

1 Chapter 3 Medical, Legal, and Ethical Issues

2 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

3 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

4 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
 - - _____

5 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 _____

6 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

7 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.

34 **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

35 **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

36 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.

37 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 _____

38 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.

39 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.

40 Records and Reports

- 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
- _____-related injury
 - 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**

- ALWAYS treat your patient as you would wish a
_____one treated, and you will avoid most legal and
ethical problems