CONTEMPORARY MEDICAL & LEGAL ETHICS, THREATS & CHALLENGES

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Ethical Principles in Health Care

Ethical principles should define the interaction between health care professionals, their patients & their colleagues. Ethics, laws & health care principles influence what are considered appropriate & inappropriate behaviors.

Ethical Principles in Health Care

In each of the vignettes, participants are asked to identify any ethical, legal or health care or professional behaviors, decide whether they were appropriate or inappropriate and to identify and discuss any other issues.

Vignette

Whose Team Are You On?

Is there a conflict of interest?

Is there anything illegal about this arrangement?

Is there an ethical and legal manner for each of these patient advocates to collaborate?
Overview of the Opioid Crisis

In 2014, 28,647 people died of an opioid overdose.

- Over 1,000 people will be treated today in an ER for an overdose.
- 78 people will die today of an overdose.

Vignette

Not Without An MRI

Vignette

Breast Lump - Just write in down!
A doctor informs a patient that her mammogram will not be covered by insurance based on certain criteria. When the patient presses the issue, the doctor says that the test would only be covered if she had a breast mass on exam. The patient tries to convince the doctor to document that she has a breast mass on exam.

Just write it down?

• Does this encounter change the doctor–patient relationship into one that is adversarial?
• Since the mammogram would make the patient feel more secure that a more serious problem would not be missed, is it appropriate to document that she had a mass?
• How would you handle this situation?

NAC 630.230 Prohibited professional conduct

1. A person who is licensed as a physician or physician assistant shall not:
   (a) Falsify records of health care;

NRS 633.131 “Unprofessional conduct” defined.

1. “Unprofessional conduct” includes:
   (f) Engaging in any:
   (1) Professional conduct which is intended to deceive...; or
   (n) Making alterations to the medical records of a patient that the licensee knows to be false.

Vignette

Who’s problem is it?

A physician sitting in a public cafeteria meets a colleague who is on his way to perform surgery and who appears to be impaired (inebriated). The concerned physician finds a bottle of liquor in his colleague’s bag when he briefly steps away. The colleague returns, picks up his bag & presumably goes to the OR.

Whose problem is it?
Who’s problem is it?

• Was it appropriate for the concerned physician to look into his colleague’s bag?
• Does the concerned physician have an ethical, professional or legal obligation to address his impaired colleague?
• How might you handle this situation?

Vignette

You don’t say?

A patient follows up with her provider, who asks whether she kept her appt. with a psychiatrist. She hesitates to answer, then discloses that the psychiatrist made sexual advances. The physician appears concerned but questions whether she overreacted or misinterpreted what happened. When she repeats her claim, the physician tells her “these are serious accusations”.

You don’t say?

• Did the provider make eye contact when he initially interacted with her?
• Should the physician had been more sensitive to the patient?
• Was his reaction to her accusation? Was it appropriate?
• What are possible actions that the patient and physician can take at this time?

You don’t say?

• Does the physician have professional or legal responsibilities beyond his personal care of the this patient?
• Is he responsible for protecting the public from the psychiatrist?
• Does the accused psychiatrist have any recourse when such accusations are made?
Don’t Write That Down

Is there a duty to inform a patient that whatever he or she says will be part of the medical record?

Where does confidentiality end?

Who has access to a patient’s medical record?

Can patient erase the visit along with the medical record of the visit?

Is there liability for not recording “accurate and complete” medical history?

Telemedicine and Your Most Private Problems

On the internet, no one knows you’re a dog
Vignette

How do you ensure privacy of your information?

Where do medical records exist in telemedicine?

Are there advantages of using telemedicine in intimate or embarrassing situations?

Vignette

Assisted Suicide vs Death With Dignity, Is There a Difference?

Is there a conflict between Hippocratic Oath and Patient Autonomy?

Is there an ethical and/or legal problem advising a patient to travel to another State where termination of life is permitted?

Thank God He Stopped Talking!!!