

Intro to Health Sciences

Legal and Ethical Responsibilities

Name: _____ Date: _____ Age/Grade Level: 9-12 grade

of Students: _____ # of IEP Students: _____ # of GSSP Students _____ # of LEP Students: _____

Program: Health Sciences Course: Principles of Health Sciences
Major Content: Legal & Ethical Responsibilities Lesson Length: 6 days

Unit Title: Legal and Ethical Responsibilities Lesson Number and Title: 1 Course Task Number: 22, 23, 24, 25, 26

Context

Laws govern every facet of our lives. Health care workers have specific legal responsibilities that regulate their particular profession. Adhering to legal regulations is vital for the health care workers own protection, the protection of their employer, and more importantly, the safety and well-being of the patient. This lesson will introduce legal regulations that apply to health care.

Objectives

Students will be able to:

- 1) Analyze malpractice and liability issues.
- 2) Discuss the cost of malpractice insurance for various professions.
- 3) Analyze legal responsibilities, limitations, and implications of actions.
- 4) Use problem solving techniques then confronted with legal dilemmas or issues.
- 5) Practice within licensure, certification registration, and legislated scope of practice.
- 6) Differentiate between morality and ethics and relationship of each in health care outcomes.
- 7) Differentiate between ethical and legal issues impacting health care.
- 8) Contrast personal profit and organizational ethics.
- 9) Discuss bio-ethical issues related to health care.
- 10) Analyze and evaluate the implications of medical ethics. .
- 11) Interpret regulation, guidelines/ standards related to health care.
- 12) Incorporate HOSA using competitive event guidelines, leadership and team skills in all content areas
- 13) Meet above objectives to 80% mastery or above

Connections

Academic Expectations

Responsible Group Membership 4.4 Students demonstrate ability to accept the rights and responsibilities for self and others.

Core Content

RD-11-1.4 Students will interpret the meaning of jargon, dialect or specialized vocabulary found in a passage.
DOK 2

RD-11-5.5 Students will compare or contrast elements, views, ideas or events presented in one or more passages
DOK 2

PL-HS-4.2.1 Students will identify individual work habits/ethics (e.g., individual/team responsibilities, willingness to learn, integrity, respect, confidentiality, self-discipline, problem-solving, punctuality, communication skills) and explain their importance in the workplace. DOK 2

Kentucky Skill Standards

ES Employability Skills 4.19 Accept responsibility for own actions

ES Legal Implications 5.11 Analyze legal responsibilities, limitations, and implications of actions

ES Legal Implications 5.12 Use problem-solving techniques when confronted with legal dilemmas or issues

ES Legal Implications 5.13 Compare and contrast behaviors and practices that could result in malpractice, liability, or negligence

ES Legal Implications 5.14 Comply with policies and requirements for documentation and record keeping

ES Legal Practices 5.27 Evaluate technological threats to confidentiality.

ES Legal and Ethical Boundaries 6.14 Analyze legal and ethical aspects of confidentiality.
 ES Legal and Ethical Boundaries 6.13 Compare personal, professional and organizational ethics.

Assessment Plan

In tabular format, organize how each objective will be assessed. Include copies of assessment instruments and rubrics (if applicable to the lesson plan).

Objective/Assessment Plan Organizer

Objective Number	Type of Assessment	Description of Assessment	Depth of Knowledge Level	Adaptations and/or Accommodations
1-11	formative	Questioning, bellwork responses	2	Prompts / cues
1-11	summative	Evaluation of poster Written exam Open Response	2	Peer learning groups

Resources, media and technology

- Diversified Health Occupations by Louise Simmers
- Student Handouts
- Internet

*Adapted from North Carolina Health Science Resources
http://www.ncpublicschools.org/cte/health_occupations/course-descriptions.html

Accommodations for Special Populations

Activities

Handout Activities

- Legal Responsibilities
- Legal Puzzle
- Ethical and Professional Standards
- Legal Issues Matching
- What Doesn't Belong

Project Based Activities

- Legal Case Studies
 - Divide students into four groups.
 - Give two groups a copy of Case Study #1 and two groups a copy of Case Study #2.
 - Allow 15 minutes for groups to read the case study and answer the discussion questions.
 - Debrief the activity. Did all groups agree on the answer to question #5?
- Name that Tort
- Mock Trial
- HOSA Bowl Legal and Ethical Standards

Research Activities

- Ethical Dilemma Editorial
- BioMedical Debate or Researched Persuasive Speaking using HOSA Competitive Guidelines found at

Introduction

Allow students to work in pairs to create a list of ethical issues in health care today. When finished, create a list on the board as students share their answers.

Procedures

After introducing topic and reviewing PowerPoint, choose from the following reinforcement activities

Ethics

- Ethics are a set of principles dealing with what is morally right or wrong
- Each profession has their own code of ethics developed by their national organizations
- Most contain the same basic principles however they may differ slightly

Ethical Dilemmas

- Modern health care technology has created many ethical dilemmas
- Assisted suicide . is it justified in certain patients?
- Stem cell research- should aborted fetuses be used?
- Should a patient be permitted to smoke marijuana if it eases effects of chemotherapy?

Basic Rules of Ethics

- Put saving of life and promotion of health above all else
- Make every effort to keep patient as comfortable as possible and to preserve life when possible
- Respect patients choice to die peacefully and with dignity (advanced directive)
- Treat all patients equally (avoid bias, prejudice, and discrimination)
- Provide care for all persons to the best of your ability
- Maintain competent level of skill consistent with occupation
- Maintain confidentiality
- Gossiping about patients is ethically wrong
- Avoid immoral, unethical, or illegal practice

Rules of Ethics (cont)

- Show loyalty to patients, co-workers, and employer
- Be sincere, honest and caring

Patients' Bill of Rights

- Most of us have seen the sign in retail stores %The Customer is Always Right+
- Patient and customer satisfaction is essential to health care facilities just as pleasing the customer is for retail stores
- Patients rights are factors of care that patients can expect to receive
- Health care facilities have written policies concerning patients' rights
- All health care workers must honor these

According to the American Hospital Association, the patient has right to:

- Considerate and respectful care
- Obtain complete current information concerning diagnosis, treatment, and prognosis
- Receive information necessary to give informed consent

- Have advance directive and/or refuse treatment to extent permitted under law
- Privacy concerning medical care
- Confidential treatment of all communications and records
- Reasonable response to request for services
- Obtain information regarding any relationship of the hospital to other health care and educational institutions

Rights (cont)

- Be advised of and have the right to refuse to participate in any research project
- Expect reasonable continuity of care
- Review medical records and examine bill with all charges explained
- Be informed of any hospital rules or regulations

Long-Term Care Bill of Rights

Residents of long-term care facilities are guaranteed rights under the Omnibus Budget Reconciliation Act (OBRA), established in 1987. Residents' Bill of Rights+

- Free choice regarding physician, treatment, care, and participation in research
- Freedom from abuse and chemical or physical restraints
- Privacy and confidentiality of personal and clinical records
- Accommodation of needs and choice regarding activities, schedules, and health care
- Voice grievances without fear of retaliation or discrimination
- Organize and participate in family/resident groups and in social, religious & community activities
- Information on medical benefits, medical records, survey results and deficiencies of the facility, and advocacy groups who check on resident care and violation of rights
- Manage personal funds and use personal possessions
- Unlimited access to immediate family or relatives and to share a room with spouse if both are residents
- Remain in the facility and not be transferred or discharged except for medical reasons, the welfare of resident or others, failure to pay, or if facility unable to meet residents' needs, or ceases to operate

Advance Directives

- A patient's instructions, usually relating to end-of-life issues regarding what medical treatment they want or do not want if they are unable to express their wishes
- Advance directives are legally binding documents

Two Main Types

- Durable Power of Attorney (POA) for health care
- Living wills (obtain copy of one if possible or use samples in book, page 82)

Advance Directives

- Must be signed when the individual is competent and witnessed by two adults who will not benefit from the death

Living Will

- Document allowing individuals to state what measures should or should not be used to prolong life if their condition is terminal
- Ex: CPR, ventilator, feeding tube, etc.
- Frequently results in a "do not resuscitate" (DNR) order

Durable Power of Attorney (POA)

- Document permitting an individual (principal) to appoint another person (agent) to make any decisions regarding health care if the principal is unable to make those decisions
- Usually give POA's to spouses or adult children
- May be given to any qualified adult however
- Must be signed by principal, agent, and two adult witnesses

Patient Self-Determination Act (PDSA)

- Federal law that went into effect in 1990
- Require all health care facilities comply with the following requirements:
 - Inform every adult, both orally and in writing, of their right under state law to make decisions concerning medical care, including right to refuse treatment and right-to-die options
 - Provide information and assistance in preparing advance directives
 - Document any advance directives on patient's record
 - Have written statements to implement the patient's rights in the decision making process
 - Affirm there will be no discrimination or affect on care due to advance directive
 - Educate the staff on the medical and legal issues

Advance Directives

- Health care workers must be aware of and honor advance directives regardless of their beliefs
- Patients will be asked if they have one upon admission to a health care facility

Professional Standards

- Professional standards help meet legal responsibilities, ethics and patients rights
- By following certain standards at all times, the health care worker can protect themselves, their employer and the patient
- Some of the basic standards are as follows:
 - Perform only those procedures for which you have been trained and are legally permitted to do (scope of practice)
 - If asked to perform procedure for which you are not qualified, refuse
 - Use approved, correct methods while performing any procedure
 - Procedure manual
 - Obtain correct authorization before performing any procedure
 - Identify patient and obtain consent before performing any procedure
 - Check wrist band if available
 - State patient's name clearly and repeat if necessary
 - Ask patient their name and birth date
 - If patient refuses do not perform procedure
 - Obtain written consent where needed
 - Observe all safety precautions
 - Keep all information confidential
 - Think before you speak and watch everything you say
 - Treat all patients equally
 - Accept no tips or bribes for care
 - If error occurs or you make a mistake, report it immediately to your supervisor

Professional Standards (cont)

- Behave professionally in dress, language, manners and actions

Liability

- Errors can occur even with adhering to standards
- liability insurance is a form of protection
- Agencies offer policies at reasonable cost to health occupations workers and students
- Clinical students in this program maintain liability insurance

Legal Responsibilities

~Authorized or based on law

Two types

Civil law

Criminal law

Health care professionals are required to know and follow state laws regulating their license or registration

Civil Law

Deals with legal relationships between people and protection of a person's rights

Health care mainly affected by civil law

Contracts

Torts . wrongful act that does not involve a contract

Criminal Law

Dealing with wrongs against a person, property or society

Practicing without required license

Misuse of narcotics

Theft

Murder

Torts

Many of the wrong doings in health care are civil wrongs instead of crimes

They can lead to legal action however

Malpractice . bad practice+

Failure of a professional to use the degree of skill and learning commonly expect in a particular profession

Results in injury, loss or damage to the patient

Malpractice

Providing improper or unprofessional treatment or care

Ex: doctor amputating the wrong limb in surgery

Nurse prescribing medication or performing minor surgery

Liability insurance is available to health care professionals to protect them in such events

The cost, particularly for physicians has become a financial burden for the professional

Some states have higher malpractice rates than others, prompting physicians to move to other states with lower rates

Negligence

Failure to provide care that is normally expected of a person equally trained in that particular situation, resulting in injury to the patient

EX:

Ordered side rails left down and patient falls from bed

Using or not reporting defective equipment that injures patient

Patient develops infection from poor sterile technique by the nurse

Patient burned from bath water that was too hot

Negligence by a healthcare provider is malpractice

Assault & Battery

Assault . can include a threat or attempt to injure

Battery . unlawful touch of another without their consent

Patients must give consent

To avoid charges of battery, make sure consent is obtained for all procedures

They have the right to refuse care

Informed Consent

Permission granted by a person of sound mind of legal age after the procedure and all risks have been

explained in term the patient understands

"Procedures requiring written consent:

"Surgery

"Invasive diagnostic tests

"Treatment of minors

"Side rail releases (if doctor order)

Verbal Consent

"Permission is granted after procedure has been explained to patient

"Ex: giving an injection, taking a blood pressure, drawing blood for a lab test, starting an IV, performing physical exam

"Patient may withdraw consent at any time

"Never perform a procedure on a patient without consent

Invasion of Privacy

"Unnecessary exposure of an individual or revealing personal information about an individual without consent

"Ex: Exposing a patient while transporting them to x-ray

"Sending information to an insurance company without patient's written permission

"Informing press of patient's condition without permission

False Imprisonment

"Restraining a patient or restricting their freedom

"Ex: side rails without a doctor's order and a patient's permission

"Placing resident in restraints without order or permission

"Keeping patient hospitalized against their will

Abuse

"Any care that results in physical harm, pain, or mental anguish

Types:

"**Physical** . hitting, forcing persons against their will, restraining movements, depriving food or water

"**Verbal** . speaking harshly, swearing or shouting, writing threats or abusive statements

Abuse - continued

"**Psychological** . threatening harm, denying rights, belittling, intimidating

"**Sexual** . any unwanted sexual touching or act, sexual gestures or suggested sexual behavior

Abuse Outside of Facility

"**Domestic** . intimate partner uses threatening, manipulative, aggressive, or violent behavior

"**Child** . abuse of a child

"**Elder** . abuse directed toward an older person (may be financial in nature)

"Health care worker is required by law to report any type of abuse to immediate supervisor

"Laws in all states require the reporting of any form of abuse to proper authorities

Defamation

"False statements which may damage a person's reputation

"Two types:

"Slander . information is spoken

"Ex: stating a person has a drug problem when another medical problem exists

"Libel . information is written

"Ex: sending inaccurate lab results to a government agency

Contracts

"Agreement between two or more parties

"Three parts

“**Offer** . competent individual enters into a relationship with health care provider and offers to be a patient

“**Acceptance** . health care provider gives them an appointment or examines and treats the patient

“**Consideration** . payment made by the patient for the physician’s services

Types of Contracts

“Implied . Obligations are understood without verbally expressed terms

“Ex: nurse offers patient medication and patient takes medication

“Expressed . stated in distinct and clear language, either orally or in writing

“Ex: surgery permit

“All risks of the procedure or treatment must be explained in terms patient understands

Legal Disability

“Person does not have legal capacity to form a contract

“Ex: Minors . under legal age

“Mentally incompetent person

“Under influence of drugs that alter mental status

“Semiconscious or unconscious people

Breach of Contract

“Contract requires certain standards of care by competent, qualified individuals

“If contract not performed according to agreement, contract is breached

“Ex: not paying for services rendered

“Giving improper care

Policies & Procedures

“Health care workers must be familiar with their employer’s policies and procedures

“Policies are the guidelines that provide information about facility rules and regulations

“The policies may include:

“Holiday and vacation policy

“Insurance and sick leave benefits

“All other information concerning the operation of that facility

“Procedures tell you how to complete tasks the way your employer want them done.

“There may be procedures for the following:

“How to take a temperature

“How to give an enema

“How to fill out forms

“How to package and wrap trays

“These guidelines assure that the health care worker performs their jobs correctly

“Always follow your facility’s policies and procedures

“In this manner your are protecting patients, co-workers, your employer, and yourself

Confidential Information

“All information given to health personnel by a patient is considered privileged communication, and by law must be kept confidential

“Health care records are also considered privileged communications

“Discuss patient information only with immediate supervisor

“Do not discuss with:

“Other patients

“Relatives and friends of the patient

- “Visitors to the hospital
- “Representatives of news media
- “Fellow workers, except when in conference
- “Your own relatives and friends

“A medical facility, a physician, or health care worker can be fined, sued, or lose their job for sharing any information about patients with others

Confidential Information

- “Information cannot be told to anyone without written consent of the patient
- “The consent should state the following:
 - “What information is to be released
 - “To whom the information is to be given
 - “Any time limits

HIPAA

- “Health Insurance Portability & Accountability Act of 1996 (HIPAA)
 - “Enacted August 21, 1996
 - “Required the secretary of the DHHS (Department of Health & Human Services) to publicize standards for the privacy of all health information
 - “The goal was to protect personal information while still allowing information to reach those needed to properly provide treatment to the patient
- HIPAA (continued)
- “Each health care provider must have certain policies in place to comply with these guidelines
 - “Employees must follow certain policies for all the health care information they encounter in the facility
 - “Each facility must make written policies available to all employees

Safeguards

- “As a health care worker to comply with HIPAA here are some basic guidelines:
 - “Protect the patient from exposure of the body
 - “Knock and pause before entering a room
 - “Draw curtains or close door when providing care
 - “Leave while visitors are with the patient
 - “Do not listen when patients make phone calls
 - “Abide by the rules of confidentiality
 - “Do not discuss the patient's condition with anyone outside of work
 - “Be aware of your surroundings and do not discuss a patient within areas others could overhear (elevators, cafeteria, hallways, parking lot, etc)

Information Exempt from Privileged

- “Certain information is exempt by law and must be reported. This includes:
 - “Births & deaths
 - “Injuries caused by violence requiring police intervention (assault & battery, abuse, stabbings)
 - “Drug abuse
 - “Communicable diseases and STDs

Health Care Records

- “Belongs to the health care provider
- “Patient has right to obtain copy of any information in record
- “Can be a legal record in court of law
- “Must be properly maintained, kept confidential and maintained for amount of time required by state
- “When destroyed after time permits, must be burned or shredded to maintain confidentiality

Correcting Mistakes

- “ Do not erase or mark out mistakes made on patient records
- “ Cross out errors with one single line through the information
- “ Insert correct information, initial and date

Computer Security of Records

- “ To maintain confidentiality of computer records:
 - “ Limit personnel who have access
 - “ Use codes to prevent access to certain information
 - “ Require passwords to access specific information on records
 - “ Constantly monitor and evaluate computer use
 - “ Make sure computer monitor is turned away from heavy traffic areas when accessing records

Review

Chose the reinforcement activities appropriate for your classroom and student population.

Impact

Refinement

1. What did your impact analysis tell you about how your students learn?
2. What did your impact analysis tell you about the success of the strategies you used?
3. How useful were the assessments in terms of student learning?
4. What resources and/or personnel might assist you in improving student achievement?
5. How will you differentiate instruction so that all students achieve?
6. How will you differentiate instruction for students who easily achieved the performance criteria and need to move forward?

Name _____

Date _____

LEGAL RESPONSIBILITIES

Read "Legal Responsibilities" in the DHO text and answer the questions below.

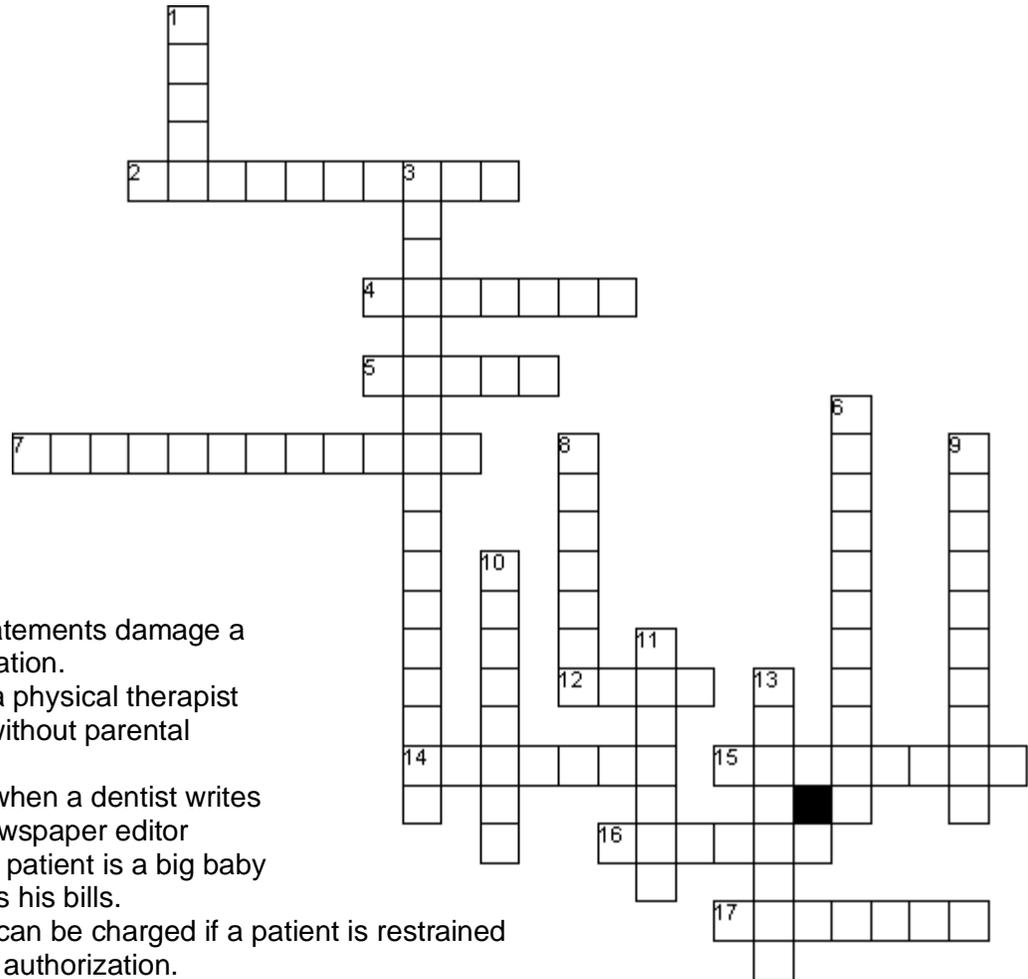
1. As a future health care professional, how can you avoid a lawsuit?
2. Can you restrain a person against his or her will if it is for his or her own good?
3. Can you be sued if you unintentionally leave a patient's record open, and a visitor sees that the patient has a sexually transmitted disease?
4. What should you do if you see another health care worker make a serious error?
5. What is meant by the statement "It is easier to prevent negligence than it is to defend it"?
6. Why is malpractice also called "professional negligence"? Who can and cannot be guilty of malpractice?
7. Could a dental assistant ever be guilty of negligence? Give an example.
8. What is the difference between assault and battery?
9. In your own words, describe invasion of privacy.
10. What type of abuse do you think is the most difficult to prove in court? Why?
11. A teacher who was hospitalized sues a student nurse for defamation. What do you think might have happened?

KEY: LEGAL RESPONSIBILITIES

Teacher instructions: Accept all reasonable responses.

1. As a future health care professional, how can you avoid a lawsuit?
Must know and follow the laws that affect health care, licensure, etc.
2. Can you restrain a person against his or her will if it is for his or her own good?
Only with proper authorization . such as a physician's order.
3. Can you be sued if you unintentionally leave a patient's record open, and a visitor sees that the patient has a sexually transmitted disease?
Yes
4. What should you do if you see another health care worker make a serious error?
Report it.
5. What is meant by the statement "It is easier to prevent negligence than it is to defend it?"
If you do the things that are normally expected, you won't be negligent. It's difficult to defend not doing the normal things.
6. Why is malpractice also called "professional negligence"? Who can and cannot be guilty of malpractice?
It's a failure of a professional to do the right thing. May give examples.
7. Could a dental assistant ever be guilty of negligence? Give an example.
Yes. If the assistant leaves the arm rest up and leaves an elderly patient, and the patient falls out of the dental chair. (Something like that.)
8. What is the difference between assault and battery?
One is a threat to touch, the other involves the actual touching.
9. In your own words, describe invasion of privacy.
Exposing or telling things about a patient without the patient's consent.
10. What type of abuse do you think is the most difficult to prove in court? Why?
Select any reasonable answer. Most will say "psychological abuse."
11. A teacher who was hospitalized sues a student nurse for defamation. What do you think might have happened?
Should mention an example of slander or libel.

LEGAL PUZZLE



Across

2. When false statements damage a person's reputation.
4. For example, a physical therapist treats a child without parental consent.
5. For example, when a dentist writes a letter to a newspaper editor claiming that a patient is a big baby and never pays his bills.
7. False _____ can be charged if a patient is restrained without proper authorization.
12. A wrongful act that does not involve a contract.
14. Informed _____ is permission granted voluntarily by a person who is of sound mind.
15. Malpractice is often described as bad _____ or professional negligence.
16. An example of abuse when a health care worker swears and shouts at a patient.
17. For example, when a nurse tells the press something about a celebrity patient that is insulting and untrue.

Down

1. Any care resulting in physical harm, pain, or mental anguish.
3. Unnecessarily exposing an individual.
6. For example, a doctor cuts into the bladder when removing the uterus.
8. A threat or attempt to injure.
9. For example, nursing assistant used hot bath water and burned patient.
10. Invasion of privacy can be caused by revealing _____ information about a patient.
11. Type of informed consent required for major surgery.
13. Negligence occurs when care that is _____ expected is not given.

LEGAL CASE STUDY

Scenario # 1

Directions:

In your assigned group, read and discuss the following scenario. When finished, be prepared to explain your answers.

Patsy Clover is a nursing assistant in a nursing home. The head nurse has asked her to stay with 12 residents who are in the recreation room, watching a movie on the television.

Minnie Poole is a 90-year-old resident who is very alert and walks with a walker. She decides she wants to go back to her room because she does not want to watch the movie. She tells Patsy she is going back to her room.

Patsy believes she cannot leave the remaining eleven residents alone in the recreation room, particularly because two of the residents are somewhat confused and cannot walk at all. She also knows that the head nurse is very busy because another resident is acutely ill and the EMS is preparing to transfer that resident to the hospital.

Patsy asks Mrs. Poole to wait a few minutes until she can get some help, and Mrs. Poole replies, "No thanks, I'm going to my room." Mrs. Poole then gets up to leave.

Patsy becomes frustrated with Mrs. Poole and tells her to sit back down. Mrs. Poole refuses and starts toward the door and Patsy steps in front of her and locks the door, preventing Mrs. Poole's exit.

The next day, Mrs. Poole complains to her family that she was locked in the recreation room against her will. Her son hires a lawyer and they charge the nursing home with false imprisonment.

Discussion questions:

1. Did Patsy act appropriately?
2. Was this a case of false imprisonment?
3. Could Patsy have done anything differently?
4. Does the nursing home and/or the head nurse have any legal responsibility for Patsy's actions?
5. What would a reasonable and prudent person have done in this situation?

LEGAL CASE STUDY

Scenario # 2

Directions:

In your assigned group, read and discuss the following scenario. When finished, be prepared to explain your answers.

Patsy Clover is a nursing assistant in a nursing home. The head nurse has asked her to stay with 12 residents who are in the recreation room, watching a movie on the television.

Minnie Poole is a 90-year-old resident who is very alert and walks with a walker. She decides she wants to go back to her room because she does not want to watch the movie. She tells Patsy she is going back to her room.

Patsy believes she cannot leave the remaining eleven residents alone in the recreation room, particularly because two of the residents are somewhat confused and cannot walk at all. She also knows that the head nurse is very busy because another resident is acutely ill and the EMS is preparing to transfer that resident to the hospital.

Patsy asks Mrs. Poole to wait a few minutes until she can get some help, and Mrs. Poole replies, "No thanks, I'm going to my room." Mrs. Poole then gets up to leave.

Patsy feels that she has no choice but to let Mrs. Poole walk back to her room. On the way back to her room, Mrs. Poole stumbles and falls, breaking her hip. Her son hires a lawyer and they charge Patsy with negligence.

Discussion questions:

1. Did Patsy act appropriately?
2. Was this a case of negligence?
3. Could Patsy have done anything differently?
4. Does the nursing home and/or the head nurse have any legal responsibility for Patsy's actions?
5. What would a reasonable and prudent person have done in this situation?

Name _____

Date _____

LEGAL CASE STUDY RUBRIC

	8	6	4	2	Points Awarded
Personal Tasks and Thinking	<ul style="list-style-type: none"> Participates actively with group Helps direct the group in setting and achieving goals Creatively completes assigned tasks Thoughtfully evaluates the case study 	<ul style="list-style-type: none"> Participates in group Participates in goal setting Participates in meeting goals Completes assigned tasks Analyzes the case study 	<ul style="list-style-type: none"> Participates inconsistently in group Shows some concern for goal setting Completes most assigned tasks Understands the case study 	<ul style="list-style-type: none"> Does not participate Shows no concern for the group Does not complete assigned tasks Limited understanding of case study 	
Discussion Skills and Active Listening	<ul style="list-style-type: none"> Shares many ideas related to the goals Encourages all group members to share their ideas Listens attentively to others Empathetic to other people's feelings and ideas 	<ul style="list-style-type: none"> Shares ideas when encouraged Allows sharing by all group members Listens to others Considers other people's feelings and ideas 	<ul style="list-style-type: none"> Shares ideas occasionally when encouraged Allows sharing by most group members Listens to and considers others sometimes 	<ul style="list-style-type: none"> Discourages sharing Does not participate in group discussions Does not listen to others Not considerate of others' feelings and ideas 	
Group Behavior	<ul style="list-style-type: none"> Encourages group to evaluate how well they are working together Involves the whole group in problem-solving Actively participates in helping the group work together better 	<ul style="list-style-type: none"> Participates in group evaluation Offers suggestions to solve problems Demonstrates effort to help the group work together 	<ul style="list-style-type: none"> Participates marginally in group evaluation Offers suggestions occasionally to solve problems Demonstrates effort sometimes to help the group work together 	<ul style="list-style-type: none"> Discourages evaluation of how well the group is working Chooses not to participate in problem-solving Promotes fragmentation of group 	

Comments:

NAME THAT TORT

TEACHER INSTRUCTIONS

For this activity, you will need to select 4 or 5 students to act as judges, and assign the remaining students in pairs.

Allow pairs to draw one slip from each of the two bowls . Tort and Career. Then, give pairs five minutes to plan their strategy.

In turn, each pair should act out an example of the tort they drew, committed by the health professional (career) they also drew. When finished, the audience should be asked to Name That Tort.+

After all pairs have acted out their tort, the teacher and judges should vote for the pair they believe did the best job of demonstrating that particular tort.

Malpractice	Physician
Negligence	Nurse
Assault and/or battery	Dentist
Abuse	Physical therapist
Invasion of privacy	Defamation
Slander	EMT
Libel	Athletic trainer
False Imprisonment	Veterinarian

MOCK TRIAL

Situation

Cancer patient Cyril Smith, 59, gave up his job in January, 2004 when doctors said he had three months to live. For the entire year, Mr. Smith lived on his life savings. In January of 2005, he started looking for work because his savings were spent and he needed some form of income.

Mr. Smith had given up a well-paying job (\$1660/week) and has been unable to find a similar job because of his medical condition, which now seems to be in remission. He is currently working at Wal-Mart and is making \$260/week.

Now Smith is suing his doctor for loss of earnings because he outlived their predictions.

Class Roles

1. Cyril Smith . cancer survivor
2. Mrs. Smith . patient's wife
3. Dr. Han Wong . Oncologist
4. Dr. Pat Wade . Oncologist, Chief of Medical Staff
5. Mario Franco . Wal-Mart manager
6. Lawyer for Mr. Smith
7. Lawyer for the doctors
8. 11 members of the jury
9. Judge (The judge will keep order in the court and throughout the proceedings.)
10. Other court roles may be assigned if desired, such as co-counsel for each lawyer, etc.)

Process

1. Lawyer for the Smiths will question the Smiths and try to persuade the jury that the Smiths suffered because of their doctors' actions.
2. Lawyer for the doctors will question the doctors to try and persuade the jury that they acted appropriately and are not responsible for the results.
3. Lawyer for the Smiths will address the jury, explaining to them why they should award financial damages to the Smiths.
4. Lawyer for the doctors will address the jury, explaining to them why the doctors are not responsible as charged
5. The jury will discuss the facts of the case.
6. The jury will be silently polled. (They will vote to find the doctors innocent or guilty.)
7. The judge will read the results.

Name _____

Date _____

ETHICAL AND PROFESSIONAL STANDARDS

This assignment is a self-paced study of the Legal Responsibilities section of the *Diversified Health Occupations*.

- Review the Residents Bill of Rights. The people in the scenarios below are all residents at the Shady Rest Nursing Home. For each scenario, identify if the residents rights were violated and what was the right thing to do?

	Situation	Rights violated?
A.	<p>Mrs. Cress is the patient of a physician group. The group consists of Drs. Smith, Turner and Lee. They take turns visiting their patients at Shady Rest.</p> <p>One day, Mrs. Cress decides she doesn't like Dr. Smith, and does not want him to see her anymore. The staff tells her that Dr. Smith will continue to see her every third day, as long as she remains a patient of the group.</p>	<p>Rights violated?</p> <hr/> <p>Right Thing</p>
B.	<p>Mrs. Ashli likes to have available cash in her room. The nursing staff is always finding cash stuffed in drawers, under the mattress, in the pillow case, etc.</p> <p>The staff insists that Mrs. Ashli's family take her cash with them and not allow Mrs. Ashli to have any more cash.</p>	<p>Rights violated?</p> <hr/> <p>Right Thing</p>
C.	<p>Mrs. Drew's doctor ordered a sleeping pill for Mrs. Drew, qhs. The staff normally gives sleeping pills at 10 pm. Mrs. Drew tells the staff that she wants her sleeping pill at 8 pm and does not want to be disturbed after that.</p> <p>The staff refuses Mrs. Drew's request.</p>	<p>Rights violated?</p> <hr/> <p>Right Thing</p>

<p>D. Mr. Ken is rooming with Mr. Stephens. One day, Mr. Ken tells the nurses that when his wife visits, he would like Mr. Stephens removed from the room. Mr. Ken explains that he would like to be romantic with his wife, and does not want Mr. Stephens within listening distance.</p> <p>The nursing staff responds that they will be happy to pull the curtain but cannot remove Mr. Stephens every time Mrs. Ken comes to call.</p>	Rights violated?
	Right Thing

Advance Directives for Health Care

2. What is the difference between an advanced directive and living will?

3. Why would someone want a Durable Power of Attorney?

4. What does the PSDA require of a health professional?

Professional Standards

5. Professional standards for health care practitioners are very important. Read each professional standard very carefully. For each, give an example of following the standard and another example of not following the standard. Do not use the examples already given in the text.

	Professional Standard	Doing it Right	This is All Wrong
1.	Perform only those procedures for which you are trained and are legally permitted to do.		
2.	Use approved, correct methods while performing any procedure.		

3.	Obtain proper authorization before performing any procedure.		
4.	Identify the patient and obtain patient's consent before performing any procedure.		
5.	Observe all safety precautions.		
6.	Keep all information confidential.		
7.	Think before you speak and carefully consider everything you say.		
8.	Treat all patients equally regardless of race, religion, social or economic status, sex, or nationality.		
9.	Accept no tips or bribes for the care you provide.		
10.	If any error occurs or you make a mistake, report it immediately to your supervisor.		
11.	Behave professionally in dress, language, manners, and actions.		

KEY: ETHICAL AND PROFESSIONAL STANDARDS

Patients Rights

- Review the **Patients Bill of Rights** from the American Hospital Association and fill in the chart below.

Question	Right	Why?
What patient right do you think is the most commonly provided to patients? (In other words, what right do health care workers always provide?)	Accept any appropriate answer.	Accept any appropriate answer.
What patient right do you think is the most often violated?	Accept any appropriate answer.	Accept any appropriate answer.
Question	Right	What Happened?
As a patient in any medical setting, do you think you think health care workers have ever violated one of your rights? (Describe the circumstance but leave out specific names.)	Accept any appropriate answer.	Accept any appropriate answer.

- Review the **Residents Bill of Rights**. The people in the scenarios below are all residents at the Shady Rest Nursing Home. For each scenario, identify if the residents rights were violated and what was the right thing to do?

	Situation	Rights violated?
A.	Mrs. Cress is the patient of a physician group. The group consists of Drs. Smith, Turner and Lee. They take turns visiting their patients at Shady Rest. One day, Mrs. Cress decides she doesn't like Dr. Smith, and does not want him to see her anymore. The staff tells her that Dr. Smith will continue to see her every third day, as long as she remains a patient of the group.	Yes and No
		Right Thing Accept any appropriate answer.
B.	Mrs. Ashli likes to have available cash in her room. The nursing staff is always finding cash stuffed in drawers, under the mattress, in the pillow case, etc. The staff insists that Mrs. Ashli's family take her cash with them and not allow Mrs. Ashli to have any more cash.	Rights violated?
		Yes Right Thing Accept any appropriate answer.

KEY: ETHICAL AND PROFESSIONAL STANDARDS

<p>C.</p>	<p>Mrs. Drew's doctor ordered a sleeping pill for Mrs. Drew, qhs. The staff normally gives sleeping pills at 10 pm. Mrs. Drew tells the staff that she wants her sleeping pill at 8 pm and does not want to be disturbed after that.</p> <p>The staff refuses Mrs. Drew's request.</p>	<p>Rights violated?</p> <p>Yes</p> <p>Right Thing</p> <p>Accept any appropriate answer.</p>
<p>D.</p>	<p>Mr. Ken is rooming with Mr. Stephens. One day, Mr. Ken tells the nurses that when his wife visits, he would like Mr. Stephens removed from the room. Mr. Ken explains that he would like to be romantic with his wife, and does not want Mr. Stephens within listening distance.</p> <p>The nursing staff responds that they will be happy to pull the curtain but cannot remove Mr. Stephens every time Mrs. Ken comes to call.</p>	<p>Rights violated?</p> <p>No</p> <p>Right Thing</p> <p>Accept any appropriate answer.</p>

Advance Directives for Health Care

3. What is the difference between an advance directive and living will?

Advance directive is any legal document that states what medical treatment a person wants or does not want. A living will is an example of an advance directive, specifically states what measures should or should not be taken when the patient's condition is terminal.
4. Why would someone want a Durable Power of Attorney?

When they want someone they choose to have the power to make decisions for them when they are no longer capable of making those decisions.
5. What does the PSDA require of a health professional?

Must be aware of and follow advance directives, must inform patient of right-to-die options, etc.

Professional Standards

6. Professional standards for health care practitioners are very important. Read each professional standard very carefully. For each, give an example of following the standard and another example of not following the standard. Do not use the examples already given in the text.

Accept all reasonable responses.

HOSA BOWL -- LEGAL AND ETHICAL QUESTIONS

A. What is a threat or attempt to injure?

Assault

B. If a nurse assistant forgets to raise the siderails on the bed and the patient falls out of bed, the nurse assistant might be guilty of:

Negligence.

C. If a physician fails to use the degree of skill and learning commonly expected in that individual's profession, the physician could be guilty of:

Malpractice.

D. A person who is under the influence of drugs does not have the legal capacity to form a contract because he/she has a:

Legal disability.

E. If a laboratory technician sends e-mails to co-workers saying that a particular physician is careless and killed a patient, the lab tech might be guilty of:

Libel.

F. What term describes the fact that information about a patient must remain private?

Confidentiality

G. Before you perform any procedure on a patient, you must have proper:

Authorization.

H. What does the acronym PSDA stand for?

Patient Self-Determination Act

I. What should you do if you are a health care worker and you make a mistake?

Report it immediately to your supervisor.

J. When can a health care worker accept a tip or bribe?

Never

K. What term describes a standard code of conduct for health professionals?

Ethics or ethical code

L. A nurse is helping a patient walk and jerks the patient by the arm, causing a bruise. The nurse may be guilty of:

Battery.

M. What is permission granted voluntarily by a person who is of sound mind after the procedure has been explained in terms the person can understand?

Informed consent

HOSA BOWL -- LEGAL AND ETHICAL QUESTIONS

- N. If a health care worker makes false statements about a patient that cause the patient to be damaged or ridiculed, the health care worker may be guilty of:

Defamation (could accept slander)

- O. Speaking harshly, swearing or shouting, and using inappropriate words to describe a person's nationality are all examples of what kind of abuse?

Verbal

- P. What kind of contract exists when a nurse is holding a thermometer and says "put this under your tongue" and the patient puts the thermometer under his or her tongue?

Implied contract

- Q. What do the initials HIPAA stand for?

Health Insurance Portability and Accountability Act

- R. If I have the legal capacity to sign a consent form, I must be:

18-years-old and mentally competent. (Free of legal disability)

19. What patient's rights document applies to persons in long-term care facilities?

Resident's Bill of Rights

20. A document that a person signs to indicate he/she does not want to be resuscitated when he/she stops breathing is a:

Living Will

21. Health care records are examples of:

Privileged communications

22. What federal standards provide for the privacy of health information in all states?

HIPAA

23. What is an example of physical abuse?

Hitting, forcing people against their will, etc.

24. Keeping someone in the hospital against their will could be an example of:

False imprisonment

25. Jane's father signs a document saying that Jane will make decisions for him once he is unable to make decisions. The document is a:

Durable Power of Attorney

26. According to professional standards, before a health care worker performs any procedure on a patient, the health care worker should:

Identify the patient and/or obtain the patient's consent

Application of Legal Issues

Name _____ Date _____

Directions: Make notes concerning each of the following cases and be prepared to discuss the legal responsibilities.

1. While catheterizing a female patient, the nurse leaves the door to the room open so she can see if a doctor walks by.
2. A surgeon operates on the wrong leg.
3. A dental assistant slaps a screaming child.
4. A physical therapist fractures a patient's leg while performing exercises.
5. A medical assistant sends a copy of a patient's record to an insurance company without the patient's consent.
6. A nurse working for a plastic surgeon tells a patient that a face lift will make the patient look ten years younger.
7. A nursing assistant ties an elderly patient to the bed with sheets and tape to keep him from walking in the halls.
8. A patient complains to the nursing assistant of chest pain and difficulty breathing. It is time for the nursing assistant to go to lunch and the complaints are not reported to the nurse and the patient dies of a heart attack.
9. A sixteen year old gets breast implants and a consent form was never signed.
10. A medical assistant following the doctor's order gives an antibiotic injection to a patient. She explains what she is about to do to the patient; the patient turns over so the assistant can give the injection, but never says a word.

Legal Terms Matching

- | | |
|--------------------------------------|--|
| _____ 1. Will | A. Providing care for which you have not been trained |
| _____ 2. Malpractice | B. 18 years old |
| _____ 3. Negligence | C. Failure to give care that is normally expected of a person in a particular position with resulting injury to another person |
| _____ 4. Assault and battery | D. Permission granted by a person voluntarily and in his right mind |
| _____ 5. Invasion of privacy | E. Permission given for a minor by his/her parents |
| _____ 6. False imprisonment | F. A written document legally executed by which a person makes disposition of his property |
| _____ 7. Defamation | G. Care or treatment given to another person without proper consent, or threatening to hit a patient |
| _____ 8. Contract | H. Set of principles dealing with what is morally right or wrong; a standard of conduct or code of behavior |
| _____ 9. Ethics | I. Unnecessary exposure of an individual or revealing personal information about an individual without consent |
| _____ 10. License | J. All information given to health personnel by a patient; this cannot be told to anyone without the written consent of the patient. Health care records (chart) are an example. |
| _____ 11. Informed consent | K. An agreement between two or more parties. Has three parts- an offer, an acceptance and a consideration |
| _____ 12. Legal Age | L. Restraining an individual or restricting an individual's movement |
| _____ 13. Parental consent | M. False statements that cause a person to be ridiculed or cause damage to his/her reputation |
| _____ 14. Libel | N. A spoken false statement |
| _____ 15. Slander | O. A written false statement |
| _____ 16. Professional communication | P. Authorized by a state or agency to practice one's profession |

Legal Terms Matching

Answer Key

F	1
A	2
C	3
G	4
I	5
L	6
M	7
K	8
H	9
P	10
D	11
B	12
E	13
O	14
N	15
J	16

What Doesn't Belong?

Circle the word that doesn't belong in each line and explain why it doesn't fit with the other words.

1. Misuse of narcotics Failure to give care Verbal threat Improper draping
2. Syphilis Appendicitis Measles Stab wounds
3. Offer Consideration Discussion Acceptance
4. Hitting Talking harshly Restraining Depriving
5. Malpractice Professional negligence Bad practice Attempt to injure
6. Expressed consent Implied consent Written Oral
7. Unconscious person Married 17-year-old Severely retarded person Drunk
8. Registered nurse Pharmacist Administrator Physical Therapist
9. What information Who can obtain How obtained When/time limits
10. Strike through Erase White out Highlight

Reasons:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

What Doesn't Belong? KEY

Circle the word that doesn't belong and write why it doesn't fit with the other words.

1. **Misuse of narcotics** Failure to give care Verbal threat Improper draping
2. Syphilis **Appendicitis** Measles Stab wounds
3. Offer Consideration **Discussion** Acceptance
4. Hitting **Talking harshly** Restraining Depriving
5. Malpractice Professional negligence Bad practice **Attempt to injure**
6. Expressed consent **Implied consent** Written Oral
7. Unconscious person **Married 17-year-old** Severely retarded person Drunk
8. Registered nurse Pharmacist **Administrator** Physical Therapist
9. What information Who can obtain **How obtained** When/time limits
10. **Strike through** Erase White out Highlight

Reasons:

1. Misuse of narcotics is a criminal law not a Tort or civil law
2. Appendicitis . others are exempt from law and need to be reported.
3. Discussion . others are parts of a contract
4. Talking harshly . verbal abuse others are physical abuse
5. Attempt to injure . others are Malpractice . injury may occur but not planned
6. Implied consent . others are expressed
7. Married 17 year-old . not a legal disability
8. Administrator . acts as the Principal all the others are Agents
9. How obtained . Does not have to be a part of the release of medical information
10. Strike through . others may NOT be used to correct a mistake

Ethical Dilemma Editorial

Prompt for Writing Folder Entry Ethical Editorial

Below is a prompt for a writing assignment for entry as a content piece for your English writing folder (formerly portfolio). Follow the guidelines listed and consult the attached rubric regarding how your assignment will be scored. It is worth 100 points.

1. Ethics allows a health care worker to analyze information and make decisions based on what people believe is right and moral conduct. Modern technology in the health care field has created many ethical dilemmas for health care providers in practice today.
2. Choose an ethical situation that you feel strongly about and write an editorial taking a stand expressing why you feel as you do. Some of these include but are not limited to the following:
 - a. Euthanasia (assisted death)
 - b. Should a patient be told that a health care provider has AIDS?
 - c. Should aborted fetuses be used for research?Consult Diversified Health Occupations textbook for additional topics
3. If you feel the issue is a problem, recommend a possible solution.
4. Defend your stand with sound and convincing reasons.
5. Present your information in a logical sequence that will capture the reader's attention.
6. Review format for word processing. I suggest using Microsoft Word. The article should have 1+ margins, two-columns, single space between lines, double space between paragraphs using a 10-12 point font. Utilize correct spelling, grammar and format.
7. Support your stand in a way that will capture an emotional response from the reader. Provide evidence to make them feel as you feel.
8. Address an audience that may know nothing about this subject.

Rubric for Evaluation

Introduction captures reader's attention 1-10 points	Elicits an emotional response from reader 1-10 points	Gives reader new information or a unique perspective on old info. 1-20 points	Achieves success by clear expression of ideas (subject understood) 1-30 points	Well edited- utilizes correct spelling, grammar, and editorial article format 1-30 points	100 points possible
Score:	Score:	Score:	Score:	Score:	Overall Score:
Comments:	Comments:	Comments:	Comments:	Comments:	

Must score at least 75% to be submitted to English instructor for inclusion in writing folder

Legal Responsibilities Exam

Place the letter of the term from column B in the space providing the definition of the term in column A.

Column A	Column B
_____ 1. Wrongful act that does not involve a contract	A. Assault & Battery
_____ 2. Care given to a person without consent	B. Confidentiality
_____ 3. Failure to give normally expected care	C. Contract
_____ 4. Agreement between two or more parties	D. Criminal Law
_____ 5. Act passed in 1996 applying to maintaining confidentiality of health care information	E. HIPAA
_____ 6. Written false statement that may cause to a person's reputation	F. False imprisonment
_____ 7. Accepting medicine that nurse administers	G. Invasion of privacy
_____ 8. Application of physical restraints without Authorization	H. Libel
_____ 9. Unnecessary exposure of an individual	I. Malpractice
_____ 10. Providing improper or unprofessional treatment or care	J. Negligence
	K. Implied consent
	L. Slander
	M. Tort

List T if the statement is true and F if the statement is false.

11. Health care is mainly affected by criminal laws.
12. Verbal consent is permitted for some procedures, but it must be informed consent.
13. Health care professionals must know and follow the state laws that set standards for their professions.
14. A person with a legal disability does not have the legal capacity to form a contract.
15. A principal is always responsible for the actions of an agent.
16. All information given to health personnel by a patient is called privileged communications.
17. All risks associated with treatment must be explained before asking a patient to sign a permit or contract.
18. Health care records belong to the patient since they are paying for care.
19. If a patient reveals information that has a bearing on his/her care, it should be reported.
20. Never perform any procedure unless you are qualified.
21. In some cases, a health care worker is allowed to accept tips and gifts for that that has been given.
22. If information is in a patient record, it can be released to other health care facilities without the patient's consent.
23. Liability insurance is recommended for all health care professionals because mistakes can occur.

Identify the tort that could apply in each of the following examples:

24. Administration of medications by an unauthorized person
25. The side rail is left down and the patient falls out of bed, fracturing his hip
26. Sending information to an insurance company without the patient's consent
27. Threatening to hit a patient
28. Telling the news media a patient has a drug problem when another condition exists

Name the three parts of a contract:

29.

30.

31.

Give three examples of persons who have a legal disability:

32.

33.

34.

Give three examples of privileged communications that are exempt by law and must be reported:

35.

36.

37.

38. What should you do if you make an error while recording information on health care records?

39. What is defamation?

40. How are slander and libel the same?

41. How are they different?

**Legal Responsibilities
Exam – Answer Key**

1. M
2. A
3. J
4. C
5. E
6. H
7. K
8. F
9. G
10. I
11. F
12. T
13. T
14. T
15. T
16. T
17. T
18. F
19. T
20. T
21. F
22. F
23. T
24. Malpractice
25. Negligence
26. Invasion of privacy
27. Assault
28. Defamation or slander
29. Offer
30. Acceptance
31. Consideration
32. Minor
33. Unconscious individual
34. Mentally incompetent person
35. birth, deaths
36. communicable diseases
37. injuries caused by violence, drug abuse
38. Cross out with a single line, write error, initial and date
39. False statement which could damage someone's reputation
40. Both are false statements or defamation
41. Slander is spoken, libel is written