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LAW & ETHICS

for Health Professions

NINTH EDITION



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Karen Judson | Carlene Harrison

Law & Ethics for Health Professions

NINTH Edition



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LAW & ETHICS FOR HEALTH PROFESSIONS

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Preface

Law and Ethics: For Health Professions explains how to navigate the numerous legal and ethical issues that health care professionals face every day. Topics are based upon real-world scenarios and dilemmas from a variety of health care practitioners. Through the presentation of Learning Outcomes, Key Terms, From the Perspective of . . ., Ethics Issues, Chapter Reviews, Case Studies, Internet Activities, Court Cases, and Videos, students learn about current legal and ethical problems and situations. In the ninth edition, material has been revised to reflect the current health care environment. As students progress through the text, they will get the opportunity to use critical thinking skills to learn how to resolve real-life situations and theoretical scenarios and to decide how legal and ethical issues are relevant to the health care profession in which they will practice.

New to the Ninth Edition

A number of updates have been made in the ninth edition to enrich the user's experience with the product, including revisions to most of the "From the Perspective Of ..." features in each chapter:

- **Chapter 5**, "Professional Liability," now includes the book's coverage of informed consent.
- **Chapter 7**, "Medical Records and Health Information Technology," provides more information about electronic health records and updated information about social media applications in health care.
- **Chapter 10**, "Workplace Legalities," contains the updated OSHA priorities.
- **Chapter 11**, "The Beginning of Life and Childhood," includes updated information about genetic testing.
- **Chapter 13**, "Stakeholders, Costs, and Patients' Rights," discusses the changing face of health care from a business perspective and includes a review of the basic types of insurance coverage. It also contains a discussion of patients' rights.

- All statistics and court cases have been updated, as well as content relevant to laws passed since the eighth edition.
- *Connect* has been updated to reflect updates in the chapters and feedback from customers. It contains all Check Your Progress questions, all end-of-chapter questions, additional Case Studies with related questions, and simple interactives.
- MHE Application-Based Activities are highly interactive, automatically graded online exercises that provide students a safe space to practice using problem-solving skills to apply their knowledge to realistic scenarios. Each scenario addresses key concepts and skills that students must use to work through and solve course specific problems, resulting in improved critical thinking and relevant workplace skills.
 - **Connect Law and Ethics for Health Professions Application-Based Activities: Video Cases**
 - Students watch different scenarios and are instructed on the different laws and ethical considerations that are relevant to those scenarios. Students apply their knowledge of the subject by answering periodic questions throughout each video.
 - For the 9th edition, 5 of the 13 videos contain brand-new scenarios.

For a detailed transition guide between the eight and ninth editions of *Law & Ethics*, visit the Instructor Resources in *Connect*!

To the Student

As you study to become a health care provider, 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, hobbies, and daily routines that are probably much like your own. However, because patients' lives and well-being are at stake as they seek and receive health care, in addition to seeing each patient as an individual, you must carefully consider the complex legal, moral, and ethical issues that will arise as you practice your profession. And you must learn to resolve such issues in an acceptable manner.

Law & Ethics provides an overview of the laws and ethics you should know to help you give competent, compassionate care to patients that is also 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 provider.

To derive maximum benefit from *Law & Ethics*:

- Review the Learning Outcomes 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 ruled as it did.
- Study the Ethics Issues at the end of each chapter, and answer the discussion questions.
- Complete the Review questions at the end of the chapter, correct any incorrect answers, and review the material again.
- Review the 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.
- Complete the Connect assignments from your instructor, including any SmartBook modules assigned, as well as additional Case Studies and the Application-Based Activities (Video Cases).
- Study each chapter until you can answer correctly questions posed by the Learning Outcomes, Check Your Progress, and Review questions.

Instructor Resources

You can rely on the following materials to help you and your students work through the material in this book. All of the resources in the following table are available in the Instructor Resources under the Library tab in *Connect* (available only to instructors who are logged into Connect).

Supplement	Features
Instructor's Manual	Each chapter includes: <ul style="list-style-type: none"> • Learning Outcomes • Overview of PowerPoint Presentations • Teaching Points • Answer Keys for Check Your Progress and End-of-Chapter Questions
PowerPoint Presentations	<ul style="list-style-type: none"> • Key Concepts • Accessible
Electronic Test Bank	<ul style="list-style-type: none"> • Computerized and <i>Connect</i> • Word version • Questions are tagged with learning outcomes, level of difficulty, level of Bloom's taxonomy, feedback, topic, and the accrediting standards of ABHES and CAAHEP, where appropriate

Tools to Plan Course	<ul style="list-style-type: none"> • Transition Guide, by chapter, from <i>Law & Ethics</i>, 8e to 9e • Correlations by learning outcomes to ABHES and CAAHEP • Sample syllabi • Asset Map—a recap of the key instructor resources, as well as information on the content available through <i>Connect</i>
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FOR INSTRUCTORS

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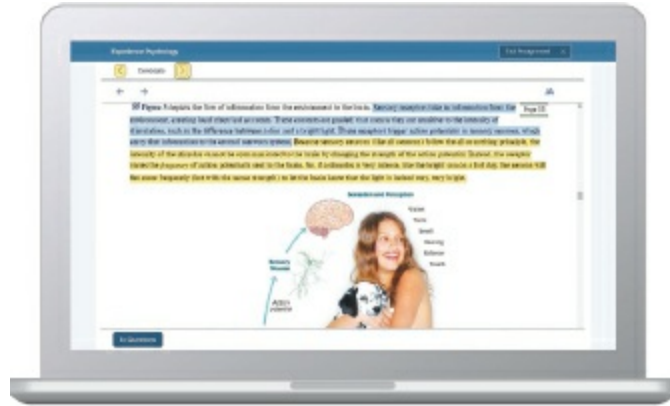
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FOR STUDENTS

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“I really liked this app—it made it easy to study when you don't have your textbook in front of you.”

- Jordan Cunningham, Eastern Washington University

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Guided Tour

Chapter Openers

The **chapter opener** sets the stage for what will be learned in the chapter. **Key terms** are first introduced in the chapter opener so the student can see them all in one place; they are defined in the margins throughout the chapter for easy review, as well as in the glossary. **Learning Outcomes** are written to reflect the revised version of Bloom's taxonomy and to establish the key points the student should focus on in the chapter. In addition, major chapter heads are structured to reflect the Learning Outcomes, and the Learning Outcomes for easy reference. **From the Perspective of . . .** boxes illustrate real-life experiences related to the text. Each quotes health care providers as they encounter problems or situations relevant to the material about to be presented in the chapter.

Introduction to Law and Ethics

LEARNING OUTCOMES
After studying this chapter, you should be able to:

- 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.

1 Key Terms

- bioethics
- bioethicist
- code of ethics
- common sense
- conscience
- creative
- critical thinking
- defendant
- ethics
- ethics committee
- ethical guidelines
- ethicist
- fraud
- health care practitioner
- hospitals
- law
- medical ethics
- model values
- patient
- prevalent
- proceed
- reasonable judgment

FROM THE PERSPECTIVE OF . . .

LINDA AND CAROL HAVE BEEN FRIENDS FOR ABOUT 4 YEARS. THEY ARE BOTH RETIRED from careers in health care. Linda had been a medical records supervisor in a 500-bed hospital and Carol had been an LPN in a family practice and was married to a physician who had retired, but still had an active license in another state. They met at the local gym after retirement. They got together every few weeks for either lunch or a movie. Over time, a friendship developed.

One day at lunch, the conversation was about health issues. Carol talked about the variety of her chronic health problems that required medication. She was a Medicare insured patient. Initially, several medications cost over \$1,000 a month. Carol had them filled in Canada for \$400 a month, but the Canadian company went out of business. She began to use her Medicare plan at \$1,000 a month. In the meantime, she discovered that her sister's health plan would cover all but \$50 of the monthly cost of any medication. Her sister had private insurance. Carol admitted to Linda that her husband had written a prescription for her sister for one of the expensive medications. Her sister lived in the state where Carol's husband still had a medical license. Carol's sister filled the prescription and sent it to her.

Linda recently was diagnosed with endometrial cancer. She had a radical hysterectomy and then began chemotherapy. Her oncologist prescribed Zofran for any nausea or vomiting. Linda had used only 3 of the 30 tablets when she finished chemotherapy. She mentioned that to Carol.

The lunch discussion changed to other topics and Linda decided to forget about the conversation, as she knew what Carol's husband had done was illegal. Carol's sister had also violated the law.

The next time Linda and Carol got together, the conversation was about vacations. Carol was going on a 2-week cruise, and she mentioned that she sometimes got a little seasick. She asked Linda if she could have her remaining Zofran tablets. Linda quickly changed the subject and Carol did not bring it up again.

From Carol's perspective, it was all about saving money. She knew what her husband had done was wrong, but felt justified in having her husband and sister commit a minor crime. She thought that since no one was harmed, and she was helped, that her behavior was not that bad.

From Linda's perspective, she was uncomfortable about learning what Carol and her family had done, but decided to ignore it as the end result was that Carol had her needed medication. She did a bit of research and learned that Zofran was not used to treat seasickness, and she already knew that it wasn't all that expensive. She decided that if Carol brought it up again, she was going to tell Carol that she had thrown the medication away, since she no longer needed it.

As you progress through *Law & Ethics for the Health Professions*, try to interpret the court cases, laws, case studies, and other examples or situations cited from the perspectives of everyone involved.

Court Cases

Several **court cases** are presented in every chapter. Each summarizes a lawsuit that illustrates points made in the text and is meant to encourage students to consider the subject's relevance to their health care specialty. The legal citations at the end of each case indicate where to find the complete text for that case. "Landmark" cases are those that established an ongoing precedent.

COURT CASE 911 Operators Sued

In 2006, just before 6 pm, a 5-year-old boy called 911. He told the 911 operator that his "mom" had passed out. When the operator asked to speak to the boy's mother, he said, "She's not gonna talk." The operator scolded the boy and logged the call as a child's prank. Three hours later, the boy called 911 again. A different operator answered, and she also scolded the boy for playing a prank, but she did send a police officer to the boy's home. The officer discovered the boy's mother lying unresponsive on the floor and summoned emergency medical services. The EMS workers arrived 20 minutes later and determined that the woman was dead and had probably died within the past 2 hours.

The boy's older sister sued the two 911 operators on behalf of the dead woman's estate and on behalf of her son. The lawsuit alleged gross negligence causing a death and intentional infliction of emotional distress.

The 911 operators argued that they were entitled to government immunity, that they owed no duty to provide assistance to the woman who died, and that their failure to summon medical aid was not gross negligence.

A trial court and an appeals court found for the plaintiff, and the case was appealed to the Michigan Supreme Court, where in January 2012, the court denied further appeals.

Source: Estate of Turner v. Michels, 307 N.W.2d 944, 490 Mich. 988 (2012).

Check Your Progress Questions

These questions appear at various points in the chapters to allow students to test their comprehension of the material they just read. These questions can also be answered in *Connect*.

Check Your Progress

1. Name two important reasons for studying law and ethics.
2. Which state laws apply specifically to the practice of medicine?
3. What purpose do laws serve?
4. How is the enforcement of laws made possible?
5. What factors influence the formation of one's personal set of ethics and values?
6. Define the term *moral values*.
7. Explain how one's moral values affect one's sense of ethics.

End-of-Chapter Resources

The **Chapter Summary** is in a tabular, step-by-step format organized by Learning Outcomes to help with review of the material. **Ethics Issues** are issues and related discussion questions based on interviews conducted with ethics counselors within the professional organizations for health care providers, as well as with bioethics experts. Each **Chapter Review** includes Applying Knowledge questions that reinforce the concepts the students have just learned. These questions can be answered in *Connect*. **Case Studies** are scenarios with exercises that allow students to practice their critical thinking skills to decide how to resolve the real-life situations and theoretical scenarios presented. **Internet Activities** include exercises designed to increase students' knowledge of the chapter topics and help them gain more internet research expertise.

Chapter Summary

Learning Outcome	Summary
LO 1.1 Explain why knowledge of law and ethics is important for health care practitioners.	Why study law and ethics? <ul style="list-style-type: none">Health care practitioners who function at the highest possible levels have a working knowledge of law and ethics.Knowing the law relevant to your profession can help you avoid legal entanglements that threaten your ability to earn a living. Court cases illustrate how health care practitioners, health care facilities, and legal and medical device manufacturers can be held accountable in a court of law.A knowledge of law and ethics will also help facilitate you with the following areas:<ul style="list-style-type: none">The rights, responsibilities, and concerns of health care consumersThe legal and ethical issues facing society, patients, and health care practitioners in the world changesThe broad of ethics codes on the laws and ethics of health care delivery.
LO 1.2 Define law, ethics, and moral values as used in health care by health care practitioners.	

Chapter 2 Review

Applying Knowledge

LO 2.1

1. What is another term for your personal concept of right and wrong?
 - a. Utilitarianism
 - b. Beneficence
 - c. Moral values

Ethics Issues Introduction to End-of-Chapter Ethics Discussions

Learning Outcomes for the Ethics Issues Feature at the End of Each Chapter

After studying the material in each chapter's Ethics Issues feature, you should be able to:

1. Discuss current ethical issues of concern to health care practitioners.
2. Compare ethical guidelines to the law as discussed in each chapter of the text.
3. Practice critical thinking skills as you consider medical, legal, and ethical issues for each situation presented.
4. Relate the ethical issues presented in the text to the health care profession you intend to practice.

Health care practitioners are bound by state and federal laws, but they are also bound by certain ethical standards—both personal standards and those set forth by professional codes of ethics and ethical guidelines and by bioethicists. Many professional organizations for health care practitioners employ an ethics consultant who is available to speak with organization members who need help with an ethical dilemma. "To serve as a third party who can stand outside a situation and facilitate communication," says Dr. Carmen Parada, an ethics consultant with the Cleveland Clinic's Department of Bioethics. At the Cleveland Clinic, ethics consultations are available to health care practitioners, patients, family members, and others involved with patient decisions. Medical facility ethics committees can also serve as consultants. In larger health care facilities, such committees usually deal with the most complex ethical issues. In smaller facilities, such committees may be made up of available, members of an organization.

Case Studies

Use your critical thinking skills to answer the questions that follow each case study.

LO 2.3

Susan, a nursing student, is arguing with her friend Linda, also a nursing student, over the benefits of getting a flu shot.

"I'm not getting a flu shot this year," Linda declares. "I paid \$14 for one last year, and I still got sick. I had a horrible sinus infection that kept me out of school for days."

What would you advise Susan to do? Would you recommend that Linda get a flu shot? Why or why not? How would you advise Linda in the clinic—especially if she had been immunized against the flu?

Internet Activities

LO 2.3

Complete the activities and answer the questions that follow.

25. Locate the Web site for the organization representing the profession you plan to practice. Check the organization's code of ethics. Does the code conform to the seven principles of health care ethics? Explain your answer.
26. Visit the Web site for the National Center for Ethics in Health Care at www.ethics.va.gov. In the list of resource publications, click on any of the subjects listed. Which link did you choose? How might these resources prove useful to you?

Acknowledgments

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Karen Judson

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Carlene Harrison

A big thank you to Karen Judson for getting me started on this marvelous adventure called textbook writing over 14 years ago.

To our reviewers, your contributions really make a difference. The editorial and production staff at McGraw-Hill did a great job. And last, to my husband, Bill, your support and love keep me going.

Reviewer Acknowledgments

Suggestions have been received from faculty and students throughout the country. This is vital feedback that is relied on for product development. Each person who has offered comments and suggestions has our thanks. The efforts of many people are needed to develop and improve a product. Among these people are the reviewers and consultants who point out areas of concern, cite areas of strength, and make recommendations for change. In this regard, the following instructors provided feedback that was enormously helpful in preparing the book and related products.

9e Technical Editing/Accuracy Panel

A panel of instructors completed a technical edit and review of the content in the book page proofs to verify its accuracy.

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