

# **Ethics for Healthcare Professionals**

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## **Study Guide: Legal and Ethical Issues for Health Professionals, Third Edition**

The contents of this study guide may be used to review the concepts found in the course book entitled *Legal and Ethical Issues for Health Professionals, Third Edition* as well as to prepare for the course exam. The study guide highlights the sections of each chapter and includes review questions to emphasize specific information. The study guide also includes a practice exam.

### **Chapter 1: The U.S. Legal System**

#### **Chapter 1: Section 1: What is the Law?**

Healthcare professionals face a wide range of legal responsibilities to their patients and the greater society as a whole. Thus, healthcare professionals must possess a clear understanding of how laws work and how to administer healthcare under specific laws and ethical practices.

A law is meant to provide order in negotiating conflicts among individuals, corporations, states, and other entities. Laws coincide with ethical responsibilities and there are specific laws for the administration of healthcare. In the United States, laws originate from various sources, such as government bodies and the United States Constitution.

The United States Constitution and the Bill of Rights guarantee certain fundamental freedoms to individuals. They also provide the healthcare system with the fundamental rights of patients, such as a privacy.

#### **Chapter 1: Section 1: Review Questions**

What is the difference between a common law and a civil code?

What is the difference between a civil law and a criminal law?

#### **Chapter 1: Section 2: Types of Law**

The common way to classify law is whether there is a civil wrong or a criminal wrong. Civil wrongs cause harm to a person while criminal wrongs violate criminal statutes. The remedies for each wrong are different and

vary depending on the severity of the offense. Regarding healthcare, negligence is a type of tort and is often the cornerstone of malpractice.

### Chapter 1: Section 2: Review Questions

What are the remedies for civil and criminal wrongs?

What is a tort and what are the four elements of negligence?

### Chapter 1: Section 3: The Court System

The state and federal courts follow the same levels: trial courts, appellate (appeals court) and the state supreme court. To try a specific case, the court must have jurisdiction over the case.

### Chapter 1: Section 3: Review Questions

What is pretrial discovery?

Are the Supreme Court's case decisions binding in all state and federal courts?

## **Chapter 2: The Basics of Ethics**

### Chapter 2: Section 1: What are Ethics?

An understanding of ethics and ethical principles can help healthcare professionals make decisions regarding the administration of healthcare. Oaths, such as the Hippocratic Oath, outline specific ethical principles for healthcare professionals to follow.

### Chapter 2: Section 1: Review Questions

What is integrity and how does it apply to healthcare professionals?

What is tolerance?

### Chapter 2: Section 2: Medical Ethics

In healthcare, the applied code of ethics serves as the basis for the administration of healthcare. Healthcare professionals may follow their scope of practice to ensure their ethical and professional duties are met, as well as to protect themselves from personal liability.

## Chapter 2: Section 2: Review Questions

What may "standards of practice" refer to?

Why is it important for health care professionals to understand the medical practice acts which apply to their discipline of healthcare?

## Chapter 2: Section 3: Ethics and the Challenge of Subjectivity

Ethical principles may be viewed as subjective. The subjectivity of ethic principles may lead to repeated wrongs and may allow individuals to ignore ethical wrongs committed by other individuals. Healthcare professionals should understand the difference between ethical principles and laws. Unethical actions may not necessarily be illegal.

## Chapter 2: Section 3: Review Questions

How can Maslow's Hierarchy of Needs pyramid help healthcare professionals understand ethical behavior?

What is medical etiquette?

## Chapter 2: Sections 4 and 5: Ethical Decision Making and Ethics Committees and Quality Assurance

The principles of healthcare ethics are built around beneficence, nonmaleficence, autonomy and justice. Understanding each of the aforementioned fundamental principles of healthcare ethics can help health care professionals make ethical decision when administering healthcare to patients.

## Chapter 2: Sections 4 and 5: Review Questions

What should healthcare professionals base their healthcare-related decisions on?

Why are ethics committees and quality assurance necessary in healthcare?

## **Chapter 3: Ethical and Bioethical Issues**

### Chapter 3: Sections 1 and 2: Bioethics and Medical Research

Bioethics aims to answer the ethical questions of healthcare and related fields of study and practice. Bioethics can be a means to better understand the issues and concerns which circulate around medical research.

### Chapter 3: Sections 1 and 2: Review Questions

Why is informed consent a necessary component of medical research?

What roles do organizations, such as the U. S. Food and Drug Administration (FDA), play in the completion of medical research?

### Chapter 3: Section 3: Ethical Issues in Reproductive Medicine

Sterilization and reproduction pose their own specific ethical issues. Healthcare professionals should be aware of the ethical concerns relating to sterilization and reproduction.

### Chapter 3: Section 3: Review Questions

What are the ethical issues/concerns regarding sterilization, contraception and abortion?

What are the differences between artificial insemination, in vitro fertilization and surrogate motherhood?

### Chapter 3: Section 4: Ethical Issues in Biomedical Advances and Genetic Research

Biomedical advances and genetic research possess the potential to rid society of deadly conditions and diseases; however, they may pose significant ethical issues and concerns.

### Chapter 3: Section 4: Review Questions

What is the Human Genome Project?

What are the ethical issues concerning stem cell research?

### Chapter 3: Sections 5 and 6: Ethical Issues in Death and Dying and Ethics in Healthcare Systems and Healthcare Reform

Death is a natural part of life and a natural part of healthcare. Therefore, healthcare professionals must understand the legal and ethical issues surrounding the dead and dying. Furthermore, healthcare professionals

should possess a clear understanding of the following concepts: palliative care, hospice care, advance directives, living wills, do not resuscitate orders, euthanasia and healthcare reform.

#### Chapter 3: Sections 5 and 6: Review Questions

What is the Uniform Determination of Death Act?

Can healthcare professionals aid in patient suicide?

### **Chapter 4: Workplace Issues**

#### Chapter 4: Sections 1 and 2: Professionalism and Hiring and Firing

Individual healthcare organizations, such as hospitals, typically have specific policies and procedures outlining professionalism and the hiring and firing of employees. Healthcare professionals should be familiar with their organization's specific policies and procedures to ensure they meet the standards set forth by their healthcare facility.

#### Chapter 4: Sections 1 and 2: Review Questions

What does "employment-at-will" refer to?

Why should employers document formal actions taken with employees?

#### Chapter 4: Sections 3 and 4: Discrimination and Sexual Harassment

Discrimination and sexual harassment are very real and can occur in healthcare settings. Healthcare professionals should be aware of their rights and the policies and procedures of their specific organization regarding discrimination and sexual harassment to ensure they receive fair and just treatment.

#### Chapter 4: Sections 3 and 4: Review Questions

What questions cannot be asked during a job interview?

What is sexual harassment?

#### Chapter 4: Sections 5 and 6: Qui Tam and Safety in the Workplace

An employer is responsible to ensure all areas of a workplace are safe for both employees and patients. Healthcare professionals should follow their organization's policies and procedures regarding workplace safety.

#### Chapter 4: Sections 5 and 6: Review Questions

What does qui tam refer to and how can it relate to healthcare?

What is OSHA?

#### Chapter 4: Section 7: Documentation

Documentation is one of the most important aspects of healthcare. Healthcare professionals should understand how to effectively complete documentation relating to patient care.

#### Chapter 4: Section 7: Review Questions

What are the elements of a medical record?

How can healthcare professionals make corrections or amendments to a medical record?

#### Chapter 4: Sections 8 and 9: Privacy and Release of Information and Retention and Maintenance of Medical Records

Patients have the right to healthcare privacy. Patient information must not be released unless the proper legal requirements are met. Also, patient records must be properly stored and maintained.

#### Chapter 4: Sections 8 and 9: Review Questions

What is HIPAA?

What type of patient information must not be destroyed?

### **Chapter 5: Codes and Standards Infractions**

#### Chapter 5: Section 1: Disciplinary Action

Disciplinary actions can refer to the consequences that may be levied against an individual who has violated a law or an ethical professional standard. Disciplinary actions can vary by state or healthcare organization.

Healthcare professionals should be aware of their individual state and organization's disciplinary actions.

#### Chapter 5: Section 1: Review Questions

What are examples of work-related offenses that would warrant a disciplinary action?

What are examples of work-related offenses specific to healthcare professionals that would warrant a disciplinary action?

#### Chapter 5: Section 2: Compliance Plan

Healthcare professionals should be aware of their organization's policies and procedures regarding employee expectations, as well as the measures that may be taken against them if a violation occurs.

#### Chapter 5: Section 2: Review Questions

What type of patient information may be considered protected health information?

What are the responsibilities of a compliance officer?

#### Chapter 5: Sections 3 and 4: Monitoring the Employer or Institution and Regulating Agencies

Specific agencies monitor healthcare organizations, as well as healthcare professionals, to ensure they meet their legal and ethical obligations.

#### Chapter 5: Sections 3 and 4: Review Questions

What is fraud and what are examples of fraud?

What is a medical practice act?

### **Chapter 6: The Medical Malpractice Lawsuit and the Trial Process**

#### Chapter 6: Section 1: Malpractice and Negligence

Malpractice is can occur when a party or parties responsible for the care or treatment of a patient/individual either acts or fails to act, resulting in



damages and/or direct losses to the patient/individual. The most common area of malpractice is negligence.

#### Chapter 6: Section 1: Review Questions

How are duty, direct cause and damages defined in malpractice cases?

What does the term respondeat superior refer to?

#### Chapter 6: Sections 2 and 3: Establishing a Case and Defenses for Malpractice

In cases of malpractice, the plaintiff must prove the case. If a malpractice case goes to trial, the defendant may use one of several forms of defense, including denial, if the allegations brought by the case are entirely false.

#### Chapter 6: Sections 2 and 3: Review Questions

What is comparative negligence?

What does "assumption of risk" refer to?

#### Chapter 6: Sections 4 and 5: Professional Liability and Prevention of Liability and Malpractice

A healthcare professional may be included in a malpractice case or found liable if they contributed to the case. With that said, healthcare professionals can utilize several strategies to prevent malpractice, such as working within their scope of practice.

#### Chapter 6: Sections 4 and 5: Review Questions

How can healthcare professionals prevent malpractice?

What is the role of the risk management supervisor?

### **Chapter 7: Intentional and Quasi-Intentional Torts**

#### Chapter 7: Sections 1 and 2: Definition of a Tort and Intentional Torts

A tort can refer to a civil wrong other than breach of contract. Torts can be intentional. Examples of intentional torts include: assault, battery, false imprisonment, intentional infliction of emotional distress and trespassing.

## Chapter 7: Sections 1 and 2: Review Questions

How are assault, battery, false imprisonment, intentional infliction of emotional distress and trespassing defined in healthcare settings?

What is the difference between informed consent and implied consent?

## Chapter 7: Sections 3 and 4: Quasi-Intentional Torts and Intentional and Quasi-Intentional Torts and Insurance Policies

Torts may be intentional; however, they may also be quasi-intentional. Examples of quasi-intentional torts include defamation, invasion of privacy and breach of confidentiality.

## Chapter 7: Sections 3 and 4: Review Questions

What is the difference between libel and slander?

What patient information is considered confidential?

## **Chapter 8: Statutory Reporting and Public Dates**

### Chapter 8: Sections 1 and 2: Statutory Report Duties and Vital Statistics and Public Health Records

Statutory report duties in the healthcare field may refer to the responsibility of healthcare professionals to report areas of vital information to the necessary agencies.

### Chapter 8: Sections 1 and 2: Review Questions

What events require accurate documentation and prompt reporting by healthcare professionals?

Are all contagious illnesses reported as communicable diseases?

### Chapter 8: Section 3: Abuse

Healthcare professionals may observe signs of abuse in various patient populations. Healthcare professionals should know and understand how to identify victims of abuse.

### Chapter 8: Section 3: Review Questions

What are the signs of abuse?

What forms of abuse may a healthcare professional observe and what are the differences between the forms of abuse?

#### Chapter 8: Section 4: Substance Abuse

Healthcare professionals may observe signs and symptoms of substance abuse in various patient populations.

#### Chapter 8: Section 4: Review Questions

How is addiction defined?

What are the drug classifications according to the Controlled Substance Act of 1970?

### **Chapter 9: Professional Liability Insurance**

#### Chapter 9: Sections 1 and 2: Liability Insurance and Employers' Liability Policies

Lawsuits and litigation are very real in the healthcare field. Therefore, liability insurance is necessary.

#### Chapter 9: Sections 1 and 2: Review Questions

Why should a healthcare professional obtain his or her own individual professional liability insurance?

What conflicts may arise with employers' liability policies?

#### Chapter 9: Sections 3 and 4: Professional Liability Insurance and Types of Private Liability Policies

A healthcare professional's liability insurance may be tailored to fit a specific type of practice; however, additional coverage may be needed for some healthcare professionals.

#### Chapter 9: Sections 3 and 4: Review Questions

How can healthcare professionals determine which liability insurance is best for them?

What types of private liability policies are available to healthcare professionals?

#### Chapter 9: Section 5: Components of a Typical Professional Liability Policy

Healthcare professionals should be aware of the specific components of their liability policies.

#### Chapter 9: Section 5: Review Questions

What key components should healthcare professionals look for in a liability policy?

How are "exclusions" defined?

### **Chapter 10: Death and Dying Issues**

#### Chapter 10: Sections 1 and 2: Determination of Death and Grief

Death is a part of healthcare. Healthcare professionals should know the criteria needed to pronounce a patient brain dead. Healthcare professionals should also be familiar with the stages of grief so they may be better equipped to recognize grief in healthcare settings.

#### Chapter 10: Sections 1 and 2: Review Questions

What criteria is needed to pronounce a patient brain dead?

What are the stages of grief?

#### Chapter 10: Section 3: Advance Medical Directives

Patients have the right to choose their own healthcare and may express their healthcare wishes through advance directives.

#### Chapter 10: Section 3: Review Questions

What are the difference between a living will, healthcare proxy and durable power of attorney?

What does a "do not resuscitate order" prevent?

#### Chapter 10: Sections 4 and 5: Hospice and Euthanasia

A terminally ill patient may enter hospice. Euthanasia may refer to the practice of intentionally ending a life in order to relieve pain and suffering through medical means.

#### Chapter 10: Sections 4 and 5: Review Questions

What might the complex care of hospice patients include?

What is the difference between voluntary euthanasia and involuntary euthanasia?

#### Chapter 10: Sections 6 and 7: Landmark Court Decisions Related to Death and Dying and Organ and Tissue Donation

Over the years, there have been major court decisions that have greatly impacted healthcare and healthcare professionals. Reviewing these landmark court decisions can help healthcare professionals understand the current state of healthcare.

#### Chapter 10: Sections 6 and 7: Review Questions

How have landmark court decisions affected the acceptance of euthanasia in the United States?

How has the National Organ Transplant Act impacted healthcare?

### **Chapter 11: Conflict Management**

#### Chapter 11: Section 1: What is Conflict?

Conflict may arise in healthcare settings. Two forms of conflict exist: positive conflict and negative conflict. Positive conflict may lead to change or progression, while negative conflict may lead to counterproductive behavior.

#### Chapter 11: Section 1: Review Questions

What are the differences between conflict and a disagreement?

What factors may contribute to conflict?

#### Chapter 11: Sections 2 and 3: Positive vs. Negative Conflict and Conflict Behavioral Styles

Conflict may be positive or negative. To fully understand conflict, healthcare professionals should be aware of the different conflict behavioral styles.

#### Chapter 11: Sections 2 and 3: Review Questions

What are the differences between positive conflict and negative conflict?

How can each type of conflict behavioral style impact conflict and conflict resolution?

#### Chapter 11: Sections 4 and 5: Emotional, Cognitive, and Physical Responses to Conflict and Disruptive Behavior

Individuals' responses to conflict may differ. An individual may respond to conflict emotionally, cognitively and/or physically.

#### Chapter 11: Sections 4 and 5: Review Questions

How are emotional, cognitive and physical responses to conflict defined?

How is disruptive behavior defined and what are examples of potentially disruptive behavior?

#### Chapter 11: Sections 6 and 7: Conflict Management and Conflict Resolution

Conflict management and conflict resolution skills are required to acknowledge and resolve conflicts. Healthcare professionals should be aware of how to effectively manage and resolve conflicts.

#### Chapter 11: Sections 6 and 7: Review Questions

How does The Joint Commission define conflict management?

What methods may be used to resolve conflict?

### **Chapter 12: Business Aspects of Healthcare**

#### Chapter 12: Sections 1 and 2: Types of Providers and Corporate Structure

Many different types of healthcare providers exist in the current healthcare system. Healthcare professionals should be aware of the roles and

responsibilities of each type of provider to facilitate effective team work within individual healthcare settings.

#### Chapter 12: Sections 1 and 2: Review Questions

What types of healthcare providers may be found in the current healthcare system?

How have health maintenance organizations impacted healthcare?

#### Chapter 12: Sections 3 and 4: Using Mid-Level Providers and Fee Splitting

The use of mid-level providers has become common in the current healthcare system.

#### Chapter 12: Sections 3 and 4: Review Questions

How has the role of mid-level providers changed in recent years?

How is "fee-splitting" defined?

#### Chapter 12: Sections 5 and 6: Types of Practice Structures and Types of Insurance Coverage

The healthcare system includes various types of healthcare practice structures and types of insurance coverage for patients.

#### Chapter 12: Sections 5 and 6: Review Questions

What types of practices exist in the current healthcare system?

What types of insurance coverage are available for patients?