Chapter 3 Medical, Legal, and Ethical Issues

Introduction
• A basic principle of emergency care is to do no further ___________________________.
• A health care provider usually avoids legal exposure if he or she acts:
  – In good faith
  – According to an appropriate ___________________________ of care
• Litigation against EMS will increase due to wider availability and more complex care

Consent (1 of 2)
• Every ___________________________ adult is able to give consent
• ___________________________ (Informed) Consent
  -Pt must understand nature and risks
  -Usually in ___________________________ at hospitals
  -Can be verbal
  -Most ___________________________ type of consent in EMS

Consent (2 of 2)
• ___________________________ Consent
  Where there is a risk of death, worsening of condition, or ___________________________,
  the law assumes that the person would give his/her consent
• Applies to:
  -Unconscious, Delusional
  -Physically incapable of consenting
    - ___________________________

Forcible Treatment
• In some cases, a patient can be forcibly treated
  -Pt is a danger to ___________________________ or others
  -Court order
  -Mentally incompetent to consent
• Law enforcement should be used
  -should ___________________________ EMS
  -If restrained, restraints should NOT be ___________________________

Consent From Minors (1 of 2)
• Minors--Under the age of ________
• Can consent for themselves if:
  -emancipated from parents
  - ___________________________
  -pregnant
  -on ___________________________ duty with armed forces

Consent From Minors (2 of 2)
• Who can consent for minors?
• 1. ___________________________(only 1 is required)
• 2. Grandparent
• 3. Adult uncle or aunt
• 4. Legal ___________________________
• 5. ___________________________ brother or sister
8 Refusal of Treatment (1 of 2)
• Mentally ___________________________ adults have the right to refuse care.
• Patients must be informed of risks, benefits, treatments, and alternatives.
• EMT-B should obtain a ___________________________ and have a witness present, if possible.

9 Refusal of Treatment (2 of 2)
• Pt Refusals is most common type of call for ___________________________.
• A well written report is best defense against lawsuits
• You must show that the pt is ___________________________ competent
• You must document ___________________________ you determined mental capacity

10 Confidentiality
• Information received from or about a patient is considered ___________________________.
• Disclosing information without permission is considered a breach of confidentiality.
• Generally, ___________________________ can only be disclosed if the patient signs a written release.

11 Advance Directives
• Specifies medical treatments desired if patient is unable to make decisions
• Do not resuscitate (__________) orders:
  - Patients have the right to refuse resuscitative efforts.
  - Require a written order from one or more physicians
  - When in doubt, ___________________________ resuscitation and contact medical control.

12 Physical Signs of Death
• Death is the ___________________________ of circulatory and respiratory function.
• If the body is still ___________________________, initiate care.
• If ___________________________ is present, initiate care.

13 Presumptive Signs of Death
• Unresponsive to ___________________________ stimuli
• Lack of pulse or heartbeat
• Absence of breath sounds
• No deep tendon or corneal reflexes
• Absence of ___________________________ movement
• No systolic blood pressure
• Profound ___________________________
• Decreased body temperature

14 Definitive Signs of Death
• Obvious mortal injury
• Dependent ___________________________
• Rigor ___________________________
• Putrefaction (decomposition of body)

15 Medical Examiner Cases
• DOA or DOS
• ___________________________ cause of death
• Suicide
• Violent death
• ___________________________
• Accidents
• Suspicion of ___________________________ action

16 Special Situations
• ___________________________ donors
• Medical identification ___________________________

17 Scope of Practice
• Defined by state law or by ___________________________ in local response area
• Outlines care you can provide
• Further defined in protocols and standing orders
• Authorized through ___________________________ and off-line medical direction

18 Delegation of Practice (1 of 2)
• Only ___________________________ licensed to practice medicine in that state are authorized to delegate in the pre-hospital setting
• NP's, PA's, and nurses are ___________________________ allowed to delegate to EMS personnel

19 Delegation of Practice (2 of 2)
• Delegation of practice may be in the form of protocols, standing orders, written down, in person, or by ___________________________ over a radio or telephone
• Delegation may be relayed through an RN, via radio or phone, so long as the physician is physically present and communicating directly with the RN
• EMS personnel ___________________________ delegate practice

20 Standard of Care (1 of 4)
• Standard in which an EMT must act or behave when giving care
• Based on “How a reasonably prudent person with ___________________________ training and experience would act under similar circumstances, with similar equipment, and in the ___________________________ place.”

21 Standard of Care (2 of 4)
• Standard imposed by local ___________________________
  — Often based on locally accepted protocols
• Standard imposed by the ___________________________
  — May be imposed by statutes, ordinances, administrative guidelines, or case law

22 Standard of Care (3 of 4)
Professional or institutional standards:
• Recommendations published by ___________________________ and societies
• Specific ___________________________ and procedures of your service or organization

23 Standard of Care (4 of 4)
• Texas Administrative Code
  — Texas Department of State Health Services (_____________)
  — Texas State Board of Medical ___________________________

24 Standards Imposed by the State
Medical Practices Act:
• Exempts EMT-Bs from ___________________________ requirements
• Process of evaluating and recognizing that EMT-B has met certain predetermined standards

25 **Physician on Scene (1 of 2)**
- Always ask for ________ if physician unknown
- Physician must be willing to go with patient in order to direct care
- If physician orders you to do something that you are not trained to do, respectfully refuse and contact medical control via ___________________________ or phone

26 **Physician on Scene (2 of 2)**
- If physician wants to perform a procedure that you do not think is ________________, contact medical control and have physician speak to medical control physician
- Never ___________________________ follow orders that you feel are inappropriate
- DOCUMENT, DOCUMENT, DOCUMENT!

27 **Who is in Charge?**
- Physicians have ___________________________ authority unless they are willing to go with patient in the ambulance.
- ___________________________, RT’s, CNA’s, PA’s, Nurse Practitioners have no authority in pre-hospital setting.

28 **Transportation Decision**
- Texas State Law requires EMS providers to transport the patient to the closest ________________ facility.
- We are not required to take the patient to a hospital of their choice
- Use common sense and try to obtain patient’s ___________________________

29 **Duty to Act**
- Individual’s responsibility to provide patient ___________________________.
- Responsibility to provide care comes from either ___________________________ or function.
- Legal duty to act begins once an ambulance responds to a call or ___________________________ is initiated.

30 **Duty to Act**
- All governmentally associated services must respond in their ___________________________ area
- Some volunteer or private services ___________________________ be exempt unless care is advertised
- Only persons on ___________________________ are obligated to provide care

31 **Negligence**
Failure to provide the same care that a person with similar training would provide

32 **Negligence Determination (1 of 2)**
- ___________________________ to Act
  - Responsibility to act reasonably based on standard of care
- ___________________________ of duty
  - Failure to act within expected and reasonable standard of care

33 **Negligence Determination (2 of 2)**
- Damages/ ___________________________
Physical or psychological harm created in a noticeable way
  • Existence of reasonable cause and effect.
  • All 4 aspects must exist for negligence to apply.

Abandonment
  • Termination of care without patient’s ___________________________
  • Termination of care without provisions for ___________________________ care
  • Care cannot stop unless someone of equal or higher training takes over

Assault, Battery, and Kidnapping
  • Assault
    – Unlawfully placing a person in ___________________________ of immediate bodily harm without consent
  • Battery
    – Unlawfully ___________________________ a person
  • Kidnapping: Seizing, confining, abducting, or carrying away by force

Defamation
  • Communication of ___________________________ information that damages reputation of a person
    – ___________________________ if written
    – ___________________________ if spoken
  • Defamation could happen with:
    – False statement on a run report
    – Inappropriate ___________________________ made during conversation
  • Run report should be accurate, relevant, and factual.

Good Samaritan Laws and Immunity
Good Samaritan Laws:
  • Based on the principle that you should not be liable when assisting another in ___________________________ faith
  • Provides an ___________________________ defense if sued
  • Does ___________________________ apply if on duty
Immunity:
  • Usually reserved for ___________________________

Ethical Responsibilities
  • Make the physical/emotional needs of the patient a ___________________________.
  • Practice/maintain skills to the point of mastery.
  • Critically ___________________________ performances.
  • Attend continuing education/refresher programs.
  • Be ___________________________ in reporting.

Records and Reports
  • Complete documentation is a safeguard against legal complications.
  • If an action or procedure is not ___________________________, courts assume it was not performed.
  • An incomplete or ___________________________ report is considered evidence of incomplete or inexpert care.
Cardinal Rule of Report Writing
IF IT WASN’T ___________________________ DOWN, IT WASN’T DONE!

41 Special Reporting Requirements (1 of 2)
• Abuse of ___________________________, elderly, and spouse
• Injury during the commission of a felony
  – Does not include accidental

42 Special Reporting Requirements (2 of 2)
• Infectious disease exposure
• ___________________________ scene

43 The EMT in Court
• You may be called to give ___________________________
• Trial or depositions
• May be ___________________________ or civil
• You report may be the only thing to refresh your memory
• Your report ___________________________ be subpoenaed

44 Conclusion