Module 3 Answer Keys

CHAPTER 6  MEDICINE AND ETHICS

VOCABULARY REVIEW
1. advocate  
2. euthanasia  
3. ramifications  
4. Introspection  
5. Impaired  
6. clinical trials  
7. opinions  
8. Veracity  
9. duty  
10. reparations

SKILLS AND CONCEPTS

Part I: Making Ethical Decisions
1. Gather relevant information
2. Identify the type of ethical problem
3. Determine the ethics approach to use
4. Explore the practical alternatives
5. Complete the action

Answers to the scenario regarding Mr. Roberts
1. a. Locus of authority
   b. Cassandra and Janet
   c. The sisters should discuss the situation and try to come to a mutual agreement that would match what they think their father’s wishes might have been. Some cases such as this go to court for decisions.
   d. Ideally, the sisters will agree on their course of action.
   e. By presenting all options to patients, they allow the patient or the patient’s family member to make his or her own decisions.

Answers to the scenario regarding Dr. Patrick
2. a. Ethical dilemma
   b. Dr. Patrick
   c. Dr. Patrick should weigh the benefits and drawbacks of the new cancer center and make a decision based upon his own personal beliefs about the need for the center. Dr. Patrick cannot control the actions that Dr. Adams will take.
   d. Dr. Adams’ departure from the office could lead to an increase in revenue for Dr. Patrick. Additionally, another physician could be hired to take over Dr. Adams’ workload.
   e. Seeking counsel from similar professionals may help to determine the appropriate course of action even when there are an equal number of pros and cons. Another person may suggest a certain course of action or bring up ideas that were not previously considered.

**Optional Part II: Types of Ethical Problems
1. Distributive justice
2. Ethical dilemma
3. Locus of authority
4. Ethical distress

**Optional Part III: Opinions on Medicoethical Issues
1-10. Answers will vary. Views should be expressed logically. Reasons for views on each subject should be provided.
Part IV: Cases to Discuss

1-15. Answers will vary. Views should be expressed logically. Reasons for views on each subject should be provided.

Part V: Ethics and the Medical Assistant

1. Professionalism, good communication skills, ability to keep confidences, trustworthiness, and ability to understand both sides of a conflict are all potential descriptions of an ethical medical assistant.

Part VI: Rights and Duties

1. a. Neither
   b. Right
   c. Duty
   d. Right
   e. Right

2. There are several examples of situations in which rights or duties could be argued to be invalid. For example, the right to own a gun may be invalid for a person with a criminal record. The right to life could be argued if a person has killed another person. The duty to provide care to an elderly parent could be argued if the parent and child have had no contact for a length of time.

Part VII: Confidentiality

1. Hallways, elevators, break rooms, lunch rooms, waiting or reception areas

2. Termination of employment

3. First, it is the law. As a result of HIPAA, statutes dealing with patient privacy have set strict penalties for breaches of the law. Patients have the right to expect that their information will be treated in a confidential manner. Sharing information is considered unethical unless it is necessary for the care and well-being of the patient.

CASE STUDIES

1. Today’s blood banks usually allow patients to place a sticker on their record that denotes whether the blood should or should not be used. Robert knows that his blood should not be used for donations, but he does not wish to be questioned about his refusal to donate blood. This method gives individuals who know that they have a reason for not donating blood a way to participate in company blood drives. Some blood banks may not use this method. Of course, Robert can simply refuse to donate without offering a reason. He certainly has the right to privacy.

2. Cameron should explain to Mrs. Rainer that she is obligated to report any information that might affect the patient’s health and well-being to the physician. It may be helpful for Cameron to offer to be with Mrs. Rainer when she discusses this with the physician, offering the patient some moral support. The medical assistant must keep her priorities in order and remain loyal to her employer. The relationship with the patient is important, but a medical assistant should never withhold information from the physician, even at the patient’s request.
CHAPTER 7

VOCABULARY REVIEW

1. allegations
2. arbitration
3. contributory negligence
4. expert witness
5. implied
6. jurisprudence
7. negligence, abandonment
8. preponderance, evidence
9. reasonable doubt
10. plaintiff
11. paraphrased
12. jurisdiction
13. libel
14. municipal
15. ordinances
16. appealed
17. damages
18. due process
19. docket
20. defendant
21. respondent
22. liable
23. assault
24. battery
25. felony
26. informed
27. precedents
28. subpoena
29. subpoena duces tecum
30. verdict

SKILLS AND CONCEPTS

Part I: Classification of Law

1. a. misdemeanors
   b. felonies
   c. treason
2. a. administrative
   b. contract
   c. tort
3. infraction
4. individuals or groups
5. state, government
6. Tort

Part II: Anatomy of a Medical Professional Liability Lawsuit

1. a. Manifestation of assent
   b. Legal subject matter
   c. Legal capacity to contract
   d. Consideration
2. a. Physician invites offer
   b. Patient accepts offer
   c. Physician accepts offer by undertaking treatment
3. a. Care is being discontinued
   b. Physician will forward medical records to another doctor
   c. Patient should seek medical care as soon as possible
4. Via certified mail
5. No, but this information must be well documented in the patient’s medical record.
6. Having jurisdiction over a case means that the entity has legal authority over a matter.
7. U.S. Supreme Court
8. A deposition is testimony taken from a party or witness in a litigation not limited to the parties in the lawsuit. An interrogatory is a list of questions from each party to the other in a lawsuit.
9. Twenty-one days to respond; issued in the same state; issued by a federal court in the same state; issued by a law officer in the same state; served less than 15 days before trial.
10. The person should dress conservatively and should ask the attorney if unsure of the proper attire.

11. The respondent

12. Negligence is the failure to exercise the care a prudent person usually exercises. It implies inattention to one’s duty or business and want of due or necessary diligence or care.

13. *Malfeasance*, or performance of an act that is wholly wrongful and unlawful; *misfeasance*, or improper performance of a lawful act; *nonfeasance*, or failure to perform an act that should have been performed.

14. Contributory negligence exists when the patient contributes to his or her own condition. It can lessen the damages that can be collected or even prevent them from being collected altogether.

15. A medical assistant acts on behalf of a physician in carrying out most of his or her duties; however, the medical assistant may perform an act that can result in litigation. For example, if the medical assistant gives a patient the wrong medication or the wrong dose of medication, both the physician and medical assistant can be held liable for the error.

16. Tort law provides relief for those who have suffered harm from the actions of others. The plaintiff must establish duty, breach of duty, damages as a result of the breach of duty, and extent of the damages suffered.

**NOTE:** There is no Part III activity in the Study Guide.

**Part IV: Short Answer Questions**

1. act
2. malfeasance
3. OSHA
4. statute
5. nonfeasance
6. testimony
7. quackery
8. misfeasance
9. manifestation
10. ordinance
11. CLIA

**Part V: Inside the Courtroom**

1. T
2. F
3. F
4. F
5. F
6. T
7. T
8. T

**Part VI: The Four Ds of Negligence and Damages**

1. The missing “D” is damages; the patient did not suffer injury. To prove a claim of negligence, the patient must prove duty, dereliction of duty, direct cause, and damages. Without all four, the court will usually not rule that negligence exists.

2. Although an ethical duty may exist, a legal duty does not apply in this situation.

3. Dereliction of duty. Doctors cannot heal all patients, and if the physician treated the patient with adequate care, it would be very difficult to prove that the physician somehow neglected the patient.

4. Compensatory damages

5. Punitive damages are designed to punish and deter from further wrongdoing.