

Unit Two - Law and Order

Review Questions - Medical Law/Ethics

Select six of the following questions and answer on a separate page. *Answer thoroughly and with detail.*

1. What should a patient be told before signing an informed consent document?
2. List 10 patient rights and/or responsibilities.
3. One of your patients tells you he cannot eat because he is worried about having no will. He has no money to pay an attorney. How would you advise this patient?
4. One of the members of your care team is having difficulty understanding directions given by the supervisor. Your co-worker speaks English, but it is her second language, and she frequently misinterprets instructions. How can you treat your co-worker with dignity while helping her understand the instructions?
5. Differentiate between libel and slander.
6. You are employed as a geriatric assistant. A resident tells you that he is saving sleeping pills so he can commit suicide. He has terminal cancer and is in a great deal of pain. What should you do? Why?
7. Choose a specific health care profession (i.e., dental hygienist, physical therapist, nurse, etc.) and create a situation where this individual might be subject to legal action for each of the following torts:
 - Malpractice
 - Negligence
 - Assault
 - Battery
 - Invasion of privacy
 - False imprisonment
 - Abuse
8. How does a living will differ from a Durable Power of Attorney for health care?
9. Identify six professional standards by explaining why they are important to meet legal responsibilities, ethics, and/or patient's rights.
10. Mary Gray is a mentally confused resident at the nursing home where you work. She goes on an overnight pass with her son and returns after dinner the next day. When you are helping her undress for bed, you notice bruises on her upper arms and chest. Mary says, "I don't know how I got them." How will you handle this situation?

Unit Two - Law and Order

Review Questions - Medical Law/Ethics - KEY

1. What should a patient be told before signing an informed consent document?

A patient must have the opportunity to be an informed participant in their health care decisions and the following elements must be discussed: nature of the decision/procedure, reasonable alternatives to the intervention, relevant risks, benefits, and uncertainties, assessment of patient understanding, and acceptance of the intervention by the patient. The patient must be considered competent and the consent must be voluntary.

2. List 10 patient rights and/or responsibilities.

Refer to the handout on patient rights and responsibilities in the unit activity section for answer to this question.

3. One of your patients tells you he cannot eat because he is worried about having no will. He has no money to pay an attorney. How would you advise this patient?

A will is a legal document that allows individuals to state what should be done with his or her estate following death. A will must be signed by an individual who is competent and is witnessed by two adults who cannot benefit from the death. Social service can be contacted to suggest options for this patient who wants to create a will.

4. One of the members of your care team is having difficulty understanding directions given by the supervisor. Your co-worker speaks English, but it is her second language, and she frequently misinterprets instructions. How can you treat your co-worker with dignity while helping her understand the instructions?

Dignity can be accomplished by being sincere and respectful to others. By listening, being positive, showing understanding and responding to the co-workers unique need shows kindness and patience.

5. Differentiate between libel and slander.

Libel: Damage caused to a person's reputation through written word.

Slander: Damage caused to a person's reputation through spoken word.

6. You are employed as a geriatric assistant. A resident tells you that he is saving sleeping pills so he can commit suicide. He has terminal cancer and is in a great deal of pain. What should you do? Why?

A health care worker has a legal and ethical responsibility to provide appropriate care and a safe environment to all people. You may lose your license or certificate if you do something unethical. The resident's behavior should be reported to your supervisor.

7. Choose a specific health care profession (i.e., dental hygienist, physical therapist, nurse, etc.) and create a situation where this individual might be subject to legal action for each of the following torts:

- Malpractice
- Negligence
- Assault
- Battery
- Invasion of privacy
- False imprisonment
- Abuse

Definition for types of torts. Application in answer will vary.

a. Malpractice: “Bad practice”, professional negligence. Failure of a professional to use the degree of skill and learning commonly expected in the individual’s profession, resulting in injury, loss, or damage to the person receiving care.

b. Negligence: Failure to give care that is normally expected of a person in a particular position, resulting in injury to another person.

c. Assault: Threat of bodily harm to another; no actual touching. Threaten to perform a procedure without informed consent.

d. Battery: Actual bodily harm to another person without permission. Performing a procedure without informed consent.

e. Invasion of privacy: Unnecessarily exposing an individual or revealing personal information about an individual without the person’s consent.

f. False imprisonment: Unlawful restraint.

g. Abuse: Any care that results in physical harm, pain or mental anguish.

8. How does a living will differ from a Durable Power of Attorney for health care?

Living Will: Legal directives and documents that allows individuals to state what medical treatment they want or do not want in the event that they become incapacitated and are unable to express their wished regarding medical care.

Durable Power of Attorney (POA): Document that permits an individual to appoint another person to make any decisions regarding health care for them if they become unable to make the decisions.

9. Identify six professional standards by explaining why they are important to meet legal responsibilities, ethics, and/or patient's rights.

Answers will vary as to why professional standards are important to use to meet legal responsibilities, ethics, and patient's rights. The following is list of professional standards:

- a. Perform only those procedures for which you have been trained and are legally permitted to do.
- b. Obtain proper authorization before performing any procedure/treatment.
- c. Identify the patient and obtain consent before performing any procedure/treatment.
- d. Observe all safety precautions.
- e. Keep all information confidential.
- f. Think before you speak and carefully consider everything you say.
- g. Treat all patients equally regardless of race, religion, social or economic status, gender, or nationality.
- h. Accept no tips or bribes for the care you provide.
- i. If any error occurs or you make a mistake, report it immediately your supervisor.
- j. Behave professional in dress, language, manners, and actions.
- k. Never hesitate to ask questions or request written policy form your employer.

10. Mary Gray is a mentally confused resident at the nursing home where you work. She goes on an overnight pass with her son and returns after dinner the next day. When you are helping her undress for bed, you notice bruises on her upper arms and chest. Mary says, "I don't know how I got them." How will you handle this situation?

The legal and ethical standard is that health care workers are required by law to report any signs and symptoms of abuse immediately.