

# ***Legal and Ethical Issues for Health Professionals***

## ***New to the Fourth Edition***

The *Fourth Edition* of *Legal and Ethical Issues for Health Professionals* has been updated to expand discussion on difficult topics and includes a wide variety of current *News Clippings* and *Reality Checks*, which are real life events experienced by both patients and healthcare professionals in leadership positions in the healthcare industry. These experiences include those of the author, incorporating his observations from a unique background as a hospital administrator in a multi-hospital system, instructor, author, consultant, and joint commission surveyor who conducted surveys of more than 1,000 hospitals and outpatient facilities from Alaska to Puerto Rico.

In crafting this edition, some material has been relocated from chapter to chapter in order to provide an improved learning experience. In some cases, materials that appear to be duplicative have been removed. As in any update, some sections have been updated to improve understanding and the flow of the text.

The author has made every attempt in this *Fourth Edition* to provide the student with the tools necessary for applying the law and ethics in the health care setting with the end goal of improving the professional's skills, performance, and decision-making processes.

The following is a summary of changes that have been made to improve the readability of the law and ethics content, which can be difficult topics for the reader to grasp due to the need to learn new terminology, theories, and concepts that have substantial impact on each healthcare professional's daily tasks.

Changes to all chapters include:

- Revised Learning Objectives
- Revised Chapter Reviews
- Revised Review Questions

The Table of Contents remains the same for this edition, but chapter-specific changes are outlined below:

### **Chapter 1: “Introduction to Ethics”**

New or expanded topics include the following:

- Morality and moral dilemmas
- Normative ethics
- CPR and paternalism in nursing homes
- Employment-related paternalism
- Nonmaleficence
- Autonomy
- Pillars of moral strength
- Fairness
- Cooperation and teamwork

The following *Reality Checks* have been added:

- “No Good Deed Goes Unpunished”
- “Maximizing Happiness and Reducing Suffering”
- “Duty Compromises Patient Care”
- “Bad Outcome, Good Intentions”
- “Spouse's Grief Leads to Withholding the Truth”

- “Patient Questions Physical Exam”
- “My Journey: How Lucky Am I?”
- “Community Hospital v. Respected Medical Center”

The following *Reality Checks* have been revised or expanded:

- “Kill the Messenger”

The following *News Clippings* have been added:

- “Peninsula Child Psychiatrist William Ayres Sentenced to Eight Years for Molesting Patients”
- “The Fear Factor and Patient Satisfaction”
- “Health Costs Cut by Limiting Choices”
- “Cancer Doctor Allegedly Prescribed \$35 Million Worth of Totally Unnecessary Chemotherapy”
- “Brooke Greenberg: 20-year-old ‘Toddler’s’ legacy of hope and love”
- “Syrian Rebels Combat al-Qaeda Force”
- “Surgeon Uses Ministry in Medical Practice”

## **Chapter 2: “Contemporary Ethical Dilemmas”**

New or expanded topics include the following:

- Noteworthy historical events
- Informed consent
- Artificial insemination
- Organ donations

The following *News Clippings* have been added:

- “Philadelphia Abortion Doctor Guilty of Murder in Late-Term Procedures”
- “PA Abortion Provider Convicted of Murder”
- “Moral Persuasion on Abortion”
- “Facebook Launches Organ Donation Campaign”

### **Chapter 3: “End-of-Life Dilemmas”**

New or expanded topics include the following:

- Physician assisted suicide
- Withholding and withdrawal treatment
- Do-not-resuscitate orders

The following *News Clippings* have been added:

- “Brain-Dead Girl Jahi McMath Released from California Hospital”
- “Belgium Considering New Euthanasia Law for Kids”
- “California Gov. Signs Assisted Suicide Information Bill into Law”
- “Mass. Doctor-Assisted Suicide Measure Fails”

### **Chapter 4: “Health Care Ethics Committee”**

New or expanded topics include the following:

- Committee structure
- Policy and procedure development
- Consultation and conflict resolution

### **Chapter 5: “Development of Law”**

New or expanded topics include:

- Conflict of laws

- Department of Health and Human Services and its structure

## **Chapter 6: “Introduction to Law”**

New or expanded topics include the following:

- Duty to care
- Standard of care
- Breach of duty
- Injury/causation
- Causation/proximate cause
- Criminal law
- Grand jury indictment
- Healthcare fraud
- Investigation and prosecution of fraud
- Schemes to defraud
- Murder
- Contracts

The following *News Clippings* have been added:

- “\$12 million in Medicaid Funds Went to Deceased in Illinois”
- “Renewed Criticism for Google Over Drug Sites”
- “Mother With Terminal Cancer Can Retain Child Custody, Judge Holds”

## **Chapter 7: “Government Ethics and the Law”**

New or expanded topics include the following:

- House of Representatives Committee on Ethics

- Senate Select Committee on Ethics
- Office of Congressional Ethics
- U.S. Judicial Code of Conduct
- Veterans Administration

The following *Reality Checks* have been added:

- VA Hospital

The following *News Clippings* have been added:

- “VA, Heal Thyself, Agency is told at hearing filled with pained testimony”
- “Atlanta VA Exec Scores Bonuses While Audits Found Lapses”
- “Too trapped in a war to be at peace”

## **Chapter 8: “Organizational Ethics and the Law”**

New or expanded topics include:

- Implied corporate authority
- Code of ethics for organizations
- Trust and integrity
- Concealing mistakes
- Doctrine of *respondeat superior*
- Independent contractor
- Applicant job screening
- Credentialing, appointment, and privileging
- Complying with accreditation standards
- Accreditation and conflicts of interest

- Financial incentive schemes
- Effective communications builds trust

The following *Reality Checks* have been added:

- “Advertising Unintentionally Misleading”
- “Hospital's Challenge to Survive”
- “One Family's Experience”
- “Veterans' Care Unconscionably Delayed”

The following *Reality Checks* have been revised or expanded:

- “Discrimination: Behind Closed Doors”
- “Accreditation is Serious Business”

The following *Cases* have been added:

- “Wrong Surgical Procedure Cover-Up”
- “Monitor Alarm Disconnected”

## **Chapter 9: “Health Care Professionals Legal-Ethical Issues”**

New, revised, or expanded topics include the following:

- Ethical and legal issues for nurses
- Float nurses
- Failure to follow instructions
- Diet orders
- Incidence and recognition of malnutrition
- Ethics and inaccurate lab results
- Expanding role of the pharmacist

- Billing fraud
- Resident neglect
- Ethical and legal issues affecting physician assistants
- Sexual harassment by psychologists
- Ethical and legal issues affecting radiology technologists
- Ethical and legal issues affecting respiratory therapists
- Ethical and legal issues affecting social workers

The following *Reality Checks* have been added:

- “Patient's Diet Order Inappropriate”
- “Patient's Nutritional Status Not Addressed”

The following *Case* has been revised:

- “Refusal to perform HIV testing”

### **Chapter 10: “Physician Ethical and Legal Issues”**

New, revised, or expanded topics include the following:

- How the law and ethics intertwine in patient care
- Violations of the AMA Code of Ethics
- Compassion
- Trust and breaches of trust
- Justice
- Physician negligence
- Patient assessments
- Failure to respond to emergency call



- Family medical history
- Medical misdiagnosis
- Treatment
- Surgery
- Patient infections

The following *News Clippings* have been added:

- “Suddenly, unexpectedly, he grabs my shirt”
- “Bonded by blood”
- “As Hands-On Doctoring Fades Away, Patients Lose”
- “Her Doctor Dismissed the Lump in Her Breast”
- “Joint Commission Alert: Preventing Retained Surgical Items”
- “Pregnant Woman Dies After Horrifying Medical Mishap”
- Physician-patient relationship

### **Chapter 11: “Employee Rights and Responsibilities”**

New, revised, or expanded topics include the following:

- Freedom from discrimination
- Equal Employment Opportunity Commission
- Refusal to Participate in Therapeutic Abortion Insubordinate
- Whistleblowing
- Safe environment
- Unemployment compensation
- Complying with hospital policy

- Sexual harassment
- Maintain professional competencies

The following *Reality Checks* have been added:

- “O.R. Becomes an Abusive Environment”
- “My Surgical Journey”
- “Failure to Comply with Hand Hygiene Guidelines”

The following *News Clippings* have been added:

- “Hospitals Crack Down on Tirades by Angry Doctors”
- “Drug Firm to Pay \$2.2 Billion in Fraud Settlement”
- “Physician Whistle-Blowers Can Sue Hospitals Without Delay, Appeals Court Rules”
- “Whistleblower Lawsuit Alleges Florida Hospital Filed Millions in False Claims”
- “The Price Whistle-Blowers Pay for Secrets”
- “U.S. Cancer-Care Delivery is 'in Crisis': Report”

## **Chapter 12: “Patient Consent”**

New, revised, or expanded topics include the following:

- Codes of ethics
- Parental consent
- Right to refuse treatment
- Refusal of treatment based on religious beliefs

The following *News Clippings* have been added:

- “Unreported Robot Surgery Injuries Open New Questions for FDA”
- “Are Teens Old Enough for Life/Death Decisions?”

### **Chapter 13: “Patient Abuse”**

New, revised, or expanded topics include the following:

- Child abuse
- Reporting abuse
- Senior abuse
- Reporting senior abuse

The following *Reality Checks* have been added:

- “Child Abuse Can Be Elusive”

### **Chapter 14: “Patient Abuse”**

New, revised, or expanded topics include the following:

- Patient rights
- Right to know one’s rights
- The Health Insurance Portability and Accountability Act (HIPAA)
- Right to ask questions
- Right to examination and treatment
- Right to emergency care
- Execute advance directives
- Right to trust caregivers
- Right to chaplaincy services
- Right to ethics consultation
- Right to informed consent
- Right to receive quality care

- Right to compassionate care
- Discharge orders
- Right to Access lab reports
- Right to know hospital charges
- Maintain healthy lifestyle
- Provide full disclosure of medical history
- Report unexpected changes in health status
- Adhere to the Agreed Upon Treatment Plan
- When in Doubt: Seek a 2nd Opinion
- Stay informed

The following *Reality Checks* have been added:

- “Accreditation Standards and Patient Right to Ask Questions”
- “My Question Disregarded”
- “Hospital Charges Not So Transparent”

The following *Cases* have been added:

- “Release from Hospital Contraindicated”

### **Chapter 15: “Summary Case: Search for Truth”**

The *closet drama* with which the book ends remains the same from the previous edition, serving as a capstone for the ethical and legal quandaries covered throughout the text.