INSTRUCTOR’S MANUAL FOR *LAW AND ETHICS FOR HEALTH PROFESSIONS*, 8e

Chapter 1: Introduction to Law and Ethics

**Chapter Learning Outcomes**

LO 1.1 Explain why knowledge of law and ethics is important to health care practitioners.

LO 1.2 Define *law, ethics,* and *moral values* as used in health care by health care practitioners.

LO 1.3 Discuss the characteristics and skills most likely to lead to a successful career in one of the health care professions.

**Teaching/Talking Points for Each LO**

This chapter provides the reader with an overview of the foundations of health law and ethics. All three learning outcomes focus on having the student demonstrate an understanding of some basic concepts and terms and how they might apply in the real world of health care.

For LO 1.1, faculty can engage students in a discussion about why it is important to have some understanding of basic law in healthcare. A possible homework assignment would be to find a recent article about a legal or ethical question. To broaden the discussion, allow students to find articles that are not necessarily health care related, and then perhaps find health care related articles.

Another discussion to have with students is to talk about “big” ethics vs. “little” ethics. Have students distinguish between important societal ethical issues, such as right to life or gene therapy, and those day-to-day ethical situations, such as a co-worker cheating on his/her time sheet.

LO 1.2 is designed to make sure that students know the definitions of the three terms. Have each student write down three examples of each of the three terms and then share with the class. For this discussion, students should be advised that because of the definition of moral values, there is likely to be disagreement in the classroom. Students should be encouraged to listen carefully to each other. If there is major disagreement, have the students switch positions. A student in favor of the Oregon right-to-die law could be asked to argue against it. Use the examples from LO 1.1 to have students take the other side.

LO 1.3 has students looking at what it takes to be successful in health care. As a written homework assignment, ask students to write about an experience where the 3Cs were not done. What resulted from the lack of common courtesy, compassion, and/or common sense? Have a discussion in class.

Ask different health care professionals to come to class to discuss the requirements for their profession. Have them tell the story of how they got where they are today.

Review the list of characteristics and skills. Have students do a self-inventory of their strengths and weaknesses in those areas.

**PowerPoints**

Before using the PowerPoints for Chapter 1, review the notes found below each slide. These notes identify the appropriate learning outcome. Faculty may wish to do the following for the respective learning outcomes as they are covered on the slides:

LO 1.1: After slide 5, have students outline the legal or ethical issue they learned about in their article research suggested under the Teaching/Talking Points for LO 1.1 above. This should not be a full discussion of the article, just have the student state the topic that they learned about in their reading.

LO 1.2: At the completion of the lecture with the PowerPoints, ask the students to define five terms (closed book): law, ethics, bioethics, etiquette, and protocol.

LO 1.3: After slide 23, ask the students to do some “soul searching” and write down their strengths and weaknesses based on the lists in slides 22 and 23. Consider forming small groups, if appropriate, to discuss how the students can improve on their weaknesses.

**From the Perspective of… Discussion Questions**

*How would using “common sense” have helped Elaine communicate with the elderly gentleman?*

Answers will vary as we do not all define “common sense” the same way. However, if it is obvious that a patient cannot hear what is being said, the receptionist should have realized that the older gentleman could not hear well and asked the gentlemen to come to a more private area.

*Do you see a way to remedy this situation, once the patient left the clinic?*

Assuming that contact information existed for this patient (it is a walk-in clinic, so the gentleman may have been new to the clinic), he should be contacted by either the CMA or the Office Manager. After apologizing, the staff member should offer to have the patient return to the clinic with a guaranteed appointment time.

**Check Your Progress Answers**

**1.** To gain knowledge that will help you provide the best professional care possible, and to help ensure that you are not faced with professional liability issues that can hinder your ability to earn a living

**2.** Medical practice acts

**3.** They keep society functioning and protect society.

**4.** There are penalties for disobedience.

**5.** Our ethical and moral values are shaped through the influence of family, culture and society.

**6.** A person’s concept of right and wrong, formed through the influence of the family, culture, and society

**7.** Our moral values identify what is right or wrong for the individual. We will react differently to various ethical situations depending on what we believe to be right or wrong. For example, if we believe it is not right say bad things about another person, we may apply that to not reporting bad or illegal behavior because we believe that we should only say good things about someone.

**8.** The ability to be a good communicator and listener: It is important to relay the physician’s instructions to a patient and to listen to a patient’s medical history, complaints, andconcerns to help put the patient at ease, and to ensure that the physician receives vital information about the patient’s condition.

The ability to keep information confidential: The law dictates that a patient’s medical records must be kept confidential. This is also a matter of ethics, since an illegal act is also unethical.

The ability to impart information clearly and accurately: It is essential that the physician’s instructions be accurately stated to a patient, and it is important that all information given by a patient be relayed accurately to the physician.

The ability to think critically: Health care providers often face difficult medical problems. Thinking through problems using the guidelines for critical thinking offers the best chance for reaching legal and ethical solutions that are beneficial to patients.

**9.** Identify and clarify the problem: First, you must be sure you have defined the right problem. For example, if the office receptionist is late to work every day, thus causing the patient check in to be slowed down, the problem is not the patients checking in. The problem is a late receptionist.

Gather information: In the example above, it is important to find out why the receptionist is late. Does the employee have transportation or child care problems or is she just one of those folks who are always chronically late for everything?

Evaluate the evidence: Once you have the facts in hand, you must determine what evidence is valid.

Consider alternatives and implications: If the reason the receptionist is late every morning is because she has transportation issues, you will have to decide if another person should be scheduled to arrive for check in. Or, are the transportation problems the kind where another solution is possible? If the receptionist is given special treatment, how will that affect other employees?

Choose and implement the best alternative. Make a decision about the best way to resolve the problem. Once implemented, be sure to check back later to see if your solution is working.

**10.** Identify the problem: The patient’s cultural beliefs are hindering the physician’s ability to treat the problem.

Gather information: See if it is possible to talk with family members to learn more about the cultural beliefs that this patient has.

Evaluate the evidence: Once you have information about the patient’s culture, look for possible alternative explanations for the patient that may fit the culture.

Consider alternatives and implications: Determine if the patient would be accepting of other explanations for his illness, especially with the family’s help.

Choose and implement the best alternative. If another explanation can resolve the patient’s reluctance to be treated non-surgically, then implement that treatment. Be prepared that the patient may ultimately need to be dismissed from the practice if he refuses to participate in non-surgical treatment.

**Chapter 1 Review**

**Applying Knowledge**

**1.** The rights, responsibilities, and concerns of health care consumers; the legal and ethical issues facing society, patients, and health care practitioners as the world changes; the impact of rising costs on the laws and ethics of health care delivery

**2.** A decision made by a court in a lawsuit in response to a motion that pleads there is no need for a trial

**3.** Refers to ethical implications of the effects of biological research, especially in medicine

**4.** A rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority

**5.** Standards of behavior and the concept of right and wrong, over and above that which is legal in a given legal situation

**6.** Members of a professional group may be expelled from the group, suspended for a period of time, or ostracized by other members.

**7.** A code of behavior considered good manners within a group

**8.** Ostracism from the group

**9.** To govern behavior of members and to increase the level of competence and standards of care within the group

**10.** Do individuals own all rights to their body cells, or should scientists own cells they have altered? Is human experimentation at all permissible in advancing biomedical research? Should certain types of people have low priority for organ transplants? Is fetal tissue research immoral? Should animals ever be used in research to benefit humans? Should genetic research be restricted to medical therapy? Other responses may be equally acceptable.

**11.** Consult with physicians, researchers, and others to help them make difficult decisions

**12.** Legal precedent

**13**. a

**14**. a

**15**. c

**16**. b

**17**. c

**18**. d

**19**. c

**20**. a

**21**. d

**22**. d

**23**. d

**24**. c

**25**. b

**Ethics Issues Discussion Questions**

**Ethics Issue 1**

**26.** This situation appears to have no easy resolution, as the PA is an employee of the physician. If the physician refuses to discuss the matter, the PA will have to make a decision about whether to stay in the practice. Although the PA may not consider chiropractic practice legitimate, it is legal. The AAPA has no authority over the physician.

**27**. In this case, it will depend on the personal moral values of the PA. If the PA firmly believes that chiropractic treatment is “bogus,” he/she will have to decide if staying in the practice is an option for him. Again, because chiropractic care is legal, the PA has no legal basis for his opinion.

**Ethics Issue 2**

**28.** The most important principle is that the nurse is ethically bound to consider the health and safety of patients.

**29.** Yes. If the physician is, in fact, providing sloppy and dangerous care, he or she presents a danger to patients which could result in legal findings of negligence. Since the nurse is aware of the physician’s actions, he or she is ethically bound to report.

**Ethics Issue 3**

**30.** The physician assistant should discuss the matter with the physician(s) responsible for the heart transplant and take direction from the physicians. In all likelihood, the physicians have already asked for psychological counseling for both the patient and his family, but it is important that the PA seek additional services for the patient quickly.

## **Ethics Issue 4**

**31.** It is unethical for the CMA to give medical advice to her family members, and to bring drug samples home for them, since she is not legally allowed to practice as a physician.

### Ethics Issue 5

**32.** It is generally considered unethical for health care practitioners to date patients, but situations can vary. Dating co-workers also depends upon the situation but could be considered unethical.

**Case Studies**

**33.** This is a question of confidentiality and is both a legal and an ethical issue. You cannot release the information. You might answer, “I’m sorry; I cannot give out that information.”

**34.** Office protocol may dictate that you show the physician to your employer’s private office.

**35.** No, they did not. The LPN who refused to release the requested information acted legally and ethically. The LPN who released the information violated the patient’s right to confidentiality, which was both illegal and unethical.

**36.** Legally, the physician’s responsibilities are toward the patient and not to third parties. However, most physicians recognize that family members are concerned, and will keep them informed. In this case, as long as the physician and patient agree on a course of treatment, the physician can proceed. He or she might explain the recommended course of treatment then reassure the daughter that this course of treatment is reasonable.

**37.** Answers will vary because it is sometimes necessary for the physician to become relatively assertive with family members who are constantly second guessing physicians. With immediate information available to everyone on the Internet, relatives may try to second guess physicians and other healthcare providers.

**Internet Activities**

**38.** Most students will be familiar with search engines and how to use them. Definitions found for “bioethics” will vary somewhat with sites located, but most will be similar to the definition given in the student text: a discipline dealing with the ethical implications of the effects of biological research. Students may want to compile a list of the most reliable bioethics discussion sites for future reference.

**39.** Answers will vary, depending upon students’ major areas of study. All professional sites will probably have an ethics section or page. Links to other ethics sites are usually included.

**40.** Answers will vary. This is a good activity for students to prepare a written paper for assessment.