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Reliance Doctrine in Medical Disputes — A Comparative and Empirical Study

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Abstract

Due to the trend of specialization in modern medicine, medical practice in most institutes should include various qualified professionals who will not only perform their specialties independently but also collaborate each other as a team work. As such, it is necessary for us to seek categorized standards to reasonably divide the scope of the duty of care and the responsibilities for different professionals within a medical team. This article will try to apply the doctrine of reliance originated from traffic accidents to the medical field for reasonable allocation of duty of care and liabilities. After analyzing legal theories from comparative legal research, this article adopts function standard rather than identity standard as a categorization system for the liabilities of medical teamwork. Then this article utilizes empirical legal research on both medical and legal personnel to verify this categorization.

Keywords: Specialized Labor Division, Medical Teamwork, Doctrine of Reliance, Medical Disputes, Empirical Research