated that states follow the CDC's guidance, and the courts have upheld the reassignment of infected health care workers. The reaction to the Florida cases was extreme, for several reasons. The method by which HIV was transmitted in the dental cluster was never established. No other cases of transmission from health care workers to patients were known at that time. Having to notify patients of one's serologic status before a procedure constitutes a violation of the privacy of the health care worker and effectively makes it impossible for practitioners to continue performing procedures, thereby violating their rights under the Americans with Disabilities Act. Prior well-documented instances of problems among health care workers (e.g., substance use and incompetence) that led to serious outcomes for patients had not resulted in such intrusive measures against an entire profession. Many health care workers also felt that society had created a double standard. Multiple cases of health care workers' becoming infected from treating their patients had been documented, and the courts had correctly ruled that health care workers could not discriminate against HIV-infected patients. Although almost all health care workers would acknowledge that their profession requires them to take on risks that the average person would not choose to take (e.g., caring for persons with a communicable disease during an epidemic), many felt that it was unfair that they were required to put themselves at risk of infection through a well-documented mode of transmission from their patients, but patients could not be put at risk for a rare and undocumented mode of transmission from health care workers. Although extreme, the initial response to the Florida case can be forgiven. Highly active antiretroviral therapy for HIV and AIDS was not available until 1996, and acquiring HIV during the early 1990s was felt to be the equivalent of a death sentence. To some, the uncertainty about how the transmission occurred in Florida argued for the need for broad prohibitions. What is unforgivable, as detailed by Gostin, is that the CDC recommendation and the laws that support it have not been changed more than a decade later, despite the acquisition of new data. Exhaustive investigations of the patients of HIV-infected physicians, including those who perform invasive procedures, have not detected a single additional infection. The reasons that the rules governing health care workers have not changed are social and political. Whether appropriately or not, most people want to know whether their physician is infected with HIV, and politicians are unwilling to change a law that enjoys wide support, however discriminatory it may be. Throughout the book, Gostin appropriately advocates the objective determination of laws, policies, and interventions for disease prevention, with consideration of the underlying issues of civil and human rights. And each of his essays, on topics as disparate as partner notification, immigration policy, and aid to the underdeveloped world, fulfills this standard. It is for that reason that I found myself more disheartened after reading the book. I had not fully appreciated how large the gap is between our AIDS policies and what they should be. Mitchell H. Katz, M.D. Copyright 2004 Massachusetts Medical Society. All rights reserved. The New England Journal of Medicine is a registered trademark of the MMS. This is an important book at the intersection of law, human rights and public policy. With a wealth of evidence from the US and globally, Lawrence Gostin makes an incontrovertible case that good public health must be grounded in the respect for rights and dignity.--Dr. Peter Piot, Executive Director, Joint United Nations Programme on AIDS (UNAIDS)[The AIDS Pandemic brings] together [Gostin's] many essays in an effort to understand past failures and future possibilities.--The Nation[A] comprehensive and informative text. . . . This is an excellent resource for anyone

working with or concerned about HIV and AIDS.--ChoiceA comprehensive review of the social, ethical, political, and legal debates surrounding the AIDS pandemic. . . . Well organized. . . . Covers a wide range of topics. . . . Easy reading. . . . The author writes from the perspective of an insider intimately involved with the creation and evolution of AIDS policies. . . . Gostin's public policy arguments are evidence-based. . . . The AIDS Pandemic is a well-written book that accomplishes its stated goal, to provide an extensive review of U.S. HIV/AIDS laws and policies. The book's greatest strength is its comprehensiveness. . . . This book's lasting value is that it depicts clearly how AIDS laws and policies have and continue to negatively impact on the lives of HIV-infected individuals.--American Journal of Bioethics Gostin has done more than any other scholar to illuminate the legal issues concerning AIDS. What is particularly striking about the book is how well it demonstrates the complex interaction between sociopolitical forces and the law.--New England Journal of Medicine Larry Gostin has been at the forefront of the public health and human rights movement for the past two decades. From the courtroom to the United Nations, this book provides a unique and scholarly account of the most important legal, social, and political issues posed by the AIDS pandemic in this country and abroad.--Michael Merson, M.D., Anna M. R. Lauder Professor and Dean of Public Health, Yale University This volume provides a thorough review of the legal and public policy issues posed during the AIDS pandemic. In addition to being America's foremost scholar of public health law, Larry Gostin has most often been at the center of articulating these issues and providing sound practical solutions.--Dr. James Curran, Dean of the Rollins School of Public Health, and Director of the Center for AIDS Research, Emory University For two decades--virtually from the outset--Lawrence Gostin has been engaged with the AIDS epidemic, bringing to bear his understanding of the relevance of law and human rights to a catastrophic event in human history. He has analyzed, commented, challenged, and provoked. In *The AIDS Pandemic*, his efforts are brought together and we are all the beneficiaries.--Ronald Bayer, Mailman School of Public Health, Columbia University Gostin has provided an account of the AIDS epidemic and its critical legal, ethical, and policy challenges that is not only learned and comprehensive but up-to-date and thought-provoking. Centrally involved himself in AIDS policy formulation over the last two decades in American and international institutions, he offers an overview that is authoritative and sensitive, and that looks beyond America to the resource-poor world where 95% of people with AIDS or HIV now live. For them, his conclusions on treatment access and other vital AIDS policy issues are profoundly important.--Justice Edwin Cameron, Supreme Court of Appeal, South Africa