

**MIDSTATE COLLEGE**  
411 W. Northmoor Road  
Peoria, IL 61614  
(309) 692-4092 (800) 251-4299  
Winter 2018

**COURSE:** HSM 400: Healthcare Law and Ethics

**CREDIT HOURS:** 4 quarter credit hours

**METHOD OF DELIVERY:** Flex Learning

**COURSE DESCRIPTION:**

An examination of the law and legal system that regulates health services and the ethical issues and dilemmas that arise. Topics include malpractice, confidentiality, HIPPA, regulations, patient rights, and risk management.

**TEXT:** Legal and Ethical Issues for Health Professionals, 3<sup>rd</sup> Edition

**ISBN:** 978-1-4496-7211-9

**AUTHOR:** George D. Pozgar

**PUBLISHER:** Jones & Bartlett Publishers, 2013

**REQUIREMENTS FOR COMPLETING THE COURSE:**

Student must complete all work required by instructor.

**TOPICS:**

This course will prepare an entry-level manager to assess ethical dilemmas and improve decision-making based on knowledge of basic health laws, laws relating to health organization, physicians, and employees.

**LEARNING OBJECTIVES:** Upon completion of this course, the student will be able to:

1. Recognize the difference between law, ethical and bioethical issues facing healthcare workers.
2. Define and explain what creates malpractice.
3. Cite course cases regarding failure to obtain informed consent, falsification of records, failure to obtain adequate history and physical, failure to report changes in patient condition, abandonment of patient.
4. List legal regulations and ethical codes.
5. Be able to identify 10 positive ways to behave during court appearances.
6. Recognize duties and rights of parties in a health facility.

**Academic Integrity:**

Academic integrity is a basic principle of the College's function. Midstate College students are expected to maintain a high level of academic honesty. Contrary actions may result in penalties such as failure of the assignment(s), a lesser grade on assignment(s), failure of the course and/or suspension from the College. The course instructor will review all submitted documents and supporting evidence in connection to the infraction. The course instructor will also review the student's personal file for other notifications of academic dishonesty before determining

the level of action to be applied. The course instructor will complete the Academic Dishonesty Report form to document and describe the incident and actions taken, then kept on file. The student may appeal the decision to administration, whose decision will be final.

The following (plagiarism, cheating, deception, sabotage, computer misuse and copyright infringement) are included in the actions Midstate College considers behavior contrary to the academic integrity policy; however, the policy is not limited to these examples. Further discussion of consequences regarding academic dishonesty are addressed in the Student Handbook.

**Plagiarism:**

Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of Turnitin which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

**Student Success and Tutoring:**

Contact Student Success: Room 110; (309) 692-4092, ext. 1100; [studentsuccess@midstate.edu](mailto:studentsuccess@midstate.edu);

The Office of Student Success offers help in the following areas:

- Tutoring: Tutoring is encouraged for students who are doing their best to complete assignments yet still are experiencing difficulty in this course. Tutoring may be provided by the instructor outside of scheduled class times or through the office of Student Success.
- Writing assignment assistance: This may include learning how to conduct research; using proofreading tools such as Turnitin; outlining a topic; and applying MLA/APA standards.
- Math, accounting, and computer skills (including file management).
- Test-taking techniques.
- Note-taking skills development.
- Study skills development.
- Time management.

**Instructor:**

**Dr. Amber Schappaugh DM-HCML, AHI, MA, RMA**

**Midstate email: [aschappaugh@midstate.edu](mailto:aschappaugh@midstate.edu)**

**Office Hours: M 3-6pm or by appt.**

**Room/phone: 205/692-4092**

## Participation Requirements/ Policies and Procedures:

1. **All work is to be completed on time.** You are expected to use your class outline to plan for assignments, discussions and the final exam and project. All work is to be completely in a timely manner. You are expected to learn independently. That means you must read the material and do the assignments as indicated on the syllabus and website.
  - a. Late Work Policy
    - i. **Late work will receive a deduction in points by 15% each week the assignment is overdue. I WILL NOT** accept assignments that are MORE THAN 2 weeks overdue.
2. Excessive grammar and spelling errors will hurt your grade. Managers are expected to be able to communicate on paper. Read questions carefully. **Write down your thoughts in complete sentences and proof read them to make certain you do not leave out material.** If it is not written down, I don't think you know it.
4. Academic dishonesty is never tolerated and will be promptly referred to the Dean of the College. This includes plagiarism.
5. Participation in discussion forum is **NOT** optional. Classroom discussion is expected from everyone to obtain your weekly credit. Online learners must post two times. One must be an original thought and the second must be an insightful response to a peer. **You are expected to post your initial post by MIDNIGHT WEDNESDAY of the week. Failure to do so will result in a reduced grade. This is to allow your peers to respond to your posts in a timely fashion.** I will not accept agreement with others' postings as "original thinking".

## Examination Information:

Assignments, Weekly Discussions, Final Examination/Final Project

## Methods of evaluating student performance:

There will be weekly discussions, assignments, and a final exam & project.

### Grading Specifications

Discussions	25%
Assignments	30%
Exams	25%
Evaluative Paper	<u>20%</u>
<b>Total</b>	<b>100%</b>

### Midstate Grading Scale

100 – 90	A
89 – 80	B
79 – 70	C
69 – 60	D
59 & below	F

## Week 1

<b>Lecture:</b>	Chapters 1 & 14
<b>Topics:</b>	Introduction to Ethic's and Patient's Rights & Responsibilities
<b>Objectives:</b>	<ul style="list-style-type: none"><li>• List ethical code in student's area of expertise</li><li>• Understand the basis for opposing ethical views of bioethical issues</li><li>• Informed consent</li></ul>
<b>Assignments:</b> (45 Points)	<ul style="list-style-type: none"><li>• Read Chapter's 1 &amp; 14</li><li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b><ul style="list-style-type: none"><li>○ Chapter 1 – Questions 10, 11, 12, 14 &amp; 15</li><li>○ Chapter 14 – Questions 1 – 4</li></ul></li></ul>
<b>Discussion:</b>	<p>Discussion 1: (10 points) Tell us about yourself. Why are you attending school? Are you employed outside of the home? What major life roles do you play and what do you like and dislike about them? What are your pet peeves?</p> <p>Discussion 2: (10 points) Look through your text and share with the class what areas you are especially interested learning. Have you had any contact with the law in healthcare? Have you been involved in any way in a healthcare lawsuit? Is the law always fair?</p> <ul style="list-style-type: none"><li>• Participate in the discussion posts.<ul style="list-style-type: none"><li>○ <b>You MUST post your initial post by day three (WED) of the week. If you submit your initial post after day three, you will not receive full credit for that posting. Don't forget to respond to discussion postings to receive full credit!</b></li></ul></li></ul>

## Week 2

<b>Lecture:</b>	Chapter 2
<b>Topics:</b>	Contemporary Ethical Dilemmas
<b>Objectives:</b>	<ul style="list-style-type: none"><li>• Better understand ethical concepts and how they can be applied in the resolution of health care ethical dilemmas.</li><li>• Have a better understanding of the following common ethical dilemmas (abortion, AIDS, artificial insemination, organ donations, research, experimentation, and clinical trials, sterilization, wrongful birth, wrongful life, and wrongful conception, surrogacy, human genetics)</li></ul>
<b>Assignments:</b> (35 Points)	<ul style="list-style-type: none"><li>• Read Chapter 2</li><li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b><ul style="list-style-type: none"><li>○ Chapter 2 – Questions 1, 2, 5, 11, 12, 13, &amp; 16</li></ul></li></ul>
<b>Discussion:</b>	Discussion 1: (10 points)

<b>(See Week 1 Discussion posting guidelines)</b>	<p>Please read the case and questions on page 83 regarding the woman refusing the C-section. Discuss what you think about the case and the questions raised. Does the case support the law? Does it seem right?</p> <p>Discussion 2: (10 points) Please read the case and questions on page 84 regarding False-Positive Test Results. Discuss the case and the questions raised. Use the questions after the case as a guide for your discussion posting.</p>
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### Week 3

<b>Lecture:</b>	Chapters 3 & 4
<b>Topics:</b>	End of Life Issues & Health Care Ethics Committee
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• List legal regulations</li> <li>• Explain issues involved in end-of-life decisions</li> <li>• Understand the importance, development, structure, and goals of ethics committees.</li> </ul>
<b>Assignments:</b> (50 Points)	<ul style="list-style-type: none"> <li>• Read Chapter's 3 &amp; 4</li> <li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 3 – Questions 1, 2, 3, 4, &amp; 7</li> <li>○ Chapter 4 – Questions 1, 3, 4, 5 &amp; 7</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points) Look at the case on page 155 about spousal rights in decision-making. Did the court's decision support the law? Do you think there was something that could have been done to settle this issue without causing so much pain to those involved?</p> <p>Discussion 2: (10 points) In the news, there was a large debate regarding a young woman named Brittany Maynard who chose to end her life on Nov 1<sup>st</sup>, 2014, two days after her husband's birthday because of a terminal brain tumor. Find the article about her story (Hint: Google Brittany Maynard, death with dignity) and see what you find. Do you agree with her decision to move to a different state to end her life? Do you think it was fair what she decided to do? What is the organization she represented? Do you think there will be more cases like hers? Would you support a loved one who chose to end their life this way?</p>

### Week 4

<b>Exam:</b>	Take Test 1 <b>NOTE: I DO NOT give make-up exams without valid documentation!</b>
<b>Lecture:</b>	Chapter 5
<b>Topics:</b>	Development of Law

<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Civil Rights Act</li> <li>• Sherman Antitrust Act</li> <li>• Patient Self-Determination Act</li> <li>• HIPPA</li> </ul>
<b>Assignments:</b> (20 Points)	<ul style="list-style-type: none"> <li>• Read Chapter 5</li> <li>• Answer the following questions from the assigned chapter below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 5 – Questions 1, 2, 3, &amp; 4</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points)</p> <p>Give an example of a healthcare case that was decided on <i>res judicata</i>. What caused it to be such?</p>

**Week 5**

<b>Lecture:</b>	Chapter 6
<b>Topics:</b>	Introduction to Law
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Negligence</li> <li>• Intentional Torts</li> </ul>
<b>Assignments:</b> (25 Points)	<ul style="list-style-type: none"> <li>• Read Chapter 6</li> <li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 6 – Questions 1, 2, 4, 6, &amp; 7</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points)</p> <p>Look at the case study on Pages 204 &amp; 205. Do you agree with the court’s decision? Why was the court “appalled”? What ethical values are missing from the caregivers?</p> <p>Discussion 2: (10 points)</p> <p>In continuing with the case study on Pages 204 &amp; 205, can you understand how a situation like this could happen? Gather all of the compassion you can for the healthcare system. Why might caring persons be swept along in making mistakes? Could it happen to ordinary, nice people like us?</p>

**Week 6**

<b>Lecture:</b>	Chapter 7
<b>Topics:</b>	Government Ethics and the Law
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Sherman Anti-Trust Act</li> <li>• HIPPA</li> <li>• Civil Rights Act</li> </ul>

	<ul style="list-style-type: none"> <li>• Privacy Act</li> </ul>
<b>Assignments:</b> (25 Points)	<ul style="list-style-type: none"> <li>• Read Chapter 7</li> <li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 7 – Questions 1, 2, 3, 4 &amp; 5</li> </ul> </li> </ul>
<b>Discussion:</b> (See Week 1 Discussion posting guidelines)	<p>Discussion 1: (10 points) Read the case on page 245 and discuss the following: What are the main issues of the case? What ethical theories, principles, and values are of concern? What action can be taken to prevent similar occurrences in the future? What could have been done to prevent the ethical and legal issue from occurring in the first place? How would you have decided the case?</p> <p>Discussion 2: (10 points) Read the reality check on page 253 regarding “Veterans Lack Insurance Benefits.” Would you consider this to be a form of political malpractice? If the hospital was able to arrange for care for the veteran outside the VA system, how might your answer change?</p>

### Week 7

<b>Lecture:</b>	Chapter 8
<b>Topics:</b>	Organizational Ethics and the Law
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• List regulations and ethical codes</li> </ul>
<b>Assignments:</b> (25 Points)	<ul style="list-style-type: none"> <li>• Read Chapter 8</li> <li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 8 – Questions 1, 2, 3, 4, &amp; 5</li> </ul> </li> </ul>
<b>Discussion:</b> (See Week 1 Discussion posting guidelines)	<p>Discussion 1: (10 points) Look at Chapter 8...What a reality check! What is going on and how can a hospital intervene in situations like the Darling Case on pg. 274-276. What’s going on in the case on pg. 277? What is happening in the case on pg. 280? Specify what laws and/or ethics are involved? Who is at fault and what can they do?</p> <p>Discussion 2: (10 points) Let’s discuss the People’s Stories on pg. 265 &amp; 266. Focus on the questions at the end of pg. 266.</p>

### Week 8

<b>Exam:</b>	Take Test 2 <b>NOTE: I DO NOT give make-up exams without valid documentation!</b>
<b>Lecture:</b>	Chapter 9
<b>Topics:</b>	Health Care Professionals’ Ethical and Legal Issues
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Legal regulations and ethical codes in area of expertise</li> </ul>
<b>Assignments:</b>	<ul style="list-style-type: none"> <li>• Read Chapter 9</li> </ul>

(35 Points)	<ul style="list-style-type: none"> <li>Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>Chapter 9 – Questions 2, 3, 4, 6, 7, 8 &amp; 9</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points) Read the case in regards to Dieticians on page 314 &amp; 315. Answer the questions on page 317.</p> <p>Discussion 2: (10 points) Read Medical Assistants on page 321 &amp; 322 as well as the case Looking for Help on page 322 &amp; 323. Answer the questions on page 323 regarding the case.</p>

### Week 9

<b>Lecture:</b>	Chapter 10
<b>Topics:</b>	Physician's Ethical and Legal Issues
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>Falsification of records</li> <li>Failure to report changes in patient condition and patient abandonment</li> </ul>
<b>Assignments:</b> (25 Points)	<ul style="list-style-type: none"> <li>Read Chapter 10</li> <li>Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>Chapter 10 – Questions 1 – 5</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points) Why do hospitals have credentialing professionals? What is their job and why is this job important?</p> <p>Discussion 2: (10 points) Look at the Case, Lack of Consent and Patient Death on page 406 &amp; 407. Answer the questions at the end of the case to discuss.</p>

### Week 10

<b>Lecture:</b>	Chapter 11 & 12
<b>Topics:</b>	Employee Rights and Responsibilities Patient Consent
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>Informed Consent</li> </ul>
<b>Assignments:</b> (50 Points)	<ul style="list-style-type: none"> <li>Read Chapters 11 &amp; 12</li> <li>Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>Chapter 11 – Questions 3, 4, 5, 6</li> <li>Chapter 12 – Questions 1, 4, 5, 7, 10, 11</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points) Discuss the following statement: "Employees are responsible for maintaining professional relationships with patients." What does this mean to you as reviewed in the chapter? Have you ever encountered a scenario where this was not the case?</p>

	<p>Discussion 2: (10 points)</p> <p>Read the case: A mother's right, a child's death on page 416 &amp; 417. Answer the questions for discussion with your peers.</p>
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### Week 11

<b>Exam:</b>	<p>Take Test 3</p> <p><b>NOTE: I DO NOT give make-up exams without valid documentation!</b></p>
<b>Lecture:</b>	Chapter 13
<b>Topics:</b>	Patient Abuse
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Patient Abuse</li> </ul>
<b>Assignments:</b> (20 Points)	<ul style="list-style-type: none"> <li>• Read Chapter 13</li> <li>• Answer the following questions from the assigned chapter(s) below: <b>(DO NOT just plagiarize from the book; give thoughtful answers! – See policy on plagiarism!)</b> <ul style="list-style-type: none"> <li>○ Chapter 13 – Questions 1, 2, 3, &amp; 5</li> </ul> </li> </ul>
<b>Discussion:</b> <b>(See Week 1 Discussion posting guidelines)</b>	<p>Discussion 1: (10 points)</p> <p>Based on the cases in this chapter, discuss why patients are often reluctant to complain about their health care.</p> <p>Discussion 2: (10 points)</p> <p>Discuss the ethical and legal issues of abuse.</p>

### Week 12

<b>Evaluative Paper:</b>	Turn in Evaluative Paper!
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## Evaluative Paper

Instructions: Look at the following situations. Describe the legal and ethical issues involved in each scenario using the questions as a guide. **Answers must be in complete sentences and show use of the knowledge gained in each class. You MUST cite your work!**

### Scenario 1:

The defendant, an LPN, had charges brought against her as a result of behavior toward a patient who had suffered a stroke. The nurse had been observed slapping the legs of the patient and shackling the patient to the bed. The witnesses included the patient's wife, other hospital employees and an investigator from the office of the attorney general. The defendant did not deny the charges but stated that her actions were for the protection of her patient and herself. By the time of the trial, the patient had died of causes unrelated to the charged conduct.

- A. What issues are involved in this case?
- B. What additional information would be needed?

### Scenario 2:

Ted Harvey had a blockage in the carotid artery and Dr. Banks was going to perform an endarterectomy. Ted signed a Refusal of Treatment/Release from liability form where he declined blood or blood products and that he understood the risks and consequences of this choice. The document said: "In all probability my refusal for such treatment, medical intervention and/or procedure will seriously imperil my health or life."

He also signed a consent form for surgery indicating that he "did not give permission to use blood or blood products if necessary." The surgery went well but during the time in the recovery room, Ted developed a blood clot and suffered a stroke. Because he was unconscious, the hospital staff located his mother in the waiting room and obtained her permission to do a CT scan and arteriogram. A second surgery was performed and multiple clots were removed along the side of the carotid artery. Ted was sent to ICU and intubated that evening by the on call ER physician for difficulties with breathing.

The next day the surgical site began bleeding and his hemoglobin level had fallen to 8. His heart rate was 146 BPM and there were concerns that he might have a heart attack. Ted had lost approximately 30% of his blood volume. Dr Banks recommended a blood transfusion to Ted's mother who initially declined due to Ted's religious beliefs. Ultimately, Mrs. Harvey consented to allow the hospital to transfuse two units of blood. Ted recovered fully from the procedures and sued.

- A. What additional information would be necessary?
- B. What issues are involved?
- C. What would you expect the court to decide and why?

### Scenario 3:

In 1986, Mr Hussey was taken by his wife to Memorial Hospital with vomiting and dizziness. He was seated on a stretcher in the emergency room. He fell from the stretcher and suffered a severe head injury after hitting his head on a concrete floor. He was treated in the emergency room for flu and diagnosed with swelling in the brain due to head injury. He was taken by ambulance to another emergency room and diagnosed with a dislocated clavicle, laceration of the skin, 2 fractures of the lateral wall of the right orbit. The patient and the wife asked the Physician repeatedly if there would be any brain damage and on each occasion, Dr. Andrews answered that there would not be any brain damage.

Two months after the fall, the Hussey's consulted with an attorney about the case and decided that a lawsuit might impair the husband's ability to receive medical treatment. Mr. Hussey continued to seek care for the injury for 42 months and no physician ever disclosed any possibility of permanent brain impairment. At that time, Mr. Hussey's behavior became so erratic and unpredictable that Mrs. Hussey took him to a mental health center that transferred him to Dartmouth Clinic. The diagnosis indicated permanent and residual brain impairment. The Hussey's filed a lawsuit against the hospital for negligence 4 years earlier.

- A. What additional information do you need to determine what will happen?
- B. Explain what was going on in the medical treatment community for four years.
- C. What issues are involved in this scenario?
- D. Describe 5 ways the statute of limitations may be determined?

### Scenario 4:

Jeff Martin was totally paralyzed on the left side after an automobile accident and placed on life support equipment. He could minimally communicate with head nods. Because of diminished capacity to understand his condition, treatment choices, and consequences of choices, the court named his wife his guardian. Based on earlier conversations with Jeff, the wife petitioned to withdraw life support. Jeff's mother and sister counter petitioned to have the wife removed as the patient's guardian.

- A. What issues are involved?
- B. What additional information would help the court make a decision?
- C. How are law and ethics entangled in this case?
- D. What does the clinical assessment for determination of incapacity include?
- E. What must the patient's record contain?

### Scenario 5:

Shirley Hoffman was admitted to Grace Hospital for a renal arteriogram and given a consent form for the procedure. The form did not state which of the 5 radiologists from the Pinehurst Radiology Group would perform the procedure. Dr. Bean was the doctor on duty from Pinehurst Radiology Clinic on the day Mrs. Hoffman had her procedure. After completing the arteriogram, Dr. Bean determined it was necessary to do an angioplasty. There were some serious complications with the angioplasty that resulted in Mrs. Hoffman being transferred to

another hospital and then, into a nursing home. Mr. Hoffman wanted to hold the hospital liable for the negligent behavior of Dr. Bean.

- A. What is the central issue of this case called?
- B. What are the 2 elements that must exist for liability to be imputed to the employer?

#### Scenario 6:

John and Vickie Simpkins had been married 8 years. They had spent over \$90,000 on infertility testing and artificial insemination treatments. In November of 2008, they lost huge amounts of money invested in their 401 K accounts and John lost his job. The mortgage company foreclosed on their home and both of their cars had been repossessed forcing them to use public transportation. Vickie was grateful that although her job had been eliminated, her company kept her as a receptionist. Her minimum wage paycheck helped them keep a small apartment, purchase food and pay for bus fare when John found a job lead.

On Friday, Vickie was surprised to find that her nausea was related to an early pregnancy. Because of their sudden change in economic status, Vickie requested a referral to obtain an abortion. Her doctor insisted that Vickie could not obtain the abortion without written spousal permission.

- A. What issues both legal and ethical are involved in this situation?
- B. Is there court precedence for making a decision?
- C. What is the physician's options?

#### Scenario 7:

Arnie Clutts was dying of a brain tumor. He knew his time was limited, but he dreamed of making a difference in the world before he died. Arnie wanted to donate his kidney to his niece, Julie, after he died. As Arnie grew weaker and weaker, he was angry that Julie never came to visit him or say goodbye.

- A. According to what statute can this be done legally?
- B. If Arnie wants to revoke his decision, under what four circumstances can that happen?
- C. What might a healthcare person say to Arnie regarding the failure of his dream?

#### Scenario 8:

On Thursday, February 11, 2008, Mirabelle Thomas, a diagnosed diabetic, called Dr. Stevens office to be seen for blood sugars that had been dipping into the 45-50 mg/dl range for the last 3 days. Sandra Beasley, a new medical assistant, told Mirabelle that Dr. Stevens had no openings until Tuesday, February 16th at 4 p.m. but that she needed to bring at least \$50.00 with her because she was on a cash basis only due to missing monthly payments. Mirabelle accepted the appointment reluctantly. Early in the morning on Friday, Mirabelle suffered a blackout and fell in her shower and struck her face on the shower floor. She knocked out 4 teeth and required 15 stitches in the ED to close a laceration on her cheek. She planned to sue Dr. Stevens for abandonment and breach of contract.

- A. What are the issues going on in this case?

- B. Is there actually a contract involved?
- C. What elements must be present for a contract to be enforceable?
- D. What grounds are acceptable for a physician to legally terminate care of a patient?
- E. What 5 elements must be established for a patient to recover damages for abandonment?
- F. Does Mirabelle have a case?

Scenario 9:

Do research on the case *Tarasoff v Regents of the University of California*. Explain how this is part of the confidentiality expected of physicians.

- A. To what document do we trace patient confidentiality?
- B. What are compelling circumstances?
- C. What laws are involved in releasing information?
- D. Is the maintenance of confidentiality a legal, moral or ethical responsibility?
- E. What are the expectations of other healthcare workers?