

# Introduction to Legal and Medical Ethics

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**Course**

*Principles of Health Science*

**Unit VII**

*Legal and Ethical*

**Essential Question**

*How does ethics relate to the medical field?*

**TEKS**

*130.202(c) 1D, 1E, 8A, 8B, 8C, 8D, 8E, 9A, 9D*

**Prior Student Learning**

*The student should have an understanding of what is right or wrong, lawful or unlawful, and how important ethics plays a role in the medical field.*

**Estimated time**

*1-4 hours*

**Rationale**

Professional integrity is dependent on ethical behavior. Health care workers must understand ethical responsibilities, limitations, and the implications of actions taken. A Code of Medical Ethics is a code of conduct that establishes standards that govern decisions and behavior of those entrusted with providing health care. Many professions related to health care have adopted specific codes of ethics.

**Objectives**

Upon completion of this lesson, the student will be able to:

- Identify the responsibilities of ethical behavior
- Compare published professional code of ethics
- Identify and think critically about the ethical issues raised by real-life health situations

**Engage**

Develop a definition for 'ethics' through class discussion.

**Key Points**

- I. In every aspect of life, there are certain laws and legal responsibilities formulated to protect you and society
- II. Legal responsibilities are those that are authorized or based on law.
  - A. Civil Law: focuses on legal relationships between people and the protection of a person's rights
  - B. Criminal Law: focuses on wrongs against a person, property, or society
- III. Torts occur when a person is harmed or injured because a health care provider does not meet the established or expected standards of care
  - I. Malpractice: "bad practice" and is commonly called "professional negligence." Ex. A physician not administering a tetanus injection when a patient has a puncture wound
  - II. Negligence: failure to give care that is normally expected of a person in a particular position. Ex. Falls and injuries that occur when side rails are left down
  - III. Assault and battery: assault includes a threat or attempt to injure; battery includes the unlawful touching of another person without consent. Ex. Surgery or treatment to minors
    - a. Informed Consent: permission granted voluntarily by a person who is of sound mind after the procedure and all risks involved have been explained in terms the person

can understand

- IV. Invasion of privacy: includes unnecessarily exposing an individual or revealing personal information about an individual without that person's consent. Ex. Improperly draping or covering a patient.
  - V. False Imprisonment: refers to restraining an individual or restricting an individual's freedom. Ex. Applying physical restraints
  - VI. Abuse: any care that result in physical harm, pain, or mental anguish. Ex. Physical abuse, verbal abuse, psychological abuse, and sexual abuse
  - VII. Defamation: occurs when false statements either cause a person to be ridiculed or damage the person's reputation
    - a. Slander: spoken defamation
    - b. Libel: written defamation
- IV. Ethics are a set of principles relating to what is morally right or wrong. It centers around respect for the needs and rights of other people. Ethics provides guidelines for acceptable behavior. Ethical behavior is a goal to be achieved requiring constant effort.
- A. Formed through the influence of family, culture, and society
  - B. Codes of ethics related to health care delivery do not provide solutions to issues but serve as guides for ethical and moral conduct
  - C. Professional associations for health careers have formalized codes of ethics to govern behavior of members and to increase the level of competence and standards of care within the profession
- V. Historical development of medical code of ethics:
- A. Hippocrates, a Greek physician of the 5<sup>th</sup> and 4<sup>th</sup> centuries, B.C., wrote one of the first medical codes of ethics, the Hippocratic Oath. This oath is still used by some medical schools at graduation exercises.
  - B. Maimonides, a Hebrew physician in Egypt in twelfth century, wrote the Prayer of Maimonides, which incorporates ethical principles.
  - C. The "Nightingale Pledge" was formulated by a committee of the Farrand school of Nursing, Harper Hospital, Detroit, Michigan. This is an oath, pledged by nurses or graduation that states the ethical standards of their profession.
  - D. The Second General Assembly of the World Medical Association in 1948 adopted the Declaration of Geneva. This statement of medical ethics is used by some medical schools at graduation exercises.
- VI. Code of ethics:
- 1. The primary goal of the health care worker is to promote an

optimal level of wellness, preserve life, and provide for a peaceful death when necessary.

2. The health care worker respects the religious beliefs and cultural values of all clients.
3. The health care worker provides adequate and continuous care for all clients regardless of age, gender, race, or nature of the illness or injury.
4. The health care worker knows the limits of practice for which he or she is competent and stays within those limits.
5. The health care worker maintains competence and current knowledge by pursuing continuing education.
6. The health care worker practices jurisprudent behavior at all times by avoiding unethical or illegal practices.
7. The health care worker respects the dignity and rights of each client by maintaining confidentiality and a professional attitude regarding all information relating to the client.
8. The health care worker asks for clarification and assistance when unsure of any aspect of care.
9. The health care worker participates in professional activities and organizations to provide better health care.
10. The health care worker maintains a high standard of ethical and legal behavior in his or her private as well as professional life

VII. Standards of behavior required by a health care provider to carry out their duties are:

1. Confidentiality: information about patients which include history, physical examination, medical or dental procedure, etc., must be treated with strictest confidence. If any such information must be discussed with other personnel in the office or hospital, such discussion should take place in private, not in the elevator, hall or coffee shop, where it might be overheard.
2. Accuracy: be accurate in following directions and in reporting. Report any error or accident to supervisor at once.
3. Honesty: never perform a procedure or give treatment that you are not qualified to perform.
4. Dependability: complete assigned tasks and ask questions to be sure you understand an assignment before starting it. Consult supervisor when help is needed or when unsure of what to do

### **Activity**

- I. Break into groups and compare and contrast the differences and similarities of the Nightingale Pledge and the Hippocratic Oath.
- II. Analyze several codes of ethics and identify similarities and differences. Complete a 'Code of Ethics Questionnaire' for each code reviewed.

- III. Complete 'Moral Belief' worksheet.
- IV. Complete the Scenarios. (Can also be done as a group.)
- V. In small groups, discuss current medical issues such as the right to die, abortion, cloning, organ transplantation, etc. Include the ethical and legal ramifications of each. Some of the issues could be legal, but not ethical and vice versa.

**Assessment**

Completion of 'Code of Ethics Questionnaire'

Completion of 'Moral Belief' worksheet.

Completion of Scenarios

**Materials**

Library resources, including Internet

Copies of several professional Codes of Ethics (ex. AMA, ADA, nursing, physical therapy, dentistry, etc.).

Nightingale Pledge

Hippocratic Oath

Code of ethics questionnaire.

Moral Belief Worksheet

**Accommodations for Learning Differences**

For reinforcement, the student will identify an appropriate ethical response to a given clinical scenario. [You are employed as a medical office assistant. Your mother's friend asks you to find out for her how much her neighbor was charged for a medical procedure.]

For reinforcement, the student will develop questions for an interview with a healthcare professional related to professional ethics.

For enrichment, the student will develop a Code of Ethics for students at school using available technologies.

For enrichment, the student will critique current events for ethical issues related to healthcare.

**National and State Education Standards**

National Health Science Cluster Standards

HLC08.01 Ethics and Legal Responsibilities

Health care workers will understand the legal responsibilities, limitations, and implications of their actions within the health care delivery setting.

HLC08.02 Ethics and Legal Responsibilities

Health care workers will understand accepted ethical practices with respect to cultural, social, and ethnic differences within the health care environment.

They will perform quality health care delivery.

## TEKS

130.202(c) (1)D organize, compile, and write ideas into reports and summaries;

130.202(c) (1)E plan and prepare effective oral presentations;

130.202(c) (8)A compare published professional codes of ethics and scope of practice;

130.202(c) (8)B explain principles of confidentiality and ethical behavior, including the consequences of breach of confidentiality;

130.202(c) (8)C discuss ethical issues related to health care, including implications of technological advances;

130.202(c) (8)D examine issues related to malpractice, negligence, and liability;

130.202(c) (8)E research laws governing the health science industry;

130.202(c) (9)A recognize situations related to autonomy; and

130.202(c) (9)D review documentation related to rights and choices.

## Texas College and Career Readiness Standards

### English Language Arts

II. B. Understand new vocabulary and concepts and use them accurately in reading writing and speaking.

III. B. Develop effective speaking styles for both group and one on one situations.

IV. A. Apply listening skills as an individual and as a member of a group in a variety of settings.

### Science

I. A. 1. Utilize skepticism, logic and professional ethics in science

### Social Studies

I. F. 1. Use a variety of research and analytical tools to explore questions or issues thoroughly and fairly.

I. F. 2. Analyze ethical issues in historical, cultural, and social contexts.

### Cross-Disciplinary

I. C. 1. Analyze a situation to identify a problem to be solved.

I. C. 3. collect evidence and data systematically and directly relate to solving a problem

## Code of Ethics Questionnaire

1. What do you consider to be the most important component of this particular professional Code of Ethics?
2. What component(s) do you disagree with? Why?
3. What information (language, phrasing, component of code, etc.) is unclear to you? Why?

**Nightingale Pledge**

I solemnly pledge myself before God, and in the presence of this assembly, to pass my life in purity and to practice my profession faithfully.

I will abstain from whatever is deleterious and mischievous and will not take or knowingly administer any harmful drug.

I will do all in my power to maintain and elevate the standard of my profession, and, will hold in confidence all personal matters committed to my keeping and all family affairs coming to my knowledge in the practice of my profession.

With loyalty will I endeavor to aid the physician in his work and devote myself to the welfare of those committed to my care.

**Hippocratic oath**, an oath, though to have come from Hippocrates, that serves as an ethical guide for the medical profession. It is traditionally part of the graduation ceremonies of medical colleges and reads as follows: I swear by Apollo the physician, by Esculapius, Hygeia, and Panacea, and I take to witness all the gods, and all the goddesses, to keep according to my ability and my judgment the following Oath: To consider dear to me as my parents him who taught me this art; to live in common with him and if necessary to share my goods with him; to look upon his children as my own brothers, to teach them this art if they so desire without fee or written promise; to impart to my sons and the sons of the master who taught me and the disciples who have enrolled themselves and have agreed to the rules of the profession, but to these along, the precepts and the instruction. I will prescribe regimen for the good of my patients according to my ability and my judgment and never do harm to anyone. To please no one will I prescribe a deadly drug, nor give advice which may cause his death. Nor will I give a woman a pessary to procure abortion. But I will preserve the purity of my life and my art. I will not cut for stone, even for patients in who the disease is manifest; I will leave this operation to be performed by practitioners (specialists in this art). In every house where I come I will enter only for the good of my patients, keeping myself far from all intentional ill-doing and all seduction, and especially from the pleasures of love with women or with men, be they free or slaves. All that may come to my knowledge in the exercise of my profession or outside of my profession or in daily commerce with men, which ought not to be spread abroad, I will keep secret and will never reveal. If I keep this oath faithfully, may I enjoy my life and practice my art, respected by all men and in all times; but if I swerve from it or violate it, may the reverse be my lot.

## **Moral Belief Worksheet**

1. Name the individual who has had the greatest influence on your understanding of right and wrong. Why?
  
  
  
  
  
  
  
  
  
  
2. What do you value most? Why?
  
  
  
  
  
  
  
  
  
  
3. What do you use as a benchmark for making moral decisions? Where did it come from?
  
  
  
  
  
  
  
  
  
  
4. Who is your personal hero? Why?

Who is your professional hero? Why?

State three (3) qualities you consider important in order to maintain professional integrity.

- a.
- b.
- c.



## Scenarios

### Needing an Organ

Jerome is a wealthy father of four young children who works as a pediatrician at the local clinic. He falls seriously ill, and while in the hospital he is told that unless he receives a new kidney within the next few weeks, he will likely die. His entire family is tested to see if they can donate a kidney, but no one is a good match. Jerome is placed on the kidney transplant list. But time is running out, and there isn't a good chance that he will get the kidney he needs since there are many people in his situation who need kidneys, too.

Jerome's wife, Marilyn, desperate to save her husband's life, learns that there are other ways to get a matching kidney. She can offer a small amount of money to people in certain poor countries who are willing to take a test to see if they are a match for Jerome. Once Marilyn finds a match, she can pay that person to donate a kidney. A person can live normally with just one kidney. Jerome's family can offer enough money to give a donor a comfortable life in his home country. The surgery to remove a healthy kidney for donation is painful and sometimes recovery is difficult.

What is the ethical thing to do?

### The Emergency Room

A 5-year-old child and her mother are rushed to the emergency room after the mother's car is hit in a car accident. Both the child and the mother have serious injuries and are bleeding heavily. The mother clearly states that she does not want blood transfusions for herself or her child because of strongly held religious beliefs. The mother then loses consciousness. The child looks at the doctor and says, "I don't want to die. Please help me!" If the doctor doesn't give the child blood very soon, she will be in very critical condition.

What is the ethical thing to do?

### Research on Animals

La'keasha, a brilliant research scientist, is confident that she is on the right track to finding the cure for a certain type of brain cancer. It is one of the most common forms of brain cancer. In order to further her research, she will have to perform tests on orangutans. The apes will live in the laboratory and receive chemical treatments that will give them brain cancer. Half the orangutans will receive no treatment, and the other half will get the experimental treatment. At different stages of the experiment, Belinda needs to autopsy a brain to check the progress of the tumors. Of course, this examination will kill the animal. This is the only research method available for getting closer to a cure, other than similar experimentation on humans.

What is the ethical thing to do?

### The Perfect Baby

The year is 2085. Gwen and Steven are expecting their third child. Their first two are girls, and they hope to have a boy to complete the family, as they are not interested in having any more children. The couple tells their doctor about this the next time they see her for a checkup. The doctor tells them of an exciting new technology that can determine the sex of the baby very early during the pregnancy. Not only that, when performed very early in a pregnancy, new genetic engineering techniques can change the sex of the baby without endangering the baby's viability. "I can even make sure he has blue eyes like his mother," the doctor adds with a smile. "You can design your perfect baby."

Gwen and Steven discover that the baby is a girl.

What is the ethical thing to do?

### Suing for Wrongful Life

Quang and Sue had prenatal testing done when Sue was pregnant with their first child. They were assured that the baby had no abnormalities. When the baby was born, however, it was discovered that he had severe spina bifida, a birth defect that left his legs permanently paralyzed. The parents are horrified at their son's condition—they think it is wrong to bring a baby into the world that would have such harsh difficulties all of his life. Spina bifida should have been detected from the prenatal testing when it was early enough to terminate the pregnancy.

Quang and Sue demand money from the hospital to compensate them for what they consider the wrongful life of their son.

What is the ethical thing to do?