Table of Contents

The Authors	3
List of Abbreviations	9
Japanese Titles	11
General Introduction	13
Chapter 1. General Background of the Country	13
§1. GEOGRAPHY AND CLIMATE	13
§2. POLITICAL AND JUDICIAL SYSTEM	13
§3. POPULATION AND VITAL STATISTICS	14
Chapter 2. General Description of the Health-Care System	15
§1. GENERAL OVERVIEW OF THE HEALTH-CARE SYSTEM I. Brief History II. Overview	15 15 16
§2. REGULATION OF THE HEALTH-CARE SYSTEM	17
§3. Financing of Health Care	18
§4. HEALTH INSURANCE	18
Chapter 3. Medical Law	20
§1. DEFINITIONS AND FUNCTIONS OF MEDICAL LAW	20
§2. SOURCES OF MEDICAL LAW I. International Law and Codes II. National Sources	20 20 20

Table of Contents

Part I. The Medical Profession	23
Chapter 1. Access to the Medical Profession	23
§1. MEDICAL EDUCATION I. Undergraduate Medical Education II. Medical Education after Graduation III. Graduate Medical Education	23 23 23 24
§2. LICENSING OF MEDICAL DOCTORS AND SPECIALITIES	24
§3. Manpower Planning: Freedom of Establishment	25
§4. RESPONSIBILITY OF THE CENTRAL AND LOCAL GOVERNMENTS	26
Chapter 2. Practice of Medicine	27
Chapter 2. Practice of Medicine §1. Legal Conditions for the Practice of Medicine	27
§2. ILLEGAL PRACTICE OF MEDICINE	27
Chapter 3. Control over the Practice of Medicine	29
§1. LICENSE AND DISCIPLINARY ACTION BY THE MHLW	29
§2. THE ROLE OF JMA AND ASSOCIATIONS/COLLEGES	30
§3. PROFESSIONAL LIABILITY I. Introduction II. Civil Liability A. Torts B. Breach of Contract C. Negligence and Causation D. Rights and Legally Protected Interests 1. General Explanation 2. Duty to Provide Information to the Patient 3. To Whom Do Doctors Have a Duty? 4. Loss of Chance E. The Amount of Compensation III. Criminal Liability A. Homicide B. Causing Death or Injury by Negligence	31 31 31 32 32 33 33 34 35 37 37 38 38
IV. Alternative Dispute Resolution (ADR) and Other No-Fault Compensation Schemes	39
A. No-Fault Compensation on Yakugai	39
B. No-Fault Compensation on Birth Defects	39
C Complaints from Patients	40

Table of Cont	ents
Part II. The Physician-Patient Relationship	41
Chapter 1. General Description	41
§1. RIGHTS AND DUTIES OF PATIENTS AND PHYSICIANS I. Rights of Patients Generally II. Duty of Physicians Generally III. The Right to Consent and Information IV. Confidentiality	41 41 41 43 44
Chapter 2. The Physician-Patient Relationship in Specific Terms	46
§1. MINOR PATIENT I. Medical Neglect Cases and the Legal System in Japan II. Medical Decision-Making for Severely Ill Newborns	46 46 50
§2. MENTAL PATIENTS I. Brief History II. Purpose of the Statute and Definition III. Types and Requirements of Hospitalization IV. Mental Hospital and Doctor V. Mental Health Committee VI. Caregiver VII. Tort Liability Concerning Mental Patients	52 52 52 53 54 54 54
§3. DYING PATIENTS I. Introduction II. Cases of Euthanasia by a Doctor A. The <i>Tokai Dangaku</i> University Case B. The <i>Kawasaki Kyodo Byouin</i> Hospital Case III. Other Cases and Guidelines	55 55 56 56 57 58
Chapter 3. Specific Activities	60
§1. ABORTION I. Overview II. Abortion Based on (Risk of) Foetal Abnormalities III. New Techniques for Finding the Abnormalities of Foetus	60 60 60

§2. STERILIZATION

§3. Assisted Reproductive Technology I. Regulations on ART

A. Introduction

Table of Contents

 II. Parent-Child Relationship A. Introduction B. Who Is the Child's Father in AID Cases? C. Who Is the Child's Father in Post-mortem Insemination Cases? D. Who Is the Child's Mother in Cases Involving Donated Eggs and a Surrogate/Host Mother? 	64 64 65 66
§4. GENETIC DIAGNOSIS, INSURANCE AND GENE THERAPY I. Genetic Diagnosis and Insurance II. Gene Therapy	69 69 70
§5. ORGAN TRANSPLANTATION I. Brief History of Organ Transplantation and Its Regulation II. Heart Transplantation and Brain Death III. Current Statute	70 70 70 72
§6. AUTOPSY AND STORAGE/USE OF HUMAN TISSUE FROM CADAVER I. Court Decisions on Dead Bodies and Remains for Interment II. Statutes III. A Case Around Human Tissues	73 73 73 74
II. Statutes III. A Case Around Human Tissues §7. MEDICAL RESEARCH I. General Description II. Statutory 'Chiken' III. Other Medical Research	76 76 76 77
Part III. The Physician and the Health-Care System	81
Chapter 1. Relationship with Other Health-Care Providers	81
§1. Pharmacists	81
§2. Midwives	81
§3. Nurses	82
§4. Other Health-Care Technicians	82
Chapter 2. Relationship with Health-Care Institutions	83
Chapter 3. Others: Minister's Direction	84
Selected Bibliography	85
Index	87