He has achieved success who has lived well, laughed often, and loved much; who has gained the respect of intelligent men and the love of little children; who has filled his niche and accomplished his task; who has left the world better than he found it, whether by an improved poppy, a perfect poem, or a rescued soul; who has never lacked appreciation of earth’s beauty or failed to express it; who has always looked for the best in others and given them the best he [or she] had; whose life was an inspiration; whose memory a benediction.

—Bessie Anderson Stanley
## BRIEF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Introduction to Ethics</td>
<td>1</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>Contemporary Ethical Dilemmas</td>
<td>66</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>End-of-Life Dilemmas</td>
<td>121</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>Health Care Ethics Committee</td>
<td>159</td>
</tr>
<tr>
<td>Chapter 5</td>
<td>Development of Law</td>
<td>173</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Introduction to Law</td>
<td>190</td>
</tr>
<tr>
<td>Chapter 7</td>
<td>Government Ethics and the Law</td>
<td>236</td>
</tr>
<tr>
<td>Chapter 8</td>
<td>Organizational Ethics and the Law</td>
<td>255</td>
</tr>
<tr>
<td>Chapter 9</td>
<td>Health Care Professionals Legal–Ethical Issues</td>
<td>299</td>
</tr>
<tr>
<td>Chapter 10</td>
<td>Physician Ethical and Legal Issues</td>
<td>342</td>
</tr>
<tr>
<td>Chapter 11</td>
<td>Employee Rights and Responsibilities</td>
<td>367</td>
</tr>
<tr>
<td>Chapter 12</td>
<td>Patient Consent</td>
<td>396</td>
</tr>
<tr>
<td>Chapter 13</td>
<td>Patient Abuse</td>
<td>417</td>
</tr>
<tr>
<td>Chapter 14</td>
<td>Patient Rights and Responsibilities</td>
<td>437</td>
</tr>
<tr>
<td>Chapter 15</td>
<td>Summary Case: Search for Truth</td>
<td>466</td>
</tr>
</tbody>
</table>
CONTENTS

Foreword xix
Preface xx
New to the Fourth Edition xxiii
Acknowledgments xxx

Chapter 1  Introduction to Ethics 1

Introduction 2
Ethics 2
  Why Study Ethics? 3
Morality 3
  Code of Conduct 5
  Moral Judgments 6
  Morality Legislated 6
  Moral Dilemmas 6
Ethical Theories 6
  Normative Ethics 7
  Descriptive Ethics 7
  Applied Ethics 7
  Consequential Ethics 8
  Deontological Ethics 11
  Nonconsequential Ethics 12
  Ethical Relativism 13
Principles of Ethics 13
  Autonomy 14
  Beneficence 16
  Nonmaleficence 21
  Justice 23
Virtue Ethics and Values 28
  Pillars of Moral Strength 29
  Courage as a Virtue 30
  Wisdom as a Virtue 31
  Temperance as a Virtue 31
  Commitment 32
### Sterilization
- Elective Sterilization 89
- Therapeutic Sterilization 90
- Eugenic Sterilization 90
- Negligent Sterilization 90

### Artificial Insemination
- Consent 95
- Confidentiality 96

### Surrogacy
- 96

### Organ Donations
- Uniform Anatomical Gift Act 98
- Failure to Obtain Consent 98

### Research, Experimentation, and Clinical Trials
- Office of Research Integrity 100
- Food and Drug Administration 100
- Institutional Review Board 101
- Informed Consent 101
- Experimental Subject’s Bill of Rights 103
- Patient Responsibilities 104
- Patents Delay Research 105

### Human Genetics
- Genetic Markers 107
- Genetic Information Nondiscrimination Act of 2008 (HR493) 107

### Stem Cell Research
- 107

### Acquired Immune Deficiency Syndrome
- Spread of AIDS 109
- Confidentiality 111
- The Right to Treatment 113
- AIDS Education 115

### Chapter Review
- 115

### Test Your Understanding
- 117

### Review Questions
- 117

### Notes
- 118

---

**Chapter 3**

### End-of-Life Dilemmas
- Introduction 122

### Euthanasia
- Active or Passive Euthanasia 123
- Voluntary or Involuntary Euthanasia 125

### Right to Self-Determination
- 126

### Defining Death
- 129

### Legislative Response
- 131
## Contents

**Chapter 4  Health Care Ethics Committee**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Suicide</td>
<td>132</td>
</tr>
<tr>
<td>Physician-Assisted Suicide</td>
<td>132</td>
</tr>
<tr>
<td>Assisted Suicide Versus Refusal or Withdrawal of Treatment</td>
<td>134</td>
</tr>
<tr>
<td>Oregon’s Death with Dignity Act (1994)</td>
<td>134</td>
</tr>
<tr>
<td>Patient Self-Determination Act Of 1990</td>
<td>137</td>
</tr>
<tr>
<td>Advance Directives</td>
<td>137</td>
</tr>
<tr>
<td>Living Will</td>
<td>138</td>
</tr>
<tr>
<td>Durable Power of Attorney</td>
<td>142</td>
</tr>
<tr>
<td>Surrogate Decision Making</td>
<td>142</td>
</tr>
<tr>
<td>Futility of Treatment</td>
<td>147</td>
</tr>
<tr>
<td>Withholding and Withdrawal of Treatment</td>
<td>147</td>
</tr>
<tr>
<td>Patient Not in a Persistent Vegetative State</td>
<td>149</td>
</tr>
<tr>
<td>Removal of Life-Support Equipment</td>
<td>150</td>
</tr>
<tr>
<td>Feeding Tubes</td>
<td>150</td>
</tr>
<tr>
<td>Do-Not-Resuscitate Orders</td>
<td>153</td>
</tr>
<tr>
<td>Chapter Review</td>
<td>155</td>
</tr>
<tr>
<td>Test Your Understanding</td>
<td>156</td>
</tr>
<tr>
<td>Review Questions</td>
<td>156</td>
</tr>
<tr>
<td>Notes</td>
<td>157</td>
</tr>
</tbody>
</table>

---

**Chapter 4 Health Care Ethics Committee**

- Introduction                                                          159
- Committee Structure                                                   160
- Committee Goals                                                       161
- Committee Functions                                                   161
  - Policy and Procedure Development                                    161
  - Education                                                           162
  - Consultation and Conflict Resolution                                163
- Expanding Role of the Ethics Committee                                167
  - Internal Ethical Issues                                             167
  - External Ethical Issues                                             168
- Resolution of Ethical Dilemmas                                        168
- Helpful Hints                                                        170
- Chapter Review                                                        171
- Test Your Understanding                                               171
- Review Questions                                                      172
- Notes                                                                172
Chapter 7  Government Ethics and the Law  236

Introduction  237
U.S. Office of Government Ethics  237
House of Representatives Committee on Ethics  238
Senate Select Committee on Ethics  239
Office of Congressional Ethics  239
U.S. Judicial Code of Conduct  240

Public Policy  240
Veterans Administration  240
Fourteenth Amendment to the Constitution  243
Title VI: Civil Rights Act  243
Sherman Antitrust Act  244
Privacy Act  244
Health Insurance Portability and Accountability Act (HIPAA)  245
Emergency Medical Treatment and Active Labor Act (EMTALA)  245
Health Care Quality Improvement Act  246
Agency for Healthcare Research and Quality  248
Ethics in Patient Referral Act  248
Patient Self-Determination Act  248
Sarbanes-Oxley Act  249

Patient Protection and Affordable Care Act (2010)  249

Political Malpractice  250

Chapter Review  252
Test Your Understanding  253
Review Questions  253
Notes  254
Chapter 8 Organizational Ethics and the Law 255

Introduction 256

Corporate Authority 256
  Express Corporate Authority 256
  Implied Corporate Authority 256
  Ultra Vires Acts 257

Code of Ethics for Organizations 257
  Unprofessional Conduct 258
  Trust and Integrity 258
  False Advertising 259
  Concealing Mistakes 260

Corporate Negligence 262

Doctrine of Respondeat Superior 264

Independent Contractor 264

Corporate Duties and Responsibilities 264

Appointment of a CEO 265
  CEO Challenges and Responsibilities 265
  CEO Code of Ethics 266
  Screen Job Applicants 269

Credentialing, Appointment, and Privileging 269
  Ensure Competency 270
  Discipline of Physicians 271

Provide Adequate Staff 273

Provide Adequate Supplies and Equipment 273

Allocate Scarce Resources 276

Comply with Rules and Regulations 278

Comply with Accreditation Standards 279
  Accreditation and Conflict of Interest 282

Provide Timely Treatment 284

Avoid Conflicts of Interest 285

Provide a Safe Environment 287
  Prevention of Falls 289

Protect Patients and Staff from Sexual Assault 289

Decisions that Collide with Professional Ethics 290
  A Life Needlessly Shortened 290
  Financial Incentive Schemes 291

Restoring Trust 292
  Effective Communication Builds Trust 295
Chapter 9  Health Care Professionals Legal–Ethical Issues  299

Introduction 300

Nurses—Ethics and Legal Issues 300
  Registered Nurse 302
  Advanced Practice Nurses 302
  Special Duty Nurse 304
  Float Nurse 304
  Agency Personnel 305
  Nursing Assistants 305
  Student Nurses 305
  Negligent Acts in Nursing 306

Chiropractor 310

Dentistry 311
  Dental Hygienist 312

Dietary 314
  Incidence and Recognition of Malnutrition 316

Emergency Services 316
  Timely Response May Require a Phone Call 318
  Paramedics 319

Laboratory 320
  Ethics and Inaccurate Lab Results 320
  Refusal to Perform HIV Testing 321

Medical Assistant 322

Medical Records 324

Pharmacy 324
  Dispensing and Administration of Drugs 326
  Drug Substitution 327
  Expanding Role of the Pharmacist 327
  Billing Fraud 328

Physical Therapy 328
  Incorrectly Interpreting Physician’s Orders 329
  Resident Neglect 329

Physician Assistant 331

Psychology 332
  Unethical Conduct 332
  Sexual Harassment 332
  Reporting Child Abuse 332

Radiology 333
  Failure to Restrain Causes Patient Fall 333
Contents

Respiratory Care 334
Social Work 335
Certification of Health Care Professionals 336
Licensing of Health Care Professional
  Suspension and Revocation of License 337
Helpful Advice for Caregivers 337
Chapter Review 338
Test Your Understanding 339
Review Questions 339
Notes 339

Chapter 10  Physician Ethical and Legal Issues 342

Introduction 342
  Code of Medical Ethics 344
Law and Ethics Intertwine 345
  Hippocratic Oath and AMA Code of Ethics Violated 345
  Compassion 346
  Trust 348
  Justice 352
  Respect for Privacy 353
Physician Negligence 353
  Two Schools of Thought 353
  Patient Assessments 354
  Patient Diagnosis 356
  Patient Treatment 359
Physician–Patient Relationship 364
Chapter Review 365
Test Your Understanding 365
Review Questions 366
Notes 366

Chapter 11  Employee Rights and Responsibilities 367

Introduction 367
Employee Rights 368
  Fair Treatment and Employment at Will 368
  Freedom from Discrimination 371
  Equal Pay for Equal Work 371
  Refuse to Participate in Care 371
  Question Patient Care 372
  Suggest Changing Physician 374
  Freedom from Sexual Harassment 374
  Treatment with Dignity and Respect 374
Freedom from Intimidation 375
Privacy and Confidentiality 377
Right to Family Medical Leave 379
Whistleblowing 379
Safe Environment 381
Unemployment Compensation 381

Employee Responsibilities 381
Show Compassion 382
Comply with State and Federal Regulations 383
Comply with Hospital Policy 383
Comply with Job Descriptions 385
Honor Patient Wishes 385
Maintain Confidentiality 385
Adhere to Safe Practices 387
Adhere to Professional Standards 388
Maintain Professional Relationships 388
Report Unethical Behavior 390
Protect Patients from Harm 391
Report Patient Abuse 391
Work with Team Spirit 391
Maintain Professional Competencies 392

Helpful Advice 392
The Caregiver’s Pledge 393

Chapter Review 393
Test Your Understanding 394
Review Questions 394
Notes 395

Chapter 12 Patient Consent 396

Introduction 397
Informed Consent 397
Codes of Ethics 398
Proof of Consent 399
Statutory Consent 400
Capacity to Consent 401
Adequacy of Consent 402
Competent Patient 403
Spouse 403
Parental Consent 404
Consent by Minors 405
Incompetent Patients 405
Guardian 406

Right to Refuse Treatment 407
Refusal of Care Based on Religious Beliefs 408
Chapter 13  Patient Abuse  417

Chapter 14  Patient Rights and Responsibilities  437
| Right to Privacy and Confidentiality | 454 |
| Right to Know Hospital’s Adverse Events | 455 |
| Right to Discharge | 456 |
| Right to Transfer | 457 |
| Right to Access Medical Records | 457 |
| Right to Access Lab Reports | 458 |
| Right to Know Third-Party Care Relationships | 458 |
| Right to Know Hospital Charges | 458 |

**Patient Responsibilities**

| Maintain a Healthy Lifestyle | 460 |
| Keep Appointments | 460 |
| Maintain Current Medication Records | 460 |
| Provide Full and Honest Disclosure of Medical History | 460 |
| Report Unexpected Changes in Health Status | 461 |
| Adhere to the Agreed-Upon Treatment Plan | 462 |
| When in Doubt, Seek a Second Opinion | 462 |
| Stay Informed | 462 |
| Ask Questions | 463 |
| Accurately Describe Symptoms | 463 |
| Advisory Commission Describes Patient Responsibilities | 463 |

**Chapter Review**

| 464 |

**Test Your Understanding**

| 464 |

**Review Questions**

| 465 |

**Notes**

| 465 |

**Chapter 15 Summary Case: Search for Truth**

| 466 |

**Test Your Understanding**

| 505 |

**Glossary**

| 506 |

**Index**

| 517 |
FOREWORD

Good health is an essential and fundamental value that arguably supersedes everything else in our human existence. Thus it is critical to administer it in an ethical, legal, scientifically valid, and efficient manner. This is inherently complicated. Laws are subject to changes. There may even be contradictions among federal, state, and local laws and regulations. Codes of ethics vary among professional organizations, hospitals, and religions. Scientific advances can bring hope for a healthier, longer life but can pose ethical and logistical issues of availability and cost. The pace of change is faster than ever now because of the digital information explosion and promising new avenues of research in such areas as stem cell biology, genetics, nanotechnology, and so much more. It is an exciting time that offers humanity a happier, more optimistic future. The purpose of this Fourth Edition is to provide the reader with a reference tool, a framework of fundamentals, and a coherent starting point from which to advance into the future.

Health care is personal. It is perhaps the most personal of any service any of us will receive in our lifetime. We all need it and recognize its importance, and we need to know that our health care delivery system has ethical and legal integrity as well as scientific validity. Sometimes correct choices are not always obvious. There are gray areas. That is why health care administrators and providers need a resource such as this book to help clarify their responsibilities and to help guide them through the tough choices that inevitably occur. Intuition and good intentions are laudable but are not enough when it comes to health care. There are specific criteria that our society requires in this very sensitive area. Awareness of those criteria is crucial. That information, however, comes from a variety of sources that are not always readily accessible. This book concentrates much of that information into one convenient volume. It provides the reader with the proper foundation to make good decisions in the delivery of patient care. That is the ultimate goal of this book.

—John W. Pinnella, MD, DDS, FICS
PREFACE

How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong. Because someday in life you will have been all of these.

—GEORGE WASHINGTON CARVER

What’s the One Thing You Would Invent If You Could?

A “decision-making” machine. You input your life dilemmas, and just like that, the right decision is displayed on a screen. The invention would save me so much time in torment.

Caitlin Ghilarducci, O, The Oprah Magazine, August 2013

Legal and Ethical Issues for Health Professionals, Fourth Edition, has been designed to assist the reader in a more comfortable transition from the didactics of the classroom to the practical application in the workplace. The Fourth Edition provides the reader with a clearer understanding of how the law and ethics are intertwined as they relate to health care dilemmas. The practical application of ethics in the health care setting is accomplished by interspersing the thoughts of great minds through Quotes; current health care events through News Clippings; patient, personal, provider, and organizational experiences through Reality Checks; and legal rulings and summaries through legal Cases. The book concludes with a closet drama that illustrates the real world of human behavior and ties together its contents in one case.

The reader will learn how to evaluate and distinguish between the rightness and wrongness of alternative courses of action when faced with complex ethical dilemmas. Ethics in the health care setting focuses on doing the right thing for both patients and caregivers. When people consider matters of ethics they often involve matters of freedom in regard to one’s personal choices, judgments about human character, and obligations to others.
This book, as with the first three editions, starts with the premise that to act in an ethical manner means to engage in conduct according to accepted principles of right and wrong. The author’s objective is to provide the reader with the background knowledge necessary to understand that ethical behavior begins with understanding that we have alternatives and choices to make about how we treat ourselves and how we treat others. To make good decisions, we must first understand that they will be only as good as our knowledge of what is “right” and what is “wrong.”

A study titled “Does Ethics Education Influence the Moral Action of Practicing Nurses and Social Workers?,” published in the American Journal of Bioethics in July 2008, showed that “ethics education has a significant positive influence on moral confidence, moral action, and use of ethics resources.”

This Fourth Edition is not an indictment of any profession or organization. It does, however, illustrate how a minority of people can often cast a dark shadow on all the good that is done by so many for so many. It is about learning how the system can fail and how we can so easily fix it simply through good people doing good things. The book is a call to arms to do good things, to stand out from the crowd, because acts of caring, compassion, and kindness often go unnoticed.

The Fourth Edition, as with previous editions, has been designed to introduce the reader to various ethical–legal issues and should not be considered an in-depth or comprehensive review of a particular ethical–legal issue. We study ethics because we need to know right from wrong and maintain order in a society that would otherwise be lawless. Ethics distinguishes good from evil. Ethics and the law are inseparable, for it is ethics that describes our values and morality. An unethical person helps create a world of fear, distrust, and tyranny. It is the law that describes our commonly accepted principles of good behavior and provides punishment for those who fail to adhere to the laws of the land.

Cases containing a multitude of legal and ethical issues are included throughout the book. The reader will be asked a series of questions after each case, requiring legal and ethical logic in order to answer them. Caregivers who have a clear grasp of the ethical and legal concepts discussed in this book will be better prepared to make health care decisions that are ethically sound and legally correct. Presented here is a sampling of the wide range of questions that can be asked and discussed when analyzing an ethical dilemma.

1. What are the relevant ethical and legal issues in the case?
2. What could have been done to bring more clarity to the ethical dilemma?
3. How should the legal issues of the case be addressed?
4. How might one’s professional code of ethics be violated in the case?
5. How might the principles of patient autonomy, beneficence, nonmaleficence, and justice affect the decision-making process when faced with an ethical dilemma with legal implications?
6. What are the issues that could affect those involved in the resolution of an ethical dilemma (e.g., family members, physicians, other caregivers including nurses, chaplains, and/or ethics committee members)?
7. If you were friendly with the patient, would it affect your ability to give an objective opinion?

8. How can moral values, religious beliefs, education, and life experiences of both caregivers and patients complicate the resolution of health care dilemmas?

9. How can financial concerns affect the decision-making process?

10. How can corporate culture affect the decision-making process?

One of the most difficult things to come to terms with in the decision-making process is to know when the endless loop of asking questions must end and a decision has to be made.

*Each life is like a novel. Filled with moments of happiness, sadness, crisis, defeat, and triumph. When the last page has been written, will you be happy or saddened by what you read?*

—Author Unknown
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 Chippings and Reality Checks, which are real life events experienced by both patients and health care professionals in leadership positions in the health care industry. These experiences include those of the author, incorporating his observations from a unique background as a hospital administrator in a multihospital 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 one chapter to another 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 owing to the need to learn new terminology, theories, and concepts that have substantial impact on each health care professional’s daily tasks.

Changes to all chapters include revisions of the following features:

- Learning Objectives
- Chapter Reviews
- Review Questions

Chapter-specific changes are outlined in the following pages.

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 Check has 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 of 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
- Health care 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 Check has 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 Mixup”

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 Check has been added:
• “Child Abuse Can Be Elusive”

### CHAPTER 14: PATIENT RIGHTS AND RESPONSIBILITIES

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
• Seek a second 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 Case has been added:
• “Release from Hospital Contraindicated”
ACKNOWLEDGMENTS

The author especially acknowledges the staff at Jones & Bartlett Learning whose guidance and assistance were so important in making this fourth edition of *Legal and Ethical Issues for Health Professionals* a reality. Special thanks to Katey Bircher and Teresa Reilly during the signing stage of the *Fourth Edition*; Rhonda Dearborn and Sean Fabery, who worked tirelessly during the editorial stages; the production editors, Lou Bruno and Julie Bolduc; and the all-important Grace Richards in marketing. As with the publication of any book, there are numerous people behind the scenes with whom I have not dealt with directly. Please know that your hard work is much appreciated. Thanks to all for allowing me to leave behind this legacy of writing.

I am grateful to the very special people in the more than 1,000 hospitals and ambulatory sites from Alaska to Puerto Rico with whom I have consulted, surveyed, and provided education over many years. Their shared experiences have served to remind me of the importance of making this book valuable in the classroom as well as useful as a reference for practicing health care professionals.

To my students in health care law and ethics classes at the New School for Social Research, Molloy College, Long Island University–C.W. Post Campus, Saint Francis College, and Saint Joseph’s College; my intern from Brown University; my resident in hospital administration from The George Washington University; and those I have instructed throughout the years at various seminars, I will always be indebted to you for your inspiration.

Many thanks are also extended to all those special people at the National Library of Medicine and the Library of Congress for their guidance over the years in locating research materials.