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Professor Jean V. McHale

Professor of Health Care Law

Birmingham Law School (/schools/law/index.aspx)

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About

Professor Jean McHale researches and writes in the area of Health Care law. She has written several key works in the field and participated on several external policy committees. She is the Director of the Centre for Health Law, Science & Policy at Birmingham Law School and is one of the academic directors of the University of Birmingham Policy Commission, **Healthy Ageing in the 21st Century (/research/impact/policy-commissions/healthy-ageing/index.aspx)** .

Qualifications

- LLB (Hons) (Manchester)
- MPhil (Manchester)

Biography

Jean McHale took up a chair at the University of Birmingham in September 2009. She previously taught at the Universities of East Anglia, Nottingham, Manchester and Leicester where she held a chair in Law from 2000-9.

Teaching

- Legal Issues in Health Care (LLB)
- Land Law (LLB)
- Health Law and the EU (LLM)
- Human Rights and Health Care Law (LLM)

Postgraduate supervision

Health and Health Care Law, in particular,

- Health Law and the EU
- Health Care Privacy and Confidentiality
- Legal Regulation of Genetics
- Law and Nanomedicine
- Legal Regulation of Use of Human Material
- Legal Regulation of Clinical Research
- Mental Health Law
- Organ Transplantation

Research

Professor McHale has written several monographs and textbooks in the area of health care law. Her first monograph *Medical Confidentiality and Legal Privilege* was published by Routledge in 1993. The second edition of her textbook *Health Care Law Cases and Materials* with Marie Fox (Sweet and Maxwell) and the third edition of her textbook *Law and Nursing* with John Tingle (Butterworth Heinemann) were both published in 2007. She is also a co-editor and contributor to two major volumes of essays for Oxford University Press, *Principles of Mental Health Law* (1st edition) (with Peter Bartlett, Larry Gostin, Phil Fennell and Ronnie MacKay) 2010 and *Principles of Medical Law* (3rd Edition) (with Andrew Grubb and Judy Laing) 2010. She has published papers in wide range of legal and health care professional journals. She has given invited papers at numerous conferences and seminars to legal, health care professional and policy audiences.

Her current research is focused around several areas. First, health law and the EU. She is currently writing a new monograph *European Health Law* for Cambridge University Press with Professor Tamara Hervey of the University of Sheffield which takes forward on-going research interests in this area which formed the basis of Hervey and McHale *Health Law and the EU* CUP published in 2004. Secondly, the legal regulation of health research. Thirdly, mental health and mental capacity.

She is currently one of the academic directors of the 3rd Birmingham Policy Commission "Healthy Ageing in the C21st. See further her podcast with the University of Birmingham **Ideaslab (http://www.ideaslab.bham.ac.uk/ideaslab_podcast.htm)** about the policy and political implications of healthy ageing in the UK and the **Commission website. (http://www.birmingham.ac.uk/research/impact/policy-commissions/healthy-ageing/index.aspx)**

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Other activities

- Director of the Centre for Health Law, Science and Policy
- Director of Research for Birmingham Law School
- Chair of Law School Research Committee

Professor McHale is a member of the Editorial Board of the *Medical Law Review and* the Editorial Board of *Health Economics Policy and Law.* She is also a member and Consultant Editor of *Nursing Ethics.*

She is also the legal member of Ethics and Governance Committee of the Airwave Health Monitoring Study which is being run jointly by the Home Office and Imperial College London. Previously she served as a member of the Promise of the Human Genome Panel of the DTI Health Task Force (1999-2000). She was a member of UK Biobank Interim Ethics and Governance Advisory Group 2003-4. She was a member of the UK Advisory Panel for Health Care Workers Affected by Blood Borne Viruses (206-2010). She was commissioned to write a Paper on *Confidentiality and Mental Health* for the Expert Committee chaired by Professor Genevra Richardson into the review of the Mental Health Act 1983, published in 1999.

Publications

Selected Recent Publications

Monographs

- *Health Law and the European Union* (2004), Cambridge University Press, with Tamara Hervey.

Edited Collections

- *Principles of Mental Health Law and Policy* OUP (2010) (with Gostin, Bartlett, Fennell and McKay).
- *Principles of Medical Law* (3rd ed) OUP (2010) (with Grubb and Laing)

Textbooks

- *Health Care Law: Text and Materials* (with Marie Fox) 2nd ed Sweet and Maxwell (2007)
- *Law and Nursing* (with John Tingle) 3rd ed, Butterworths Heinemann (2007)

Articles and Chapters in Books:

- ”Faith, Belief, Fundamental Rights and Delivering Health Care in a Modern NHS: an Unrealistic Aspiration”**, (2013)***Health Care Analysis, available via advance online access.*
- "Reforming the Regulation of Health Research in England and Wales: New Challenges: New Pitfalls" *(2013)Journal of Medical Law and Ethics*, 23-43.
- "Reforming the Clinical Trials Directive: streamlining procesess or a radical new agenda?"(2013) 20(4) European Journal of Health Law 363-381.
- “Compulsion, surveillance, testing and treatment: a truly"criminal"matter?” in A. Viens, J.Coggon and A. Kessel Criminal *Law, Philosophy and Public Health Practice"* CUP (2013), pages 142-171.
- 'Organ Transplantation, the Criminal Law and the Health Tourist: A Case for Extra-Territorial Jurisdiction?" (2013) 22(1) Cambridge Quarterly of Healthcare Ethics 64-76.
- "Privacy, Confidentiality and abortion statistics: a question of public interest?" (2012) 38 *Journal of Medical Ethics* 31-34 (with June Jones).
- "Mental Health and the EU: The Next New Regulatory Frontier?” (2011) 19 *Medical Law Review* 606-635.
- “Health Care, The UK and the Draft Patient’s Rights Directive: One Small Step for Patient Mobility but a Huge Leap for a Reformed NHS?” in E. Szyszczak, J. Van de Gronden, U. Neergard and M.Krajewski (eds) *Health Care and EU Law* Asser/Springer (2011), pages 241- 265.
- “Regulating Patient Safety in the EU: Realistic Aspiration or Unattainable Goal?” In J.Tingle and P.Bark (eds) *Patient Safety Law Policy and Practice* Routledge (2010) pages 150-165.
- "Clinical Research" (pages 725-765) and "The Legal Regulation of Human Material" pages 1011-1050 in. J.V. McHale, J Laing, A. Grubb (eds), *Principles of Medical Law* (3rd ed), Oxford University Press, Oxford (2010).
- "Law, Regulation and Public Health Research: A Case for Fundamental Reform?" (In G. Letsas and C. O’ Cinneide (eds) (2010) 63 *Current Legal Problems* 475-510.
- “Fundamental Rights and Health Care”, in E. Mossialos, T.K.Hervey, G. Permanand and R. Baeten (eds) *Health Systems Governance in Europe* CUP 2010, pages 282-315.
- The Legal Regulation of Mental Health Services in England and Wales” pages 205-233.; "Scrutiny of Standards in Mental Health Services”, pages 223-241; "Privacy and Confidentiality in Mental Health", pages 821-841, and "Mental Health, Mental Capacity and Research” pages 871-891 in L. Gostin, P. Bartlett, P. Fennell, J. McHale and R.McKay (eds) *Principles of Mental Health Law and Policy* OUP (2010).
- “Nanomedicine and the EU: Some Legal Ethical and Regulatory Challenges” (2009) 16(1) *Maastricht Journal of European and Comparative Law* 65-89.
- “Nanotechnology: Small Particles: Big Issues. A New Regulatory Dawn for Healthcare Law and Bioethics?” in M. Freeman (ed) *Current Legal Issues* OUP (2008), pages 376-390.
- “Framing a right to Treatment in English Law: Watts in Retrospective” (2007) 14(3) *Maastricht Journal of European and Comparative Law* pages 263- 287.
- “Consent and childhood cancer tissue banking: the impact of the Human Tissue Act 2004 (2007) 8 *Lancet Oncology* 266-272 (with M. Habiba, M. Dixon-Woods, D. Cavers and D. Heney).
- “The Right to Medical Treatment in EU law” [2007] 15 *Medical Law Review* 99-108.
- “Law Reform, clinical research and adults without mental capacity- much needed clarification or a recipe for uncertainty?” in S. McLean (ed) *First Do No Harm Essays in Honour of Professor J.K.Mason* (2006).
- “Regulating Genetic Databases: Some Legal and Ethical Issues (2004) 11(1) *Medical Law Review* 70-97

Expertise

Health care law in particular legal regulation of genetics; health law and the EU; legal regulation of nanomedicine; health care confidentiality; clinical research; organ transplantation; mental health law

Alternative contact number available for this expert: **contact the press office (http://www.birmingham.ac.uk/news/contacts/index.aspx)**

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Healthcare law in particular legal regulation of genetics; health law and the EU; legal regulation of nanomedicine; healthcare confidentiality; clinical research; organ transplantation; mental health law.

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