MA105 Medical Law and Ethics

Course Objectives
Upon successful completion of this course, the student will be able to:
1. Describe the similarities and differences between laws, ethics, and bioethics pertaining to the medical field;
2. Outline the legal system as it relates to medical civil, criminal, and tort laws;
3. Apply standard of care principles to healthcare ethical decisions;
4. Examine concepts in medical practice acts, respondeat superior, res ipsa loquitur, professional liability, and medical malpractice for pertinence in healthcare practice;
5. Identify the components of the physician/patient relationship including contracts, self-determination, consent, and the patient bill of rights;
6. Analyze ethical issues related to research, life, death and dying;
7. Explain the HIPAA rules and their application in the workplace; and

Lesson 1
Objectives: 1, 2

<table>
<thead>
<tr>
<th>Time</th>
<th>Online Engagement Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hours</strong></td>
<td><strong>Lecture/Presentation:</strong></td>
</tr>
</tbody>
</table>
| 4 | Course Introductions  
Instructor Announcements/Overview  
**Key Concepts from –**  
Chapter 1: Introduction to Medical Law, Ethics, and Bioethics  
Chapter 2: The Legal System  
Chapter 3: Essentials of the Legal System for Healthcare Professional  
**Preparation for Online Engagement:**  
Read Lesson 1 Presentation on your Moodle Course Home page and Chapter 1, 2 and 3 in full  
- Review the website of the American Society of Law, Medicine and Ethics (http://www.aslme.org) Articles of interest. |
| 2 | **Discussion: Legal Question:**  
Please select from the three case studies listed below and share your answers to all questions associated with it as your Main Post.  
- Discussion Case #1, #2, or #3 on pages 71-72  
Be sure to include the actual case and questions in your post. |
| 2 | **Assignment(s): Medical Ethics and Law**  
1. Read this scenario:  
A patient who is a mail carrier experiences a serious dog bite that requires hospitalization and stitches. The patient's boss calls the hospital to see how the patient is doing.  
Write a brief summary (150-200 words) that explains what you are allowed to say to the patient's boss while remaining compliant with patient privacy laws.  
2. Copy the State’s scope of practice for your chosen field. If your state does not have a scope of practice research your career field’s certifying body and copy their scope of practice. Now write out what that means in your own language. |
Course Project Research/Preparation:
Personal vs Professional Ethics
Lesson 1 select Topic

Directions:
1. Select one of the Bioethical issue from the list below
2. Develop a list of your personal ethical and moral feelings toward the issue
3. Research and list the professional ethics and morals of this issue
4. Explain how your personal ethics and morals might affect the professional ethics in the medical profession
5. Explain how you can respond to this dilemma in a professional manner without compromising integrity.
6. Describe your plan to reconcile your personal ethical and moral feelings/attitudes with your obligation to act as a medical professional.

Current Bioethical Issues
1. In-vitro fertilization
2. Artificial insemination
3. Organ Transplant
4. Genetic Cloning
5. Right to Die Euthanasia
6. Fetal Research
7. Sexual preferences
8. Sexually related surgery
9. Alternative family units
10. AIDS
11. Allocation of healthcare
12. Embryonic Stem Cell Research

Rubric:
1. Listed and explained their personal ethics and morals toward the selected topic.
2. Explained how their personal ethics and morals might affect the professional ethics of their field.
3. Provided a thoughtful response to the dilemma between personal and professional ethics.
4. Provided a thoughtful plan to reconcile their personal ethical and moral attitudes with their obligation to act in a professional manner.
5. Student must achieve a score of 75% to pass.

Lesson 2
Objectives: 3

<table>
<thead>
<tr>
<th>Time</th>
<th>Online Engagement Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours 4</td>
<td>Lecture/Presentation:</td>
</tr>
<tr>
<td></td>
<td>Key Concepts from –</td>
</tr>
<tr>
<td></td>
<td>Chapter 4: Working in Today’s Healthcare Environment</td>
</tr>
<tr>
<td></td>
<td>Chapter 5: The Physician-Patient Relationship</td>
</tr>
<tr>
<td></td>
<td>Preparation for Online Engagement:</td>
</tr>
<tr>
<td></td>
<td>Read Lesson 2 Presentation on your Moodle Course Home page and Chapter 4 and 5 in full</td>
</tr>
</tbody>
</table>
2 | **Discussion: Ethics Case**  
Lesson 2 covers Chapters 4 and 5 in your text. Please discuss the case below and share your answers to *all questions* associated with it as your Main Post.  
- Discussion Case #2 on pages 97

2 | **Assignment(s): Managed Care Organizations (MCOs)**  
1. What can be done to ensure that MCOs provide ethical care for all patients? In addition, discuss the impact that managed care is likely to have on your career in healthcare. Write a short narrative (250-300 words) to explain your answers.
2. Write a 1-2 page paper, based on the following scenario, specifically addressing the following patient rights: a. choice of treatment, b. consent for treatment, and c. refusal of treatment. Demonstrating sensitivity to the patient’s right and HIPAA.  
   a. Scenario A 65 year old male is diagnosed with early stage prostate cancer following a prostate biopsy. The doctor explained to the patient this was caught very early and treatment with radiation or chemotherapy has a very high probability of success. The patient states he wants to try more natural homeopathic treatments for this disorder. The physician recommends speaking with his spouse and an oncologist before making the decision to use an alternative treatment. The patient states he has seen his friends on chemo and radiation therapies and he doesn’t want that type of life. He also states he does not want the doctor to tell his wife of his condition. What can the doctor do? Explain how this relates to the Patient’s bill of rights and HIPAA.

2 | **Course Project Research/Preparation:**  
Lesson 2: Outline and sources Personal vs. Professional Ethics.

1 | **Assessment**  
Covers content in Chapter 4 and 5

---

**Lesson 3**  
**Objectives: 4, 5**

<table>
<thead>
<tr>
<th>Time</th>
<th>Online Engagement Hours</th>
</tr>
</thead>
</table>
| **Hours 4** | **Lecture/Presentation:**  
**Key Concepts from -**  
Chapter 6: Professional Liability and Medical Malpractice  
Chapter 7: Public Duties of the Healthcare Professional  
**Preparation for Online Engagement:**  
Read Lesson 3 Presentation on your Moodle Course Home page and Chapter 6 and 7 in full |

| 2 | **Discussion: What Would You Do?**  
What would/should you do if you see a fellow employee “wasting” non-narcotic medications by taking them home? |
2

Assignment(s): Malpractice and Tort Reform

1. Conduct two web searches; one for each of the following topics:
   - Medical malpractice insurance
   - Tort reform

   Briefly summarize (250-300 words) how these two concepts relate to each other. In your summary, address whether or not notable sources advocate tort reform as one solution to high medical malpractice insurance rates.

2. Write a short paper 1-2 pages discussing either of the following:
   A. Scenario: Patient presents with a communicable disease, which is not reported by the designated staff member. The medical assistant alerts the physician or clinical supervisor or office manager regarding the failure and explains the implications to the provider.
   B. Scenario: A medical assistant does not wear gloves during a dressing change and hands are contaminated with body fluids. What are the implications for the patient and the medical assistant's health and safety?

2

Course Project Research/Preparation:
Lesson 3: Rough draft, Personal vs Professional Ethics.

2

Assessment
Covers content in Chapter 6 and 7
Mid-term Evaluation

Lesson 4
Objectives: 4, 5, 8

Time  | Online Engagement Hours
---|---
Hours 4 | Lectures/Presentations:
Key Concepts from -
Chapter 8: Workplace Law and Ethics
Chapter 9: The Medical Record
Chapter 10: Patient Confidentiality and HIPAA

Preparation for Online Engagement:
- Explore this website to find your state board of medical practice. Then review the state website for the latest information on legal issues (http://search0.ama-assn.org/main/isp/templates/primaryJSP/fullview.jsp?keyword=current+legal+issues&FilterList=&advancedSearch=&sort=&pagination=)
- Review the website for the National Association of Healthcare Quality (www.nahq.org) to learn about consumer-driven quality improvement.

2

Discussion: What Would You Do?

What would you do if you saw a nurse making a change in a patient's medical chart after receiving a subpoena duces tecum for that medical chart? In your Main Post, clearly identify what that subpoena is for and what specifically you would do and why, based on what you learned.

2

Assignment(s): HIPAA and CDC Regulations

- Essay: Importance of the Medical Record Write a 2-3 page essay applying HIPAA rules in regard to privacy and the release of information. Essay must include how you what constitutes a violation, how would you report a violation of HIPAA and how can you better protect the medical record.
- Review the PowerPoint located at [http://www.cdc.gov/phlp/docs/phl101/phl101-unit-5---16jan09-secure.pdf](http://www.cdc.gov/phlp/docs/phl101/phl101-unit-5---16jan09-secure.pdf). Look for information regarding failure to comply with Center for Disease Control (CDC) regulations. (Read the lecture notes as well.) Based on your reading write a 1 page summary of the consequence for failure to comply with CDC regulations in the healthcare setting.

### 2 Course Project Research/Preparation:

Lesson 4: Peer review Personal vs. Professional Ethics.

### 2 Assessment

Covers content in Chapter 8, 9 and 10

---

**Lesson 5**

*Objectives: 6, 7*

<table>
<thead>
<tr>
<th>Time</th>
<th>Online Engagement Hours</th>
</tr>
</thead>
</table>
| Hours 4 | **Lecture/Presentation:**  
Key Concepts from -  
Chapter 11 Ethical and Bioethical Issues in Medicine  
Chapter 12 Ethical Issues Relating to Life  
Chapter 13 Death and Dying  
**Preparation for Online Engagement:**  
Read Lesson 6 Presentation on your Moodle Course Home page and Chapter 11, 12 and 13 in full |
| 2 | **Discussion: The Stages of Death**  
Explain in your own words how patients and families might display each of the 5 stages of death and dying. Address the impact this process may have on a patient’s or the patient’s family’s choice of, consent for or refusal of treatment and other patient rights. |
| 2 | **Assignment(s):**  
1) **HIPAA**  
Review the CD-ROM that comes with this course – *HIPAA: The Privacy Rule and Health Care Practice*. Imagine that you are training a new hire in your healthcare practice on HIPAA. Write a one to two page (minimum of 500 words) paper that reflects how you will explain the following:  
- HIPAA Basics  
- An organization’s obligation under HIPAA  
- Key provisions of HIPAA  
- Protection of the Medical Record  
- Healthcare professionals’ responsibilities under HIPAA  
- Penalties for non-compliance  
2) **Reporting Illegal Acts:**  
Write a paper (500 word minimum) describing the proper protocol for reporting illegal activities in the healthcare setting such as “wrongful discharge”. Your instructor will provide you with a scenario. |
| 2 | **Course Project Research/Preparation:**  
Lesson 5: Final Draft Turn-in |
| 2 | **Assessment**  
Covers content in Chapter 11, 12 and 13  
Course Survey |
CAAHEP Standards 2015

CONTENT AREA III: Infection Control

Cognitive (Knowledge)
III.C.7 Identify Center for Disease Control (CDC) regulations that impact healthcare practices

Affective (Behaviors)
III.A.1 Recognize the implications for failure to comply with Center for Disease Control (CDC) regulations in healthcare settings

Content Area IV. Applied Communication

Cognitive
IV.C.17 Discuss the theories of:
   c. Kubler-Ross

CONTENT AREA X: Legal Implications

Cognitive (Knowledge)
X.C.1. Differentiate between scope of practice and standards of care for medical assistants
X.C.2. Compare and contrast provider and medical assistant roles in terms of standard of care
X.C.3. Describe components of the Health Insurance Portability & Accountability Act (HIPAA)
X.C.4. Summarize the Patient Bill of Rights
X.C.5. Discuss licensure and certification as they apply to healthcare providers
X.C.6. Compare criminal and civil law as they apply to the practicing medical assistant
X.C.7. Define:
   a. negligence
   b. malpractice
   c. statute of limitations
   d. Good Samaritan Act(s)
   e. Uniform Anatomical Gift Act
   f. living will/advanced directives
   g. medical durable power of attorney
   h. Patient Self Determination Act (PSDA)
   i. Risk management
X.C.8. Describe the following types of insurance:
   a. Liability
   b. professional (malpractice)
   c. personal injury
X.C.9. List and discuss legal and illegal applicant interview questions
X.C.10. Identify:
   a. Health Information Technology for Economic and Clinical Health (HITECH) Act
   b. Genetic Information Nondiscrimination Act of 2008 (GINA)
   c. Americans with Disabilities Act Amendments Act (ADAAA)
X.C.11. Describe the process in compliance reporting:
   a. unsafe activities
   b. errors in patient care
   c. conflicts of interest
   d. incident reports
X.C.12. Describe compliance with public health statutes:
   a. communicable diseases
   b. abuse, neglect, and exploitation
   c. wounds of violence
X.C.13. Define the following medical legal terms:
   a. informed consent
   b. implied consent
   c. expressed consent
   d. patient incompetence
   e. emancipated minor
   f. mature minor
   g. subpoena duces tecum
   h. respondent superior
   i. res ipsa loquitur
   j. locum tenens
   k. Defendant
   l. Plaintiff
   m. arbitration mediation
   n. Good Samaritan laws
Psychomotor (Skills)
X.P.1. Locate a state’s legal scope of practice for medical assistants
X.P.2. Apply HIPAA rules in regard to:
   a. privacy
   b. release of information
X.P.4. Apply the Patient’s Bill of Rights as it relates to:
   a. choice of treatment
   b. consent for treatment
   c. refusal of treatment
X.P.6. Report an illegal activity in the healthcare setting following proper protocol

Affective (Behaviors)
X.A.1. Demonstrate sensitivity to patient rights
X.A.2. Protect the integrity of the medical record

CONTENT AREA XI Ethical Considerations

Cognitive (Knowledge)
XI.C.1. Define:
   a. ethics
   b. morals
XI.C.2. Differentiate between personal and professional ethics
XI.C.3. Identify the effect of personal morals on professional performance

Psychomotor (Skills)
XI.P.1. Develop a plan for separation of personal and professional ethics
XI.P.2. Demonstrate appropriate response(s) to ethical issues

Affective (Behaviors)
XI.A.1. Recognize the impact personal ethics and morals have on the delivery of healthcare

**Standards listed without procedure numbers should be accomplished through assignments, homework, additional competencies, projects, or assessments, and when successfully completed, should be kept in the student’s permanent file. Competencies must be scored by Standard Number (X.P.1) in the grade sheet. CAAHEP standards that clearly address Medical Assistant’s specifically should be modified for the individual student’s specialty.

<table>
<thead>
<tr>
<th>CAAHEP Standard</th>
<th>CAAHEP Standard</th>
<th>Procedure Number</th>
<th>Procedure/Assignment/Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>XI.P.1</td>
<td>Locate a state’s legal scope of practice for medical assistants</td>
<td>Assignment Lesson #1</td>
<td></td>
</tr>
</tbody>
</table>
| X.P.2            | Apply HIPAA rules in regard to:  
                      a. privacy
                      b. release of information | Assignment #1, Lesson #4 |
| X.P.4            | Apply the Patient’s Bill of Rights as it relates to:  
                      a. choice of treatment
                      b. consent for treatment
                      c. refusal of treatment | Lesson 5 Discussion #1 |
| X.P.5            | Perform compliance reporting based on public health statutes | Assignment Lesson #3 |
| X.P.6            | Report an illegal activity in the healthcare setting following proper protocol | Lesson 4 Discussion #1 |
| X.A.1            | Demonstrate sensitivity to patient rights | Lesson 2 Discussion #1 |
| X.A.2            | Protect the integrity of the medical record | Lesson 5 Assignment #5 |
| XI.P.1           | Develop a plan for separation of personal and professional ethics | Research Project |
| XI.P.2           | Demonstrate appropriate response(s) to ethical issues | Research Project |
| XI.A.1           | Recognize the impact personal ethics and morals have on the delivery of healthcare | Research Project |
Competency Policy Addendum

**Demonstrations:**
- The student will be presented with an instructor demonstration of each required skill during class sessions. If the demonstration of a skill is missed, the student will be responsible for independently obtaining the appropriate information necessary to become proficient in the skill.
- The student will receive the steps for completing each required task.

**Written Competencies:**
- The student will be presented with required material during class sessions. If the class in which the material discussed is missed, the student will be responsible for independently obtaining the appropriate information necessary to become proficient in the information.
- The student will receive information required to demonstrate understanding of the information.

**Grading of Competencies:**
- Each requirement of the procedures for a competency will carry an assigned value. The point value will reflect each step as being considered a critical, essential or important to the procedural technique. Failure to perform any “critical” element of the competency will result in an automatic failure of the competency.
  - Students should reference the rubric for competencies in their given discipline.
- A minimum of 75% must be attained on the demonstration (or written) competency in order to pass the procedure.
- In the event the student does not meet the minimum score requirement of 75%, the student will be required to repeat the procedure within one week (or by the end of the term). If within the last week of the term, and must receive a minimum of 75% to pass the repeat demonstration.
  - In some programs (due to animal/lab needs), the student may not be able to repeat the demonstration within a week of the instructor/program director will work on a plan for the completion.
- The student will have a total of three attempts to achieve a passing score. If the student fails the third attempt, the student will not pass the competency.
- If the student misses the class period in which the competency is given, the student will receive a “0” and that will count as an attempt.
- No penalties will be assessed for subsequent attempts, and only the final attempt (or passing attempt) will count in the student's overall grade for the course.
  - Competency grades will be recorded in the Project/Portfolio category.
- The student should be prepared for relating knowledge about the skill that would pertain to the procedure being performed at the time of the return demonstration.
- A student exhibiting unprofessional conduct or inappropriate dress code during the laboratory practice or testing will warrant a deduction of 10% from the student's grade for that attempt.
- A student will fail the course. If failing more than one competency by the end of the term unless the program is approved by CAAHEP requiring the student to pass all competencies within each course, unless permission is given by the Program Director to progress given resources available (example, animal/equipment availability).

Students must pass all required competencies before being allowed to go out on an externship/practicum, unless otherwise approved by the Program Director. The student may still pass an individual class with one failed competency (unless approved by CAAHEP, where the student must pass all competencies within each course); however, that competency must be mastered prior to going out on externship.

**As stated in the Campus Catalog, candidates for graduation must successfully pass and complete all competency and skill performance testing required for the program. Students in the Medical Assisting program are required to complete all required competencies in the Medical Assisting program with a passing grade in order to graduate from the program.**