

Ethics for Health Professionals

Carla Caldwell Stanford, PhD, CFLE

Valerie J. Connor, MA, CCC-SLP



JONES & BARTLETT
LEARNING

World Headquarters
Jones & Bartlett Learning
5 Wall Street
Burlington, MA 01803
978-443-5000
info@jblearning.com
www.jblearning.com

Jones & Bartlett Learning books and products are available through most bookstores and online booksellers. To contact Jones & Bartlett Learning directly, call 800-832-0034, fax 978-443-8000, or visit our website, www.jblearning.com.

Substantial discounts on bulk quantities of Jones & Bartlett Learning publications are available to corporations, professional associations, and other qualified organizations. For details and specific discount information, contact the special sales department at Jones & Bartlett Learning via the above contact information or send an email to specialsales@jblearning.com.

Copyright © 2014 by Jones & Bartlett Learning, LLC, an Ascend Learning Company

All rights reserved. No part of the material protected by this copyright may be reproduced or utilized in any form, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without written permission from the copyright owner.

Ethics for Health Professionals is an independent publication and has not been authorized, sponsored, or otherwise approved by the owners of the trademarks or service marks referenced in this product.

Some images in this book feature models. These models do not necessarily endorse, represent, or participate in the activities represented in the images.

The authors, editor, and publisher have made every effort to provide accurate information. However, they are not responsible for errors, omissions, or for any outcomes related to the use of the contents of this book and take no responsibility for the use of the products and procedures described. Treatments and side effects described in this book may not be applicable to all people; likewise, some people may require a dose or experience a side effect that is not described herein. Drugs and medical devices are discussed that may have limited availability controlled by the Food and Drug Administration (FDA) for use only in a research study or clinical trial. Research, clinical practice, and government regulations often change the accepted standard in this field. When consideration is being given to use of any drug in the clinical setting, the health care provider or reader is responsible for determining FDA status of the drug, reading the package insert, and reviewing prescribing information for the most up-to-date recommendations on dose, precautions, and contraindications, and determining the appropriate usage for the product. This is especially important in the case of drugs that are new or seldom used.

Production Credits

Publisher: William Brott Miller
Acquisitions Editor: Katey Birtcher
Associate Editor: Teresa Reilly
Associate Production Editor: Jill Morton
Marketing Manager: Grace Richards
Manufacturing and Inventory Control
Supervisor: Amy Bacus
Composition: Cenveo Publisher Services

Cover Design: Scott Moden
Rights & Photo Research Assistant:
Miranda Rivers
Cover Image: Scales, © [allegro/Shutterstock, Inc.](http://allegro/Shutterstock.com);
Medical caduceus,
© [Maximus256/Shutterstock, Inc.](http://Maximus256/Shutterstock.com)
Printing and Binding: Edwards Brothers Malloy
Cover Printing: Edwards Brothers Malloy

To order this product, use ISBN: 978-1-4496-8960-5

Library of Congress Cataloging-in-Publication Data

Stanford, Carla Caldwell, 1959-
Ethics for health professionals / by Carla Caldwell Stanford and Valerie J. Connor.
p. ; cm.
Includes bibliographical references and index.
ISBN 978-1-4496-7832-6 — ISBN 1-4496-7832-7
I. Connor, Valerie J. II. Title.
[DNLM: 1. Ethics, Clinical. 2. Professional-Patient Relations—ethics. WB 60]
174.2—dc23

2012023893

6048

Printed in the United States of America
16 15 14 13 12 10 9 8 7 6 5 4 3 2 1

Contents

	Foreword	vii
	Acknowledgments.	ix
	Reviewers	xi
	About the Authors	xiii
Chapter 1	An Overview of Ethics.	1
	An Overview of Ethics	2
	Early Influences on the Field of Ethics	4
	Confucius	5
	Socrates	7
	Major Areas of Ethical Philosophy	9
	Major Area 1: Meta-Ethics	10
	Major Area 2: Normative Ethics	11
	Approach 1: Virtue-Based Ethics	11
	Approach 2: The Consequential Approach	12
	Approach 3: Duty-Based Ethics, Also Known as Deontology	13
	Major Area 3: Applied Ethics	15
	Ethical Decision Making	15
	The Three-Step Ethical Decision-Making Model	16
	Is It Legal?	16
	Is It Balanced?	17
	How Does It Make Me Feel?	18
	Putting It All Together	18
Chapter 2	Top Priority: The Patient	21
	Establishing Ethical Standards	22
	Seeing RED: Respect, Empathy, and Dignity in Health Care	23
	The Healthcare Consumer	25
	Ethical Considerations in Healthcare Provider–Patient Relationships	27
	Transference	28
	Contracts and Consent	30

	Can a Physician “Fire” a Patient?	31
	The Patient Care Partnership	32
	Putting It All Together	32
Chapter 3	Vulnerable Populations.	35
	Introduction	36
	Minors	37
	Elderly Patients	43
	HIV/AIDS Patients	48
	Cultural and Other Differences	52
	Mandatory Reporting	54
	Putting It All Together	56
Chapter 4	Confidentiality	59
	Confidentiality as Expressed in the Hippocratic Oath	61
	Confidentiality and the Healthcare Industry	62
	Beginnings	63
	Common Breaches of Medical Information	
	Confidentiality	64
	The Health Insurance Portability	
	and Accountability Act	66
	The Consolidated Omnibus Budget	
	Reconciliation Act	69
	The Privacy Rule	70
	Exceptions to HIPAA (Bureau, 2004)	71
	Healthcare Integrity and Protection Data Bank	72
	Release of Information	72
	Patient Safety and Quality Improvement Act of 2005	74
	Exceptions to Confidentiality in Health Care	75
	Child Abuse	75
	Elder Abuse	77
	Mental Health Patients Who Might Pose	
	a Threat	78
	Matters of the Greater Good	78
	Putting It All Together	79
Chapter 5	Ethics and the Workplace.	83
	Workplace Laws and Healthcare Professionals	85
	The Healthcare Team—What Is Your Role?	93
	Putting It All Together	102

Chapter 6	Accountability: The Medical Record	105
	The Medical Record	107
	Factual	109
	Legible	110
	Objective	110
	Accurate	111
	Timely	112
	The Joint Commission	112
	Contents of the Medical Record	113
	Correcting the Medical Record	114
	Types of Medical Record Charting	114
	The Narrative Method	114
	The SOAP Method	114
	Sending Out Medical Information	115
	Sharing a Patient's Medical Information	117
	Electronic Medical Records	120
	Ethical Considerations of the EMR	122
	Putting It All Together	123
Chapter 7	Liability and Health Care:	
	Legal Aspects of Health Care	127
	Sources of Law	129
	Constitutional Law	129
	Common Law	130
	Administrative Law	130
	Statutory Law	131
	Liability Insurance	139
	Scope of Practice	141
	The PYTHON Principle	142
	Putting It All Together	144
Chapter 8	Life and Death Issues	147
	Ethical Issues Related to Dying	149
	Advance Directives	150
	DNR Order	151
	Living Will	152
	Power of Attorney and Healthcare Proxy	154
	Uniform Anatomical Gift Act	156
	Making End-of-Life Decisions	156

	Ethical Issues Related to Life	161
	Putting it All Together	167
Chapter 9	Controversial Issues in Health Care	171
	Controversy in Health Care	173
	The Stem Cell Research Debate	173
	The Ethical Implications of Genetic Testing	177
	Organ Allocation	180
	The Conscience Clause—A Closer Look	184
	Ethical Issues Surrounding Research	187
	Other Controversial Issues	188
	Putting it All Together	188
	Glossary	191
	Index	205
	Photo Credits	213

Foreword

This world, for many, presents a hungry quest to “get ahead,” and ethics is not always the first consideration in any given scenario. Lines once starkly black have faded to gray. Why do you suppose that is? Confronted with ethical uncertainty, it has become more important than ever to embrace a set of values and attitudes. Knowing yourself includes knowing these values. In what do you believe? Where do you draw lines when it comes to controversial matters? Throughout this text, you should reflect on your own set of beliefs and values.

The healthcare professional will daily be faced with decision-making tasks, both on the job and off. Today’s healthcare industry is overshadowed, for some, by the threat of being sued. Consequently, tasks are sometimes met with reserve and what-ifs. Throughout this text, you will read about ethical situations. Combining your own personal values system and new information in this text, you should consider all angles and come to conclusions through reasoning skills.

As you begin this text, think about what you currently know about ethics. Keep an open mind about new information to which you will be introduced so that you can use all available information to arrive at a conclusion. When you come to the end of the text, gauge your growth in this field by comparing your new knowledge of ethics to your earlier knowledge base, and explore your opinions and feelings about healthcare ethics.

Good luck as you begin this learning journey, and best wishes to you in your upcoming career in health care!

Acknowledgments

In a world of “me, me, me,” it is with warmth that I remember the people who accept me as I am and to whom I owe my own ethical standards: my husband Allen; my three sons Will, Hunter, and Ryne; my daughters-in-law Mary Frances and Lauren; and my precious granddaughter Anna Lyn. You are the heart of all that I am, and I love you all very much. My faith is the foundation for my ethical beliefs, steeped heavily in childhood lessons by my parents.

Thanks to all who have shown support throughout this writing process and who offered encouragement and help, including those who reviewed and provided quotes and resource materials. A textbook, I have found firsthand, is the writing of one or more (two in this case), but the collaboration of many. My hope is that students who read it will be enriched by ethical information that will last a lifetime. Students are dear to my heart, and I admire anyone for bettering themselves through higher education. Knowledge truly is power.

Finally, I want to acknowledge my colleague and coauthor, Valerie Connor, who is not only kind, patient, and reliable, but also knowledgeable in the field of ethics within the healthcare industry. I can think of no one with whom I would have rather taken this journey. Thanks, Val!

—Carla Caldwell Stanford

I would like to thank my wonderful husband, Martin, who provided encouragement and multiple hours of proofreading! A big thank you to our two children, Quinn and Savannah, who never run out of love and words of support. I love all of you very much!

There have been many people in my life who have provided me with opportunities as a speech therapist and an educator. The writing process has enriched my knowledge of the field of healthcare ethics, and I hope this textbook will inspire students to keep learning.

x | Acknowledgments

Finally, a big thank you to Carla Stanford, who convinced me that I could coauthor a textbook, provided countless hours of guidance and encouraging e-mails, and never doubted our success. You are the best!

—Valerie J. Connor

Reviewers

Cheryl L. DiLanzo, MS, RT (R)

Clinical Coordinator
Montgomery County Community College
Blue Bell, PA

Elgloria A. Harrison, MS, RRT, NPS, AE-C

Associate Professor
Chair, Nursing and Health Professions
University of the District of Columbia
Washington, DC

Jim Hinojosa, PhD, OT, BCP, FAOTA

Professor
Steinhardt School of Culture, Education, and Human Development
New York University
New York, NY

Kathleen O. Kienstra, MAT, RT (R)(T)

Program Director, Radiation Therapy
Saint Louis University
St. Louis, MO

Gerard Magill, PhD

Vernon F. Gallagher Chair and Professor of Healthcare Ethics
Center for Healthcare Ethics
Duquesne University, Pittsburgh
Pittsburgh, PA

About the Authors

Carla Caldwell Stanford holds two master's degrees and a PhD. She has taught a medical law and bioethics course at the undergraduate college level for five years. The motivating factor for writing a textbook was to simplify ethics and laws concerning the healthcare professional in ways that would be both appealing and easily understood by the student.

Valerie J. Connor has a master's degree in speech pathology. She has practiced in school and long-term care settings. Currently, she teaches at both the undergraduate and graduate level with a focus on the legal and ethical aspects of health care. She hopes that students will have a better understanding of the laws and ethical issues surrounding health care after reading this text.

