



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





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**
 - 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**

