

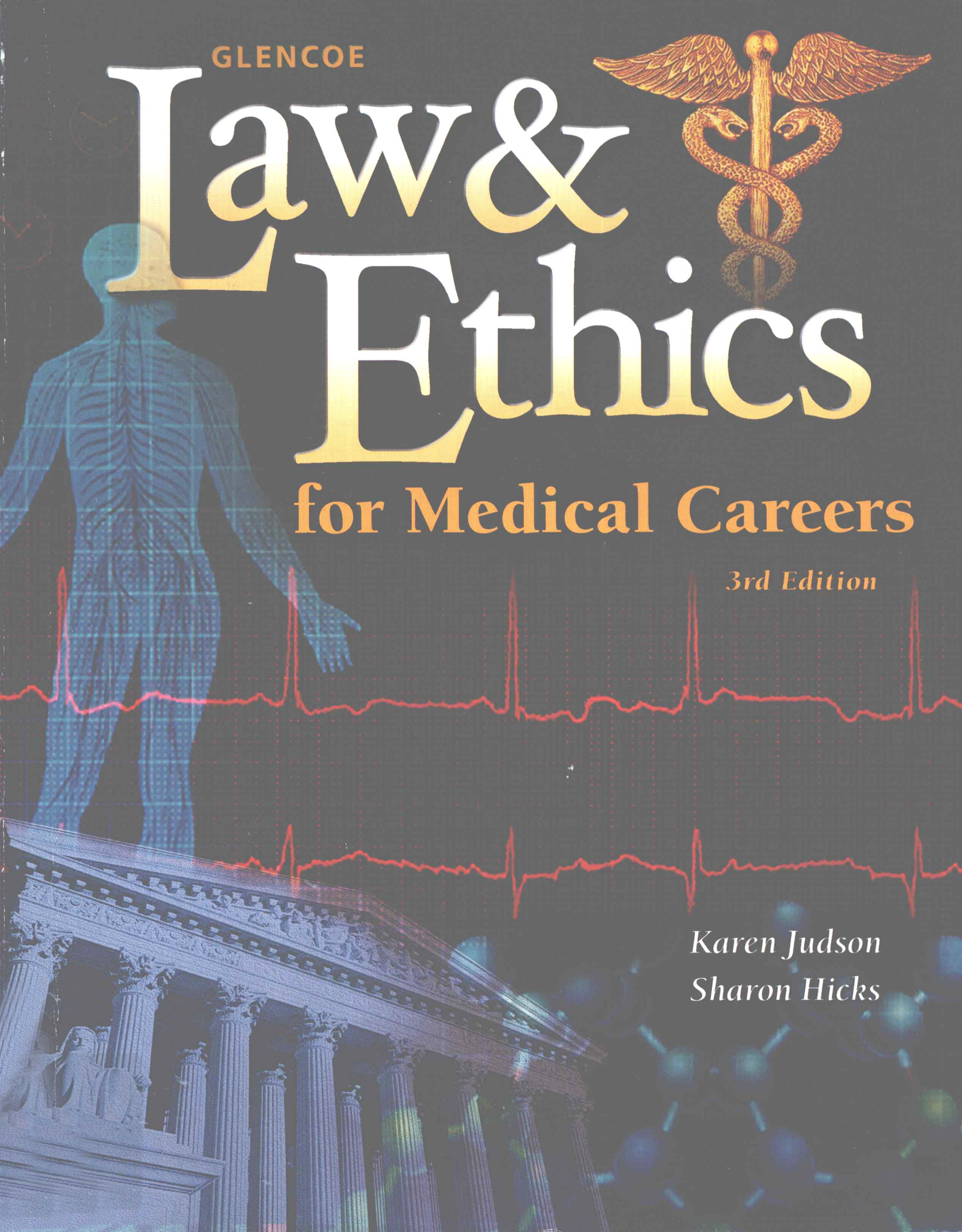
GLENCOE

# Law & Ethics

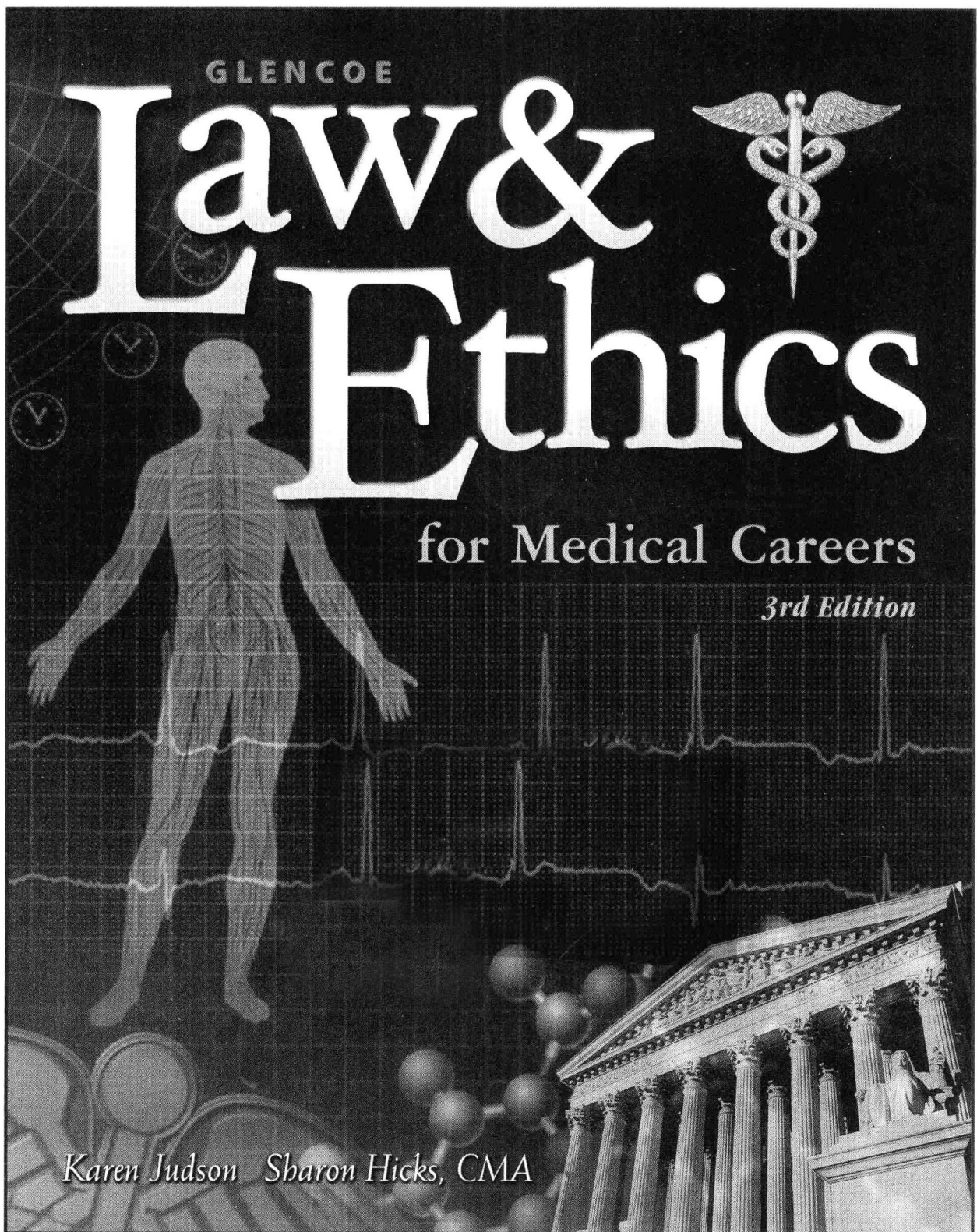
for Medical Careers

*3rd Edition*

Karen Judson  
Sharon Hicks







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*Law and Ethics for Medical Careers, Third Edition*

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*Glencoe Law and Ethics for Medical Careers*, Third Edition, is an educational tool, not a law practice book. Since the law is in constant change, no rule or statement of law in this text should be relied upon for any service to any client. The reader should always consult standard legal sources for the current rule or law. If legal counseling or other expert advice is needed, the services of appropriate professionals should be sought. Between the time that Web site information is gathered and published, it is not unusual for some sites to have closed. Also, the transcription of the URLs can result in typographical errors. Text changes will be made in reprints when possible.

# TO THE STUDENT

---

As you study to become a health care practitioner, you have undoubtedly realized that patients are more than the sum of their medical problems. In fact, they are people with loved ones, professions, worries, and daily routines that are probably much like your own. Because patients' lives and well-being are at stake as they seek and receive health care, complex legal, moral, and ethical issues will arise that must be resolved.

*Law and Ethics for Medical Careers, Third Edition*, provides an overview of the laws and ethics you should know to help you give competent, compassionate care to patients that is within acceptable legal and ethical boundaries. The text can also serve as a guide to help you resolve the many legal and ethical questions you may reasonably expect to face as a student and, later, as a health care practitioner.

To derive maximum benefit from *Law and Ethics for Medical Careers, Third Edition*:

- Review the Objectives and Key Terms at the beginning of each chapter for an overview of the material included in the chapter.
- Complete all Check Your Progress questions as they appear in the chapter, and correct any incorrect answers.
- Review the legal cases to see how they apply to topics in the text, and try to determine why the court made its particular ruling.
- Complete the review questions at the end of the chapter, correct incorrect answers, and review the material again.
- Review case studies and use your critical-thinking skills to answer the questions.
- Complete the Internet Activities at the end of the chapter to become familiar with online resources and to see what additional information you can find about selected topics.
- Study each chapter until you can correctly answer questions posed by the Objectives, Check Your Progress, and Chapter Review.

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## Chapter Structure

Each chapter begins with a page that previews what you will be studying:

**OBJECTIVES** The objectives describe the basic knowledge that can be acquired by studying the chapter.

**KEY TERMS** This alphabetic list is of important vocabulary terms found in the chapter. The terms are printed in bold-faced type when they first appear in the chapter text and are defined in the margin of the page on which the term is introduced.



Several pages of exercises are found at the end of each chapter that will help you review, apply, and build the knowledge related to the chapter material:

**CHAPTER REVIEW** Each review includes questions that review facts given and points made in the text. Use these questions to test your comprehension of the material, then review appropriate sections of the text as necessary to reinforce your learning.

**CASE STUDIES** Each case study is followed by exercises that allow you to practice your critical-thinking skills and use knowledge gained from reading the text in order to decide how to resolve the real-life situations or theoretical scenarios presented.

**INTERNET ACTIVITIES** Each activity includes exercises that are designed to increase your knowledge of topics related to chapter material and to gain expertise in using the Internet as a research tool. Keep a resource notebook to record useful Web sites as they are found. To locate new Web sites, conduct a subject search as needed to help you answer the questions that follow each activity.

---

## Text Features

The following special features are found in the student text/workbook for *Law and Ethics for Medical Careers, Third Edition*. These features are designed to stimulate classroom discussion, provide supplementary facts and examples to the text material, introduce you to Internet research, and provide review of the text material covered.

**CHECK YOUR PROGRESS** This feature is a short quiz that allows you to test your comprehension of the material just read. Answer the questions, correct incorrect answers, and then review appropriate sections to be sure you understand the material.

**VOICE OF EXPERIENCE** This feature illustrates real-life experiences that are related to the text material. Each quotes health care practitioners in various locations throughout the United States as they encounter problems or situations relevant to the material discussed in the text.

**YOU BE THE JUDGE** This feature presents real-life scenarios for your consideration. Study each situation, and then answer the questions, based on material presented in the text and your opinions.

**FYI (FOR YOUR INFORMATION)** Each short feature contains information supplementary to the text material. It provides varied perspectives on issues discussed within the text.

**COURT CASE** Each case summarizes a lawsuit that illustrates points made in the text. In each case, consider the relevance of the case to your health care specialty area and note the outcome. Determine why the court made its particular ruling. The legal citations at the end of each court case indicate where to find the complete text of a case. "Landmark" cases are those that established ongoing precedent.

---

## How to Interpret Court Case Citations

The following steps describe how to interpret a court citation as published in legal case books (called reporters), using the example *Kober v. Dial*, 653 N.E.2d 524 (Ind. Ct. of App., July 26, 1995):

1. The italicized case name gives the names of the litigants, in this case, *Kober v. Dial*.
2. After the case name, the reporter in which the case report may be found is listed. Each reporter covers a specific geographic area of the country and is named for that area. Within the citation, the name of the reporter is usually abbreviated as indicated by the following examples of reporters and corresponding abbreviations: Northeast (N.E.) Reporter, New York Supplement (N.Y.S.), Northwest (N.W.) Reporter, Southern (So.) Reporter, Southwestern (S.W.) Reporter, Atlantic (A.) Reporter, Pacific (P.) Reporter. (Sometimes in case citations the periods are omitted; for example, NE, NYS, NW, and so on.) Since each reporter consists of many volumes, the case citation specifies the volume number of the reporter, a series number (when applicable), and the page number on which the case report begins. The book for the example case is 653 of the Northeast Reporter 2d series, beginning on page 524.
3. The state indicates where the case was tried; sometimes the name of the court is also included in the citation. The example case was tried in an Indiana Court of Appeals.
4. At the end of the citation, the year (sometimes the complete date) that the decision was made is provided. The decision in *Kober v. Dial* was reached on July 26, 1995.

Citations for cases available on the Internet from a subscription service called Lexis-Nexis will contain the Lexis file number instead of a reporter reference; for example, *Samuel v. Baton Rouge General Medical Center*, 2000 La.App. Lexis 321 (Court of Appeal of Louisiana, First Circuit, February 18, 2000).

# AAMA ROLE DELINEATION STUDY AREAS OF COMPETENCE (1997) CORRELATION CHART

Areas of Competence	Student Edition Chapters
<b>CLINICAL</b>	
<i><b>Patient Care</b></i>	
<ul style="list-style-type: none"> <li>Maintain medication and immunization records.</li> </ul>	6
<b>GENERAL (TRANSDISCIPLINARY)</b>	
<i><b>Professionalism</b></i>	
<ul style="list-style-type: none"> <li>Project a professional manner and image.</li> </ul>	1
<ul style="list-style-type: none"> <li>Adhere to ethical principles.</li> </ul>	1, 10, 11
<ul style="list-style-type: none"> <li>Work as a team member.</li> </ul>	2
<ul style="list-style-type: none"> <li>Adapt to change.</li> </ul>	1
<i><b>Communication Skills</b></i>	
<ul style="list-style-type: none"> <li>Treat all patients with compassion and empathy.</li> </ul>	1, 10, 11, 12
<ul style="list-style-type: none"> <li>Use professional telephone technique.</li> </ul>	4
<ul style="list-style-type: none"> <li>Use effective and correct verbal and written communication.</li> </ul>	4
<ul style="list-style-type: none"> <li>Serve as a liaison.</li> </ul>	3, 4, 6
<i><b>Legal Concepts</b></i>	
<ul style="list-style-type: none"> <li>Maintain confidentiality.</li> </ul>	1, 2, 4, 5, 6, 11
<ul style="list-style-type: none"> <li>Practice within the scope of education, training, and personal capabilities.</li> </ul>	1, 2, 4
<ul style="list-style-type: none"> <li>Prepare and maintain medical records.</li> </ul>	5, 6, 11
<ul style="list-style-type: none"> <li>Document accurately.</li> </ul>	4, 5, 6, 11
<ul style="list-style-type: none"> <li>Use appropriate guidelines when releasing information.</li> </ul>	6
<ul style="list-style-type: none"> <li>Follow employer's established policies dealing with the health care contract.</li> </ul>	3
<ul style="list-style-type: none"> <li>Maintain and dispose of regulated substances in compliance with government guidelines.</li> </ul>	8
<ul style="list-style-type: none"> <li>Comply with established risk management and safety procedures.</li> </ul>	2, 8
<ul style="list-style-type: none"> <li>Recognize professional credentialing criteria.</li> </ul>	2
<ul style="list-style-type: none"> <li>Participate in the development and maintenance of personnel, policy, and procedure manuals.</li> </ul>	4, 9
<i><b>Instruction</b></i>	
<ul style="list-style-type: none"> <li>Locate community resources and disseminate information.</li> </ul>	8
<i><b>Operational Functions</b></i>	
<ul style="list-style-type: none"> <li>Apply computer techniques to support office operations.</li> </ul>	6



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Western School of Health and Business  
Monroeville, Pennsylvania

Beth K. Elder, CMA  
South Piedmont Community College  
Polkton, North Carolina

Sharon Gibson, RN, BSN, C, CHES  
Hawaii Business College  
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Carlene Harrison, BS, MPA, CMA  
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Lima Technical College  
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Alice Oyakawa, RN, CMA  
National College of Business & Technology  
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Kathy Trawick, EdD, MAEd, RHIA  
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Little Rock, Arkansas

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◆ PART ◆

1

# THE FOUNDATIONS OF LAW AND ETHICS

## CHAPTER

1

**Introduction to Law and Ethics**

2

**Working in Health Care**

3

**Law, the Courts, and Contracts**



# INTRODUCTION TO LAW AND ETHICS

## Objectives

*After studying this chapter, you should be able to:*

1. Explain why knowledge of law and ethics is important to health care practitioners.
2. Recognize the importance of professional codes of ethics.
3. Trace the history of medical ethics from the earliest written code to the current medical guidelines.
4. Distinguish among law, ethics, bioethics, etiquette, and protocol.
5. Define *moral values* and explain how they relate to law, ethics, and etiquette.
6. In a generalized sense, state the consequences of illegal and unethical behavior.
7. List and discuss at least five bioethical issues of concern to medical practitioners.

## Key Terms

- *American Medical Association Principles*
- bioethics
- code of ethics
- ethics
- ethics committees
- etiquette
- fraud
- health care practitioners
- Hippocratic oath
- law
- litigious
- moral values
- protocol
- summary judgment



---

## Why Study Law and Ethics?

### **health care practitioners**

*Those who are trained to administer medical or health care to patients.*

**litigious** *Prone to engage in lawsuits.*

There are two important reasons for you to study law and ethics. The first is to help you function at the highest possible professional level, providing competent, compassionate health care to patients. The second reason is to help you avoid legal entanglements that can threaten your ability to earn a living as a successful **health care practitioner**—one who is trained to administer medical or health care to patients.

We live in a **litigious** society, where patients, relatives, and others are inclined to sue health care practitioners, health care facilities, manufacturers of medical equipment and products, and others when medical outcomes are not acceptable. This means that every person responsible for health care delivery is at risk of being involved in a health care-related lawsuit. It is important, therefore, for you to know the basics of law and ethics as they apply to health care, so you can recognize and avoid those situations that might not serve your patients well, or might put you at risk of legal liability.

In addition to keeping you at your professional best and helping you avoid litigation, a knowledge of law and ethics can also help you gain perspective in the following three areas:

1. *The rights, responsibilities, and concerns of health care consumers.* Health care practitioners not only need to be concerned about how law and ethics impact their respective professions; they must also understand how legal and ethical issues affect the patients they treat. With the increased complexity of medicine has come the desire of consumers to know more about their options and rights and more about the responsibilities of health care providers. Today's health care consumers are likely to consider themselves partners with health care practitioners in the healing process and to question fees and treatment modes. They may ask such questions as, Do I need to see a specialist? If so, which specialist can best treat my condition? Will I be given complete information about my condition? How much will medical treatment cost? Will a physician treat me if I have no health insurance? In addition, as medical technology has advanced, patients have come to expect favorable outcomes from medical treatment, and when expectations are not met, lawsuits may result.

2. *The legal and ethical issues facing society, patients, and health care practitioners as the world changes.* Nearly every day the media report news events concerning individuals who face legal and ethical dilemmas over biological/medical issues. For example, a grief-stricken husband must give consent for an abortion in order to save the life of his critically ill and unconscious wife. Parents must argue in court their decision to terminate life-support measures for a daughter whose injured brain no longer functions. Patients with HIV/AIDS fight to retain their right to confidentiality.

Whereas the situations that make news headlines often deal with larger social issues, legal and ethical questions are resolved daily, on a smaller scale, each time a patient visits his or her physician, dentist, physical therapist, or other health care practitioner. Questions that must often be resolved include these: Who can legally give consent if the