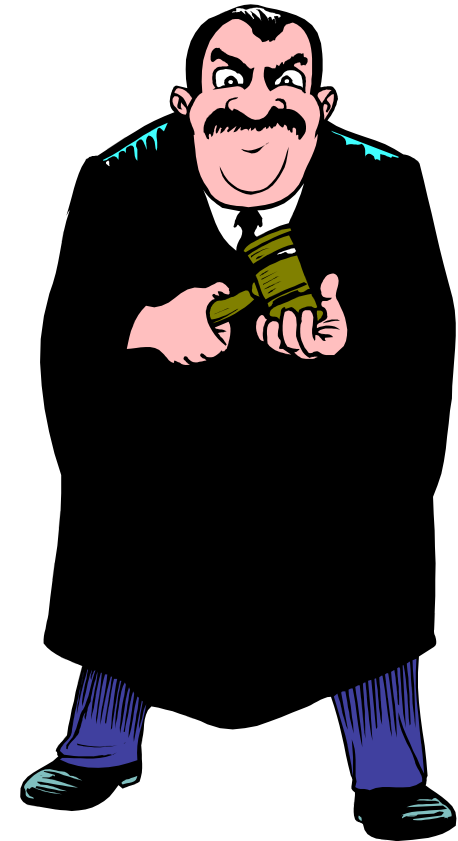

Lesson 4: Medical, Legal and Ethical Issues

Medical, Legal, and Ethical Issues



You Are the Emergency Medical Responder

A 20-year-old cyclist on a mountain bike team was temporarily unconscious after falling off his bike during practice. As the athletic trainer for the team, you respond to the incident. The injured cyclist is awake but complaining of dizziness and nausea. After assessing and taking a history and baseline vital signs, you tell him to go home and rest.

Was this an appropriate response?

Legal Duties

1. Scope of Practice
2. Standard of Care
3. Duty to Act
4. Competence
5. Good Samaritan Laws
6. Ethical Obligations
7. Decision-Making Models

Legal Duties

1. Scope of practice – range of duties and skills allowed to perform.
2. Standard of care – criterion for extent and quality of care
3. Duty to act – obligation to respond to an emergency
4. Competence – understand an EMRs questions and implications of decisions made
5. Good Samaritan Laws - act in good faith
6. Ethical Responsibilities – carry out duties in a professional manner
 - Morals – principles of right/wrong
 - Ethics – moral philosophy of right/wrong
 - Applied ethics – ethical values in decision making
7. Decision Making Models – tools in assisting in making decisions
 - Do No Harm
 - Act in Good Faith
 - Acting in Patient’s Best Interest.

Patient Consent and Refusal of Care

As an EMR, you must—

- Identify yourself to the patient
- State your level of training
- Ask if you may help
- Explain observations
- Explain what is planned

Types of Consent

- Directly expressed – patient must be competent
 - Verbal
 - Gesture
 - Minor (under 18) – consent from parent/guardian
- Implied
 - Patient is unconscious, confused, mentally impaired, seriously injured or seriously ill
 - Minor -assumption that the parent would give consent if able to do so
 - Emancipated minors

Refusal of Care

- Must be honored
- Not an all-or-nothing issue – receive some
- Specific steps to follow if patient refuses care
 - Follow local policies
 - Benefits/risks of refusing treatment
 - They can call EMS again if needed
 - Document, document, document
 - AMA – Against Medical Advise

Advance Directives

- DNR – Do Not Resuscitate
 - EMR personnel should attempt resuscitation efforts if no VALID order is produced
- Living will
- Durable power of attorney – surrogate decision maker
 - Health care proxy, attorney-in-fact, agent, patient advocate, next of kin
- POLST – Physician Orders for Life Sustaining Treatment
- Life with Dignity

Activity

You are called to the home of a patient with cancer. The patient's daughter called because her father was experiencing severe nausea and vomiting over the past few days after receiving chemotherapy. The daughter tells you that her father has not been able to keep anything down, including liquids. The patient is lying on the couch, moaning quietly. He tells you, "Just let me die."

What would you do to ensure that the care provided is legally and ethically appropriate?

Other Legal Issues

- Assault – threat to inflict harm
- Battery – unlawful touching without patients consent
- Abandonment – discontinuation of care once started
- Negligence – failure to follow reasonable standard of care



Requirements for Negligence

All Four Must be proven for a lawsuit charging Negligence

- The EMR had a duty to act
- The EMR breached that duty
- The patient was injured due to the EMR's breach of duty (proximate cause)
- Harm or injury occurred

Confidentiality and Privacy

- Maintain patient confidentiality
- HIPAA – Health Insurance Portability and Accountability Act
 - Patient control over health information
 - Privacy protection for Protected Health Information (PHI)
 - Written consent necessary for release of information

Mandatory Reporting

- Abuse or neglect – children/elderly
- Injuries from a crime
- Suspected sexual assault (in some states)
- Some infectious diseases (differs by state, updated annually)
 - Tuberculosis (TB)
 - Hepatitis B
 - HIV
 - AIDS
- As an EMR, know mandatory reporting

You Are the Emergency Medical Responder

At home, the cyclist loses consciousness and his roommate calls for an ambulance. Later, at the hospital, he is diagnosed as having a severe head injury that could have been minimized if medical care had been provided earlier.

Are there grounds for legal action?