

# Medical, Legal, & Ethical Issues

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Chapter 3

## Medical, Legal, and Ethical Issues

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- Basic legal principles govern the way first responders provide care.
- Laws differ from one location to another.

## Duty to Act

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- Employed or not employed?
- Legal responsibility to:
  - Respond promptly to an emergency.
  - Provide care.
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## Standard of Care

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- The level of care you are expected to provide
- Treat patient to best of your ability.

## Scope of Care

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- Defined by:
  - National Curriculum for First Responders, developed by U.S. DOT
  - State scope of care laws may modify parts of DOT specifications

## Ethical Responsibilities and Competence

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- Conform to accepted professional standards of conduct.
- Maintain up-to-date skills and knowledge.

(1 of 2)

## Ethical Responsibilities and Competence

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- Continuing education and refresher courses
- Participate in quality-improvement activities.

(2 of 2)

## Consent for Treatment

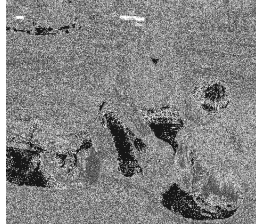
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- Expressed consent
  - Must be of legal age
- Implied consent
  - Assumed consent when patient does not refuse care as a result of being unconscious, under age, or unable to respond

(1 of 2)

## Consent for Treatment

- Consent for minors
  - Not capable of legally speaking for themselves
- Consent of mentally ill



(2 of 2)

## Patient Refusal of Care

- Competent
  - Able to make rational decisions about personal well-being
- A competent person has the legal right to refuse care.

## Advance Directives

- Legal document with specific instructions
  - Patient does not want to be resuscitated or kept alive by mechanical support systems.
- Examples:
  - Advance directives to physicians
  - Durable power of attorney for health care
  - Do not resuscitate (DNR) orders

(1 of 2)

## Advance Directives

- If unable to determine legal validity of advance directive, begin appropriate medical care.
- Some states have systems in place to identify patients with advance directives.

(2 of 2)

## Abandonment

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## Persons Dead at the Scene

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- Decapitation: Head separated from body
- Rigor mortis: Temporary stiffening of muscles
- Tissue decomposition: Flesh decay
- Dependent lividity: Red or purple color in parts of body closest to ground

## Negligence

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- Occurs when patient suffers injury or harm due to care that did not meet standards
- For negligence to occur, four conditions must exist:

## Breach of Duty

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- Breaking of duty
- Failing to provide the type of care that would be provided by a person having the same or similar training
- 2 types

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- Act of omission

- Failure to do what a reasonably prudent person with the same or similar training would do in the same or similar circumstances

- Act of Commission

- Is doing something that a reasonably prudent person would not do under the same or similar circumstances

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## Proximate Cause

- Injuries related to your negligent actions
- Failure to act properly

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## Confidentiality

- Most patient information is confidential.
- Information should be shared with other medical personnel only.
- HIPAA
  - Provides guidance on protected information, health care provider responsibilities, and penalties for noncompliance
  - When unsure, do not release information except to other medical providers.

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## Good Samaritan Laws

- Legal experts agree they provide little or no legal protection for a rescuer.

## Regulations

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- Be familiar with federal, state, local, and agency regulations affecting your job.
- Certification or registration may be required to work as a first responder.
- You are responsible for keeping certifications current.

## Reportable Events

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- State and federal agencies have reporting requirements for certain crimes:
  - Assault (knife, gunshot wounds)
  - Auto collisions
  - Suspected child/elder abuse
  - Domestic violence
  - Dog bites
  - Rape

## Crime Scene Operations

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- Consider the following at a crime scene:
  - Protect yourself.
  - If scene is unsafe, wait for law enforcement.
  - Your first priorities are your safety and patient care.
  - Move patient only if necessary.
  - Touch only what you need to gain access to patient.

(1 of 2)

## Crime Scene Operations

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- Preserve scene for further investigation
- Be careful where you place equipment.
- Keep nonessential personnel away.
- Write a report about incident including a sketch of the scene.

(1 of 2)

## Documentation

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- Initial accounting describing patient's condition
- Legal record of treatment
- Basis for evaluating quality of care

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## Documentation

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- Condition of patient when found
- Patient's description of injury or illness
- Initial and repeat vital signs
- Treatment given
- Agency/personnel who took over care

(2 of 3)

## Documentation

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- Any other helpful facts
- Any reportable conditions present
- Any infectious disease exposure
- Anything unusual regarding the case

(3 of 3)