

Legal and Ethical Responsibilities

Chapter 5
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

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
 - 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
- Translator
- Agent
 - Works under direction of another person





- All information given to HC personnel by pt
- CONFIDENTIAL ~ shared <u>only</u> with other members of health care team
- Must have written consent to share information with others
 - 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 erasures 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

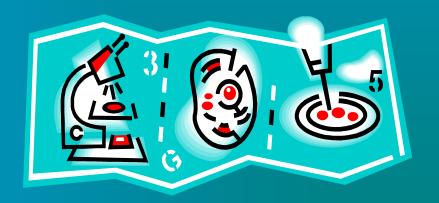
Privacy Rules – 2003

- 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



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

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

