



# Conflicts of Interest and the Future of Medicine: The United States, France, and Japan

By Marc A. Rodwin

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As most Americans know, conflicts of interest riddle the US health care system. They result from physicians practicing medicine as entrepreneurs, from physicians' ties to pharma, and from investor-owned firms and insurers' influence over physicians' medical choices. These conflicts raise questions about physicians' loyalty to their patients and their professional and economic independence. The consequences of such conflicts of interest are often devastating for the patients--and society--stuck in the middle.

In *Conflicts of Interest and the Future of Medicine*, Marc Rodwin examines the development of these conflicts in the US, France, and Japan. He shows that national differences in the organization of medical practice and the interplay of organized medicine, the market, and the state give rise to variations in the type and prevalence of such conflicts. He then analyzes the strategies that each nation employs to cope with them.

Unfortunately, many proposals to address physicians' conflicts of interest do not offer solutions that stick. But drawing on the experiences of these three nations, Rodwin demonstrates that we can mitigate these problems with carefully planned reform and regulation. He examines a range of measures that can be taken in the private and public sector to preserve medical professionalism--and concludes that there just might be more than one prescription to this seemingly incurable malady.

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**Bibliography**

- Sales Rank: #2652346 in Books
- Published on: 2011-02-16
- Original language: English
- Number of items: 1
- Dimensions: 6.50" h x 1.20" w x 9.30" l, 1.44 pounds
- Binding: Hardcover
- 392 pages

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**Editorial Review**

Review

"Rodwin writes clearly, and he is soft-spoken but stinging in his account of organized medicine's resistance to limits on self-referral, enticements from Big Pharma, and other flows of lucre...an important book on an urgent topic, neglected by both political parties in the ongoing battle over health care reform." --*Health Affairs*

"Will be helpful to scholars as well as intriguing to readers new to the subject." --*Journal of the American Medical Association*

"Rodwin provides broad, well-documented coverage of financing mechanisms and the competing goals of state and markets...Recommended." --*CHOICE*

"Superb, comparative, fascinating...A valuable historical study which is also a major contribution to conflict of interest debates in US and international health care policy, suggesting practical alternatives for the future." --Rosemary A. Stevens, Distinguished Scholar, Weill Cornell Medical College-New York City

"Rodwin turns a critical eye to the current proposals...suggests new directions for reform...[and] offers important advice that policy makers must heed if we are to restore trust in our profession." --Jerome P. Kassirer, MD, Distinguished Professor, Tufts University School of Medicine, and Editor-in-Chief Emeritus of *New England Journal of Medicine*

"A wise, powerful, broad-ranging guide to saving the relationship between doctors and patients. *Conflicts of Interest* is meticulously researched and beautifully written. It explores the past, illuminates the present, and points us toward a promising future. We ignore Marc Rodwin at our peril." --James Morone, Professor of Political Science and Urban Studies, Brown University, co-author of *The Heart of Power* and author of *Hellfire Nation*

"Rodwin, whose earlier classic on medical conflicts of interest contributed importantly to the public debate, has deepened his analysis in a comparative perspective...He again enlarges and enlightens the debate and offers useful policy alternatives." --David Mechanic, Director of the Institute for Health, Health Care Policy, and Aging Research, Rutgers University

"This book specifies the ways in which both government and medical professionals and organizations must change if we are to adequately protect patients. Rodwin's analysis is thoughtful and thorough; his recommendations can help guide us to more effective public policies." --Thomas Rice, Professor of Health Services, University of California-Los Angeles School of Public Health

"A fitting sequel to Rodwin's pathbreaking *Medicine, Money, and Morals*. His analysis of conflicts of interest in medicine in France, Japan, and the US is both fascinating and sensible." --Timothy Stoltzfus Jost, Professor of Law, Washington and Lee University School of Law

"The medical profession, the market, and the state exist in a delicate and dynamic balance. By explaining how this balance is maintained or lost in three countries, Rodwin is able to diagnose the ills of American medicine and suggest appropriate treatment." --John D. Lantos, MD, Professor of Pediatrics, University of Missouri, and author of *Do We Still Need Doctors?*

"...Rodwin provides comprehensive, yet accessible information on the complexity of conflicts of interest and how they may shape the future of medicine in different health-care systems. This book is well written and highly topical. It will be of interest for all those who are concerned about doctors' conflicts of interest, from policymakers and academics to practitioners and the users of medical services." --Ellen Kuhlmann, *Social Policy & Administration*

"It is hard not to be impressed by the depth of learning shown in this book. Rodwin presents a coherent account of the development of medicine in three countries, drawing relevant comparisons as he does so, identifying key sites where conflicts of interest are likely to arise. He is able to show how those sites vary from country to country and explore how they arose through the distinctive evolutionary path of medicine in each. This is a major scholarly achievement... this is a very good book indeed. I would have no problems recommending it for courses on health policy, but I also hope it will be used in medical schools to explore the kinds of challenges the profession faces in relation to conflicts of interest." --Ian Greener, Durham University, *Governance*

"In this rich and learned analysis, Marc A. Rodwin extends his work on conflicts of interest by directly comparing both problems and policies in the United States, France, and Japan. Although he has already published leading work in this field (Rodwin 1993), readers, I suspect, will learn a lot from this comparison, which builds on the analytic baseline from that previous work. A reader interested in conflicts of interest and seeking an introduction to the field could surely use this book for that purpose. ELConflicts of Interest and the Future of Medicine demonstrates convincingly that "self-regulation, disclosure, and minor tweaking of legal rules" (249) are highly unlikely to resolve the problems created by conflicts between the interests of those who make their living from medical care and those who need medical care to live." --*Journal of Health Politics, Policy and Law*

"To illustrate the various sources of conflicts present in today's health care system, Marc Rodwin's book starts with the story of a hypothetical patient with chest pain seeking medical help in the U.S. France and Japan. ...for each of the three countries, the author provides an in-depth review of history of the nation's medical political economy as it has been shaped by medicine, the market and the state. He examines how conflicts were influenced by the rise of and social medical insurance, by the changing relations between and the pharmaceutical and medical device industries. The book deals with an important topic that the author thoroughly researched. By reviewing the different strategies developed by each country to respond to physicians' conflicts of interest Rodwin provides a useful perspective for the ongoing debate on medical ethics."  
--*Key Reporter*

"Thanks to its comprehensive analysis of the three countries and their different regulatory frameworks this book is not only useful for legal or economic scholars/experts who are interested in dealing with conflicts of interest, but also for those who would like to study the healthcare systems of France, Japan and the USA. It is also useful as a starting point for sociologists and political scientists for studying the role of the medical profession." -- *International Journal of Integrated Care*

"The author presents an in-depth historical analysis and current situation of the physician patient-centered conflict-of-interest problems in a well-researched and written academic style." --*World Medical & Health Policy*

"Marc Rodwin's *Conflicts of Interest and the Future of Medicine* succeeds admirably both at helping us learn about other countries and at helping us learn from them ... The attentive reader will come away from these chapters with a sophisticated and complex understanding of the evolution of the healthcare financing system in each of the countries ... The book will be of great interest to health policy analysts, health lawyers, physician leaders, regulators, and bioethicists. It is a model of descriptive and analytical comparative analysis ... Rodwin pulls no punches, announcing that the experiences of the three countries have led him to conclude that a number of traditional reforms aimed at conflict of interest in medicine just don't work ... Rodwin supplies detailed arguments for each conclusion, based on the evidence gathered in his national case studies." --*The American Journal of Bioethics*

"...Rodwin provides a fascinating, well-informed account of the changing economics of modern medicine ... unlike many works of policy analysis that present only a thin veneer of history, this book has a solid historical foundation. ...Rodwin's lucid, learned summary of physician conflicts of interest will be enormously useful to historians, particularly those concerned with the post-1970 period. The book's extensive footnotes and bibliography provide a guide to relevant sources in the fields of law, economics, sociology, and policy, and an appendix offers a short legal history of the concept of conflicts of interest and its evolution from Roman fiduciary law to modern civil law. This is a fine piece of work that will be of great use particularly to historians of twentieth century medicine." --*Social History of Medicine*

"The existence of these incentives-and the conflicts of interest they create-is the subject of Marc Rodwin's new book, *Conflicts of Interest and the Future of Medicine*. In his history-heavy analysis of the growth and

symbiosis of medicine and industry in the United States, France, and Japan, Rodwin chronicles the cultural, legal, and institutional factors that have contributed to each country's current landscape of financial incentives in clinical medicine. Each tells a different story of how organized medicine, professional self-regulation, market competition, and payers affect contemporary physician behavior and provides insight into the relationship between this behavior and health care cost." --*Journal of Bioethical Inquiry*

"Dr. Rodwin masterfully reviews most of the reasons leading to conflicts-of-interest and draws attention to the similarities and differences between the United States', Japan's, and France's practices for managing this problem. He presents relevant examples, discusses the historical evolution of the medical ethics in each country, and proposes suitable remedial actions ... This is a well-written and scholastic treatise by an academic who studied and worked in all three countries discussed in this book." --*World Medical & Health Policy*

"This is an important contribution to our understanding of institutionalized conflicts of interest in medicine, and it contributes to our understanding of health-care politics and comparative health policy... Rodwin's vantage point provides insights into the politics of private-sector medicine and the broader political economy of health care... this book provides thoughtful insights on past, current, and future conflicts of interest in medicine for scholars and policymakers alike." --*Perspectives on Politics*

"What makes Marc Rodwin's book quite valuable is the scope of what is considered under the rubric of financial conflicts of interest (FCOI), the multi-national comparisons, his in-depth consideration of the historical context in which FCOI has developed, and the chapter dedicated to reforms aimed at limiting physicians FCOI... it makes a significant contribution to the overall literature on the nature, extent, and consequences of FCOI in medicine today." --*The Journal of Law, Medicine & Ethics*

#### About the Author

**Marc A. Rodwin** is Professor of Law at Suffolk University Law School. He is the author of *Medicine, Money and Morals: Physicians' Conflicts of Interest* (OUP 1993) and numerous articles on health law, ethics, politics and policy. Rodwin has been a research scholar at Tokyo University Law School and the Centre National de Recherche Scientifique in France. He has testified before Congress, advised consumer groups, and lectured in several countries.

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