

Patient Care Case Law: Ethics, Regulation, and Compliance

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Preface

Patient Care Case Law: Ethics, Regulation, and Compliance is both a unique stand-alone book and a companion guide for a wide variety of texts utilized in educational settings. It is an independent compendium of a broad variety of case studies covering various legal and ethical issues.

The emphasis of *Patient Care Case Law: Ethics, Regulation, and Compliance* is the patient's progression from admission through discharge including chapters on patient rights, the screening and assessment process, diagnostic services, diagnosis, treatment, universal protocols, discharge planning, and follow-up care. The book continues with a review of cases pertinent to employee and patient safety, human resources, and criminal acts. There's a summary case written as a *closet drama*, as well as a chapter that describes a healthcare system that may be just "Too Big to Fail," in addition to an appendix containing a list of suggested websites that includes a brief description of what can be found on each website to help the reader conduct further research into the legal and ethical issues of health care. The text also provides a glossary of terminology and summary notes for various health professionals and the general public. There is an assessment template that healthcare organizations can use to assist in evaluating the quality of care in their organizations. The Code of Federal Regulations (CFR) Chapter 42 for hospitals is provided in Appendix A for easy reference. Prior to reading this book, the reader should become familiar with the contents of CFR Chapter 42.

This book has been designed for use by students and practicing healthcare professionals. It is written using terminology focused on the layperson and provides healthcare professionals with the necessary knowledge to become conversant in legal issues pertinent to their jobs.

The information contained in the casebook is based on applicable statutory and decisional authority, as well as the author's specialized knowledge gained through extensive experience in the healthcare field, including

standards and regulatory compliance surveys and consultations at more than a 1,000 healthcare sites throughout the United States and Puerto Rico.

In the litigious environment that exists in the United States, wherein negligence suits continue to plague the healthcare industry, it is imperative that healthcare professionals understand their rights and responsibilities under the law and the legal ramifications of their actions. A review of a wide variety of cases over the years has revealed that the same or similar negligent acts have been repeated. The passage of time has merely changed the names of the litigants.

The reader will note that there is not a citation associated with every case. Many high profile cases are settled out of the courtroom due to the negative impact they can have on a healthcare provider. Therefore, secondary sources such as newspaper articles and personal experiences by those who wish to retain their anonymity have been digested and adapted into a variety of formats to encourage the learning process.

Each case has been given a title that signals the type of case about to be reviewed. Citations are helpful to students who wish to conduct further research on a particular case or topic. A case citation describes the identity of the parties in the case, the legal reporter in which the case can be found, the volume and page number, and the year in which the case was decided.

The court cases discussed provide: (1) a review of the facts of the case; (2) the issues discussed in any given case, selected for review on the basis of pertinence to healthcare professionals (although any one case in this text may have multiple issues, emphasis is placed on selecting those issues considered to be most relevant to the reader); and (3) the court's ruling and rationale for its decision based on the facts, issues, and applicable laws pertaining to the case. Discussion questions are also provided at the end of each case.