



# Legal and Ethical Responsibilities

Chapter 4  
Intro HST

# Legal Responsibilities – Unit 1

- **Authorized or based on law**
- **Created and enforced by federal, state, & local government**
- **Failure to meet legal responsibilities = legal actions**
- **Two types**
  - Criminal law
  - Civil law





# CRIMINAL LAW

- **Criminal law** protects all citizens from people who pose a threat to society.
- Criminal law includes minor to serious offenses.
- These offenses may result in the following punishments:
  - Community service
  - Fines
  - Loss of license
  - Probation
  - Imprisonment
  - Execution



# CIVIL LAW

- **Civil law** focuses on disputes between people.
- When a civil law is broken, the person who claims harm, or plaintiff, brings charges against the alleged offender, or defendant.
- Two types of civil laws are torts and contracts.



Tort ~ wrongful act; Ø involve a contract

- **Examples:**

- **Malpractice**

- **Negligence**

- **Assault &  
battery**

- **Invasion of  
privacy**

- **False  
imprisonment**

- **Abuse**

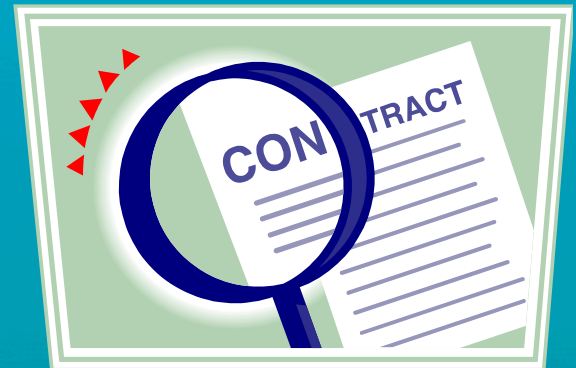
- **Defamation**

- Slander

- Libel

# Contracts

- **3 Parts**
  - Offer
  - Acceptance
  - Consideration
- **Implied vs. expressed**





# IMPLIED VS. EXPRESSED

## IMPLIED

- An **implied contract** is an agreement that is understood without being stated in words or writing.

## EXPRESSED

- An **expressed contract** is an agreement that is specifically and clearly stated.
- The agreement may be made either in words or writing.



# LEGAL DISABILITY

- **Legal disability**
  - Minors
  - Mentally incompetent
  - Under influence of drugs
  - Semiconscious or unconscious



- **Breach of contract**

- Contract *not* performed according to agreement
- Can lead to legal action

- **ASSISTANCE:**

- **Translator:** may be needed to assist patients with a language barrier

- **Agent**

- Works under  of another person



# INFORMED CONSENT

- Many health care procedures and tests require informed consent.
- Informed consent has two parts:
  - A clear explanation of a procedure or test
  - The permission given to perform the procedure or test by a competent and voluntary patient



# Privileged Communications

- All information given to HC personnel by pt
- **CONFIDENTIAL** ~ shared only with other members of health care team
- **Must have written consent to share information with others: HIPAA**
  - What is to be released
  - To whom the information can be released
  - Time limits



- **Exempt by law:**

- Births & deaths
- Injuries caused by violence
- Drug abuse
- Communicable diseases
- STD' s

- **Guidelines for HC records**

- Ø erasers or white out
- Cross out info with single line, insert correct info, initial & date
- Keep secure
- After legal time for holding, destroy properly



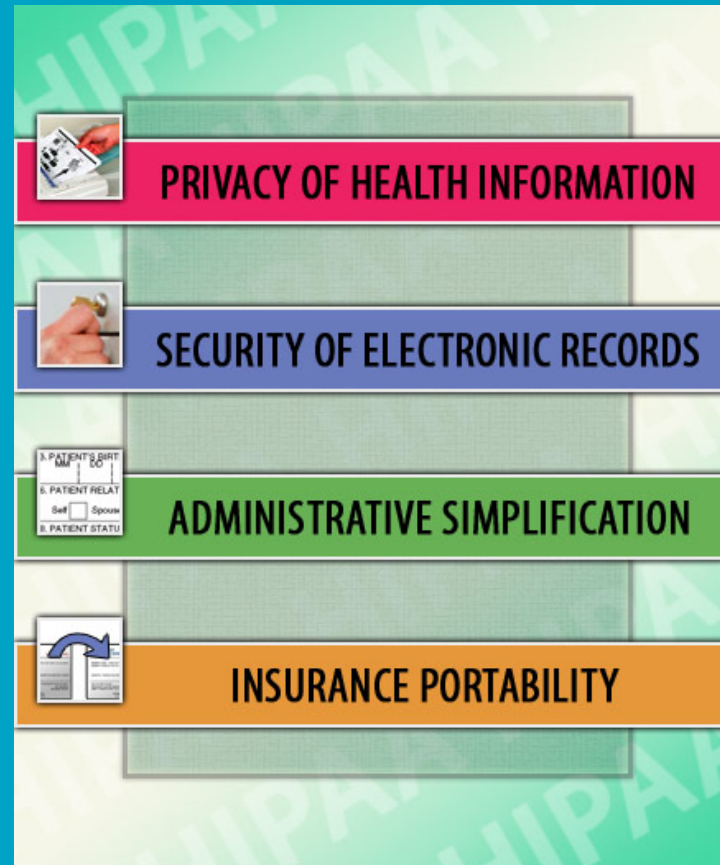
- **Privacy Act**

- Health Insurance Portability and Accountability Act (HIPAA) – 1996

- **Privacy Rules – 2003**

- Federal standards
- Pt able to see and obtain records
- Receive info about how records used
- Set limits on how info used
- Right to state who has access to info
- Complaints

# FOUR MAIN PURPOSES OF HIPAA



# Ethics – Unit 2

- Set of principles relating to what is morally right or wrong
- Modern health care = ethical dilemmas
  - Euthanasia
  - Abortion
  - Organ donation
  - Medical marijuana
  - Animal testing
  - Cloning
  - Stem-cell research





## • Ethical code of conduct (general)

- Promote health
- Keep pt as comfortable as possible
- Preserve life when possible
- Respect pt choice to die
- Treat all pt equally, regardless of...
- Provide care to best of your ability
- Maintain competent level of skill
- Maintain confidentiality
- Show loyalty to pt, co-workers, and employers
- Be sincere, honest, & caring





# Patient Rights – Unit 3

- **Required by federal & state law**
- **American Hospital Association**
  - 1 - considerate & respectful care
  - 2 - obtain info RE: dx, tx, px
  - 3 - receive info to give informed consent prior to treatment
  - 4 - advance directives
  - 5 - consideration of privacy



6 - confidential records

7 - reasonable response to request for services

8 - receive info related to business or educational connection with facility

9 - refuse to participate in any research project

10 - reasonable continuity of care

11 - review medical records, receive explanation of charges

12 - informed of hospital rules, policies, and/or regulations



# Advance Directives for Health Care

## – Unit 4

- **Legal documents ~ ensure the right to accept or refuse medical care**
- **Living will**
  - for or against extraordinary measures that could prolong life
  - Often = DNR
- **Durable Power of Attorney (POA) for health care**
  - Allows an authorized person to make health care decisions



# PATIENT SELF DETERMINATION ACT

- Health care providers must:
  - Tell adult patients of their rights to make decisions regarding their health care and to have advance directives
  - Assist in preparing advance directives
  - Document patients' decisions regarding health care and any advance directives in their medical record
  - Implement patients' decisions regarding health care and any advance directives
  - Never discriminate against patients based on whether or not they have advance directives
  - Educate staff and the community on advance directives

# Professional Standards – Unit 5

- **Perform only procedures you have been trained and legally permitted to do**
- **Use proper technique for all procedures**
- **Obtain consent**
- **Correctly identify pt**
- **Observe safety precautions**
- **Maintain confidentiality**
- **Think before you speak**
- **Treat all pt equally**
- **Do not accept tips or bribes**
- **Report mistakes promptly**
- **Maintain professionalism**





# LIABILITY

- **Liability** refers to being legally responsible for causing harm.
- **Personal liability** refers to health care workers being responsible for causing harm.
- **Supervisory liability** refers to supervisors of health care workers being responsible for workers causing harm.
- **Employer liability** refers to employers of health care workers being responsible for workers causing harm.



# REDUCING LIABILITY

- Follow policies and procedures
- Keep proper documentation
- File event reports and keep anecdotal records: personal account of events
- Use problem solving skills
- Apply risk management