

COURSE	7242 Health Science II		Unit A	Healthcare foundation standards, safety, and infection control
ESSENTIAL STANDARD	1.00	B2	29%	Understand healthcare foundation standards.
OBJECTIVE	1.04	B2	5%	Understand legal and ethical issues in healthcare.
ESSENTIAL QUESTIONS	<ul style="list-style-type: none"> • <i>Why is it important for healthcare professionals to understand legal issues?</i> • <i>What are some legal and ethical dilemmas presented to healthcare professionals?</i> • <i>What are criminal and civil laws?</i> • <i>What are contracts and how do they relate to healthcare?</i> • <i>What legislation regulates patient rights?</i> • <i>What are the ethics of healthcare?</i> 			

Unpacked Content

- I. Understand legal and ethical issues of the healthcare professional
 - A. Legal knowledge
 - B. Ethical behaviors
- II. Legal and ethical dilemmas
 - A. Abortion
 - B. End of life
 - C. Euthanasia
 1. Advanced directive
 2. Living will
 3. Power of attorney
 - D. Organ donation
 - E. Research and experimental treatment
- III. The Law - System of Rules
 - A. Criminal Law
 1. Assault
 2. Battery
 3. Misuse of narcotics
 4. Murder
 5. Practicing without a license
 6. Sexual assault
 7. Theft
 - B. Civil Law
 1. Torts
 - a. Abuse
 - i) Physical
 - ii) Sexual
 - iii) Verbal
 - b. Defamation of character
 - i) Libel

- ii) Slander
 - c. False imprisonment
 - d. Invasion of privacy
 - e. Malpractice
 - f. Negligence
 - 2. Contracts
 - a. Offer
 - b. Acceptance
 - c. Genuine agreement
 - d. Capacity
 - e. Consideration
 - f. Legality
 - g. Types of contracts
 - h. Implied
 - i. Expressed
 - j. Informed consent
- IV. Patient rights legislation
 - A. Patient's Bill of Rights
 - B. The Healthcare Consumer
 - 1. Consumer Bill of Rights
 - 2. Consumer Responsibilities
 - C. Omnibus Budget Reconciliation Act
 - D. Nursing Home Reform Act
 - E. Patient Self-Determination Act
 - F. Health Insurance Portability and Accountability Act (HIPAA)
- V. Ethics in healthcare
 - A. Personal
 - B. Professional
 - C. Organizational

1.04 Legal and ethical issues of the healthcare professional Handout

Name _____
Date _____

Directions: Record notes in your own words and class discussion about the importance of understanding legal and ethical issues in healthcare.

Importance for the healthcare professional to understand

1. _____
2. _____
3. _____
4. _____
5. _____
 - a. _____
 - b. _____
 - c. _____
 - d. _____
6. _____
 - a. _____
 - b. _____
 - c. _____

Legal and ethical issues encountered by healthcare professionals

1. _____
 - a. Definition _____
 - i. _____
 - ii. _____
 - b. What are the ethical issues? _____
2. _____
 - a. _____
 - b. Definition _____
 - i. _____
 - ii. _____
 - c. _____
 - d. _____
 - e. _____
 - f. What are the ethical issues? _____
3. _____
 - a. Definition _____
 - b. What are the ethical issues? _____
4. _____

What are the ethical issues? _____

1.04 Criminal Law or Civil Law Handout

Name _____
Date _____

Directions: Select a topic from the list below. Search any available media (newspaper, Internet, etc.) for a court case that is an example of the topic chosen. Prepare a paragraph that explains the case. Be prepared to share the case with the class during the presentation and discussion of the PowerPoint. This assignment should be completed and reviewed by the teacher prior to the presentation of information on criminal and civil laws.

Information to be included:

Name of the case

Date of the offense and trial (if there was a trial)

Healthcare professional involved (doctor, physical therapist, etc.)

What happened?

Who won?

What did they win?

Assault

Battery

Defamation of character

False imprisonment

Invasion of privacy

Libel

Malpractice

Misuse of narcotics

Murder

Negligence

Physical abuse

Practicing without a license

Reasonable care

Sexual abuse

Slander

Theft

Verbal abuse

1.04 Elements of a Contract

Handout

Name _____

Date _____

Directions: Record notes in your own words and class discussion in your own words regarding the elements of a contract.

Contract _____

Elements of a Contract	Define in your own words	Examples
Offer		
Acceptance		
Genuine agreement		
Capacity		
Consideration		
Legality		

Types of contracts _____

Informed Consent _____

**1.04 Patient Rights Legislation Class Discussion
Handout**

Name _____
Date _____

Directions: Record class discussion about Patient Rights Legislation.

Patient Rights Legislation	
Patient Bill of Rights <ul style="list-style-type: none">• What is it?• Who passed it?• Why?• Who is covered?	
Consumer Bill of Rights and Responsibilities <ul style="list-style-type: none">• What is it?• Who passed it?• Why?• Who is covered?	
Omnibus Budget Reconciliation Act <ul style="list-style-type: none">• What is it?• Who passed it?• Why?• Who is covered?	
Nursing Home Reform Act <ul style="list-style-type: none">• What is it?• Who passed it?• Why?• Who is covered?	
Patient Self-Determination Act <ul style="list-style-type: none">• What is it?• Who passed it?• Why?• Who is covered?	

1.04 Patient Rights Legislation Scenarios Handout

Name _____
Class _____

Directions: Read the following scenarios. In each scenario, determine if there was of a violation of a patient's rights. If there was not a violation, write "None" in the blank. If there was a violation, write the patient rights legislation that was violated and how the violation could have been avoided. There may be more than one violation.

1. Jean has been given information regarding the study of a new heart medicine. Jean does not want to participate in the study. She prefers to have an alternative treatment for her condition. Jean's doctor prescribes another treatment.

Patient rights legislation violated _____
How the violation could have been avoided _____

2. The nursing assistant told Joseph that he is scheduled for a cardiac catheterization. Joseph's has not discussed this procedure with his doctor. Joseph has a puzzled look on his face.

Patient rights legislation violated _____
How the violation could have been avoided _____

3. Mrs. Brown was transferred from the hospital to a rehabilitation center. Upon arrival to the rehabilitation center, Mrs. Brown completed her living will and named her healthcare power of attorney.

Patient rights legislation violated _____
How the violation could have been avoided _____

4. The physical therapist took Mr. Beasley to the Physical Therapy department for his whirlpool treatment. The therapist placed Mr. Beasley in the whirlpool. While Mr. Beasley was in the whirlpool, the therapist talked to another therapist on the other side of the department area.

Patient rights legislation violated _____
How the violation could have been avoided _____

5. Mrs. James is a patient in the surgical department. Nurse Fran from the orthopedic department came over and told Nurse Franks that Dr. Monroe needed to review Mrs. James's record. Nurse Franks gave Nurse Fran the record.

Patient rights legislation violated _____
How the violation could have been avoided _____

1.04 Patient Rights Legislation Scenarios Handout

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6. Mr. Bates has a living will. According to the hospital's policy, this advanced directive will expire in two months. Mr. Bates has not been informed of this policy.

Patient rights legislation violated _____

How the violation could have been avoided _____

7. Chuck received care of by a student nurse. Chuck did not know the nurse was student.

Patient rights legislation violated _____

How the violation could have been avoided _____

8. Jackie has been discharged from the hospital. She was given her hospital bill but has some questions about a charge of \$500.00 for medication. She does not get an answer to her questions.

Patient rights legislation violated _____

How the violation could have been avoided _____

9. The nursing assistant enters Mrs. Byrd's room and states, "Hi honey! How are you today? I heard you gave them a hard time last night."

Patient rights legislation violated _____

How the violation could have been avoided _____

10. Paul's doctor gave tissue samples from Paul's biopsy to the director of the Cancer Research Center. The center is performing clinical trials on a new drug that has proven to cure Paul's type of cancer. Paul is not aware of the clinical trial nor that his tissue sample was released.

Patient rights legislation violated _____

How the violation could have been avoided _____

1.04 Key Terms – Criminal and Civil Law Handout

Name _____
Date _____

Criminal Law- protects all people from those who pose a threat to society.

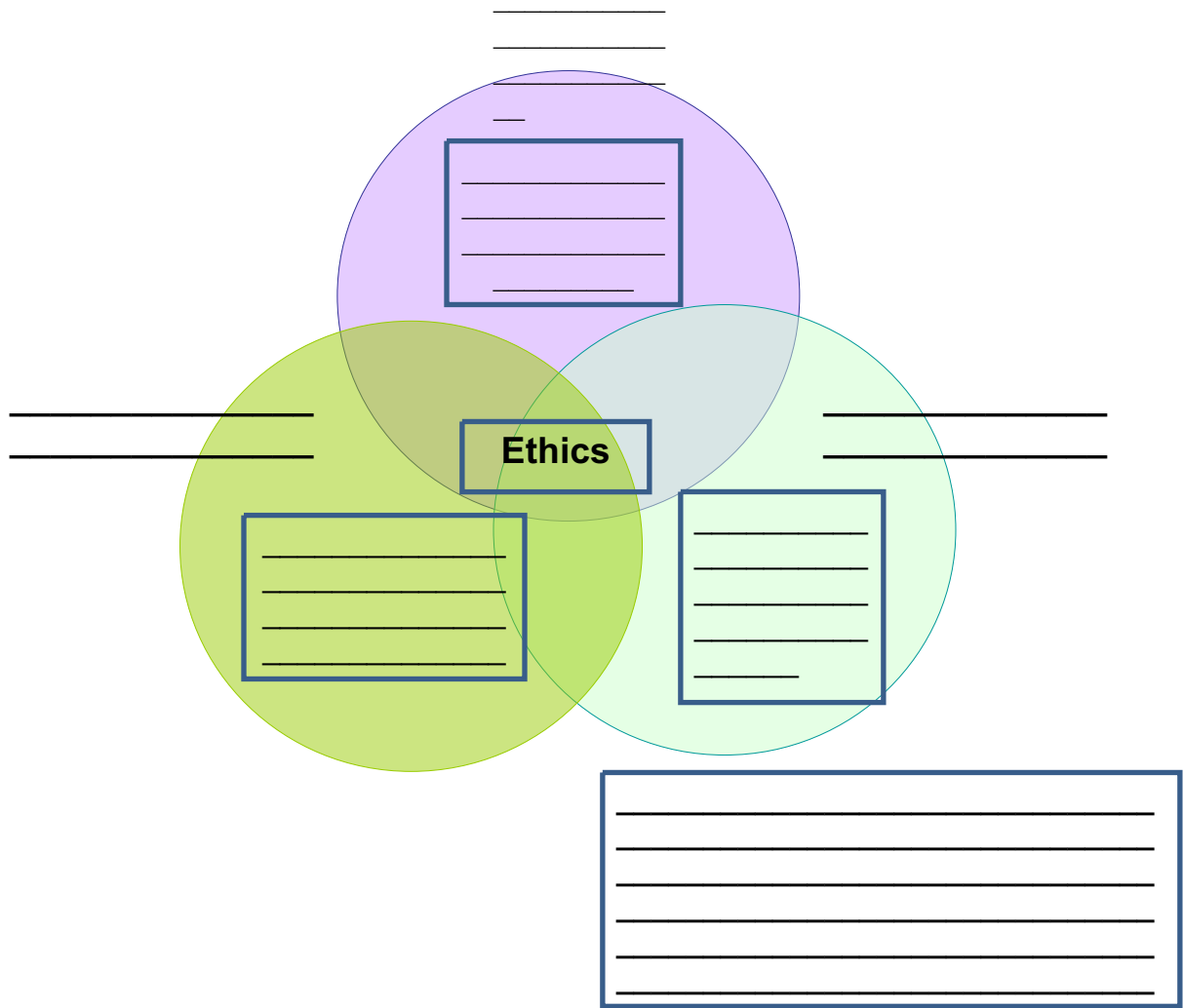
Legal/Ethical Term	Definition	Examples
Assault	Any threat or attempt to injure another person with the apparent ability to do so	
Battery	Unlawful touching of another person without their consent	
Misuse of narcotics	Using controlled drugs in a manner other than intended	
Felony	A serious crime that carries a penalty of at least one year of imprisonment	
Murder	Taking another person's life	
Practicing without a license	Providing healthcare services without a license	
Sexual assault	Forced sexual act by a male against a female	Statutory rape Date rape
Theft	Taking another person's possessions	

Civil Law- involves disputes between people or organization and the protection of people's rights.

Legal/Ethical Term	Definition	Examples
Tort	Wrongful acts, not involving a contract, that result in physical injury, property damages, or damages to a person's reputation for which the injured person is entitled to compensation for damages done.	

1.04 Key Terms – Criminal and Civil Law Handout**page 2**

Abuse	Physical, sexual, or verbal mistreatment	
Defamation of character	Statement that causes injury to a person's reputation	
- Libel	Untrue written statements that cause injury to a person's reputation	
- Slander	Untrue spoken statements that cause injury to a person's reputation	
False imprisonment	A person is confined or retained against his/her will	
Invasion of privacy	-make personal information public without the consent of the patient -unnecessary physical exposure of a patient	
Malpractice	Providing bad care, resulting in injury. Act of commission	
Negligence	Failure to provide care that is normally expected, resulting in injury to the patient. Act of omission	
Reasonable care	Legal obligation of healthcare professionals to provide care according to the standards of practice expected within their community of healthcare professionals	



Recognize and report unethical behavior:

1.04 WHERE DO I STAND?

Teacher Resource

Directions: The teacher will have the students stand in a large circle. Designate an area of the room for students to move into if they (1) **agree**, (2) **disagree** or (3) **don't know how I feel**. The teacher will read a scenario from those given below. The teacher can develop others. The students will move according their feelings about the situation presented in the scenario. Discuss the reasons students made there decisions.

1. You have been offered money to be a surrogate mother and you need the money. You would do it.
2. The family of a patient with a terminal illness begs you to keep it from the patient. When the patient asks you, you tell the truth.
3. Parents have the right to withhold medication from their sick children.
4. A nurse has an offensive body odor. You will tell her.
5. Your best friend recently found out that she is pregnant. She wants to have an abortion. She asks you not to tell anyone. You would not tell.
6. Everyone deserves good healthcare. If a person cannot afford insurance, you are willing for your insurance to cover their bill.
7. Jack threw up in first period English class. He told the teacher that he ate something that made him sick. Jack looks really pale, his eyes are red, and he is shaking. You saw Jack and some other boys taking some medicine before school. He said it was cough medicine. You would not tell.
8. The most important thing for healthcare professionals is to be fair in all patient interactions.
9. Competent, consenting terminally ill patients should have the legal right to medically assisted suicide.
10. Physicians should be able to accept financial incentives from drug manufactures for switching patients to their drugs.

