

FOURTH  
EDITION

Legal, Ethical, and  
Practical Aspects of  
**PATIENT CARE  
DOCUMENTATION**

*A Guide for Rehabilitation Professionals*

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*I dedicate this book with love and gratitude to my wife of  
38+ years, Pepi Barba Scott, without whose love and support  
my many life projects would not have come to fruition. I also  
dedicate this work to my three darling grandchildren  
—Isabel, Jonas, and Marlee.  
Abuela and abuelo love you!*



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# Preface

The healthcare delivery system is increasingly complex. As care delivery and patient care documentation become more streamlined with improved technology, healthcare providers and organizations must strive to maintain an empathetic human face on the services we provide, because patients come to us vulnerable, frightened about their conditions, and trusting in us as their fiduciaries.

Patient care documentation epitomizes the best in clinical healthcare delivery by placing our work product directly and prominently in the public eye. The “stories” that unravel from patient care documentation—whether in paper or electronic format—are the narratives of how millions of lives are heroically saved or made better every year through our efforts.

With great power comes great responsibility. Healthcare professionals hold the very lives of their patients in their hands every day, and because of that level of power and responsibility, are held to the highest ethical and legal standards of any professionals on Earth. There is perhaps no nobler calling than to dedicate oneself to the optimization of patients’ health and well-being, and, indirectly, that of their families and significant others and society-at-large.

This book is written with the intention of providing a roadmap to health professionals and students about the panoply of issues surrounding patient care documentation. From practical to ethical to legal intricacies of documenting what we do for patients, I hope to provide basic guidance—in nonlegalese terms—about how to meet your documentation-related duties to patients and also to yourselves, in order to minimize healthcare malpractice liability exposure.

This book contains six chapters. Chapter 1, *Patient Care Documentation Within the Legal Environment*, presents an overview of the law of healthcare malpractice and its relationship to patient care documentation and other forms of health professional communication. Chapter 2, *Clinical Patient Care Documentation Methods and Management*, overviews the nature, contents,

formats, and processes of healthcare clinical patient care documentation. Chapter 2 includes 25 documentation problems, errors, and suggestions. Chapter 3, *The Patient Care Record in Legal Proceedings*, focuses on the patient care record as a business and legal document, and examines its uses in administrative and legal proceedings. Chapter 4, *Patient Care Record Informed Consent Documentation Issues*, examines the concept of patient informed consent, as it relates to healthcare examination, intervention, and documentation. Chapter 5, *Patient Care Documentation and Clinical Quality-Risk Management Programs and Initiatives*, examines the processes of patient care-related quality and liability risk management. Chapter 6, *Current Issues in Patient Care Documentation*, presents a summary of selected important patient care documentation issues that providers encounter in everyday clinical practice.

Each chapter contains cases, exercises, and a Focus on Ethics vignette for review. Each chapter also ends with a references and readings list for further study.

I hope that the information presented in this book helps you to better serve patients under your care, and to have greater peace of mind while doing so. Best wishes for continued practice success!

Ron Scott, JD, EdD, PT

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I wish to acknowledge all of the dedicated healthcare clinical and support professionals who work tirelessly and selflessly to better the lives and well-being of patients under our care. Thanks, too, to the editorial staff at Jones & Bartlett Learning for their diligent support and patience in helping me to bring this book to fruition.





# About the Author

Ron Scott began his career as a healthcare professional in 1969 and has been an attorney since 1983. While working as a university professor from 1985 to the present, by 1990 his expertise expanded into writing, editing, mediating interpersonal disputes, and being a writers' coach.

After a tour of duty during the Vietnam War as a Navy hospital corpsman and operating room technician, Ron attended the University of Pittsburgh's Physical Therapy Program, and graduated a McMillan Scholar and Jessie Wright awardee. He went on to earn six other academic degrees, including his MA in Spanish (Millersville University), MSPT (Samuel Merritt College), MSBA (Boston University), JD (University of San Diego), EdD (University of Texas, Austin), and LLM (Judge Advocate General's School).

Ron was a civilian and Army physical therapist and clinical manager for a decade. For six years, he was an Army JAG Corp attorney specializing in criminal prosecution and defense, and healthcare malpractice claims settlement.

After completing his military career as a Major in the Army Medical Specialist Corps, Ron became an associate professor and interim chair in physical therapy at the University of Texas Health Science Center, San Antonio, where he now teaches Electrophysical Agents, Ethics, Management, and Medical Spanish. He is also currently a faculty member in six other programs: Husson University (physical therapy), Rocky Mountain University of Health Sciences (nursing, physical and occupational therapy, and allied health), the University of Indianapolis (occupational and physical therapy), the University of Montana and University of South Florida (transitional doctor of physical therapy), and Webster University (graduate business programs).

Ron also currently works as an attorney-mediator, specializing in employment, family, and health law. This is his 13th book.



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