CHAPTER 4

Medical, Legal, and Ethical Issues

HANDOUT 4-2: Evaluating Content Mastery  Student’s Name

EVALUATION

CHAPTER 4 QUIZ

Write the letter of the best answer in the space provided.

_____ 1. Authority granted to a teacher or other adult by a child’s parents to make treatment decisions in their absence is called:
   A. habeus corpus.
   B. implied consent.
   C. in loco parentis.
   D. informed consent.

_____ 2. Mentally competent adults of legal age who accept care from an EMS crew are said to give:
   A. guardian consent.
   B. implied consent.
   C. partial consent.
   D. expressed consent.

_____ 3. EMS personnel can treat unconscious patients because the law holds that rational patients would consent to treatment if they were conscious; this principle is known as:
   A. expressed consent.
   B. implied consent.
   C. emergency consent.
   D. actual consent.

_____ 4. Minors who are married or of a certain age and who are legally able to give consent for medical care are known as:
   A. emancipated.
   B. implied consent.
   C. released.
B. practiced. D. responsible.

5. When a patient refuses care, he/she must sign a(n):
   A. codicil. C. DNR order.
   B. insurance rider. D. release form.

6. Refusal to go to a hospital may be a form of _____, or unwillingness to accept the idea of illness.
   A. revenge C. acceptance
   B. denial D. bargaining

7. If an EMT forces a competent patient to go to the hospital against his/her will, the EMT may be charged with:
   A. misprison. C. neglect.
   B. assault. D. breach of duty.

8. A legal document, usually signed by the patient and his physician, stating that the patient has a terminal illness and does not wish to prolong life through resuscitative efforts is called a(n):
   A. surrogate statement. C. codicil.
   B. DNR order. D. unspecified treatment order.

9. A person whom the signer of a document names to make health care decisions in case the signer is unable to make such decisions for himself/herself is called a(n):
   A. proxy. C. designated agent.
   B. assistant. D. heir.

10. Legislative measures intended to provide legal protection for citizens
and some health care personnel who administer emergency care are known as:


11. An EMT’s obligation in certain situations to provide care to a patient is referred to as a(n):

A. agency.                     C. proxy.
B. surrogate’s role.           D. duty to act.

12. If a jury finds that an EMT had a duty to a patient, that he failed to carry out that duty properly, and that his action caused harm to the patient, the EMT would be guilty of:

A. failure to act.              C. fraud.
B. libel.                      D. negligence.

13. Statutes that allow a person to abandon their parental duties and legally drop off a child to an EMS station or other public safety building are called:

B. Amber laws.                 D. free parent laws.

14. A DNR order is one example of a(n):

A. Good Samaritan law.         C. warrant.
B. confidentiality agreement.  D. advance directive.

15. The principle that information about a patient’s history, condition, or treatment must not be shared with unauthorized parties is called:
A. duty to withhold.  
B. breach of duty.  
C. confidentiality.  
D. disclosure.

16. If you discover that a critically injured patient is an organ donor, as an EMT you should:
   A. not provide further care.  
   B. verify the organ donor card.  
   C. notify the nurse or physician at the hospital.  
   D. notify the police.

17. Once police have made the scene safe, the priority of the EMT at a crime scene is to:
   A. preserve evidence.  
   B. provide patient care.  
   C. contact dispatch.  
   D. assist the investigation.

18. Leaving a patient after care has been initiated and before the patient has been transferred to someone with equal or greater medical training is known as:
   A. assault.  
   B. abandonment.  
   C. false imprisonment.  
   D. proximate cause.

19. The extent and limits of the job that the EMT does are referred to as:
   A. duty to act.  
   B. professional practice.  
   C. limits of liability.  
   D. scope of practice.

20. Simply stated, liability means:
   A. moral responsibility.  
   B. legal responsibility.  
   C. ethical responsibility.  
   D. referred responsibility.
REINFORCEMENT

IN THE FIELD

*Review the following real-life situation. Then answer the questions that follow.*

You are dispatched to 14 Mountain View Drive for a “difficulty breathing” call. There is something familiar about the address, which is in a neighborhood of fashionable homes, but you can’t quite place it.

Pulling up at the residence, you quickly assure that the scene is quiet and safe. You and your partner grab the jump kit and head for the front door. Before you can ring the bell, a man swings the door open and motions you inside. Now you know why the address is familiar. The man is Robert Gallow, a prominent figure in city politics.

He leads you upstairs, explaining as you go that his son has long suffered from cystic fibrosis. Right now, he’s having extreme difficulty in breathing, and Mr. Gallow would like you to transport him to Memorial Hospital.

In the bedroom to which he leads you, you find the son, Ken, lying in bed. He appears to be in his early 20s and is obviously struggling to breathe. Yet as you approach the bed, he manages to gasp out, “Go ’way . . . no doctors . . . want to die.”

His father turns to you and says, “Don’t pay him any mind. Just get him on oxygen and to the hospital.”

1. What should you do in this situation?

Later that day, you return to base. As you’re getting out of your vehicle, a woman walks up. She identifies herself as a reporter for the local paper and says, “I hear there was a tough call at Bob Gallow’s house with his son Kenny. You know, you can help protect yourself if you get the
straight facts into the paper. I won’t have to mention your name, and I won’t reveal who my sources are.”

2. What should you do in this situation?
CHAPTER 4 REVIEW

**Write the word or words that best complete each sentence in the space provided.**

1. In the case of a(n) _____________________ patient, consent to treat may be assumed.

2. When dealing with children and mentally incompetent adults, the ________________ and ________________ have the legal authority to give consent.

3. ________________ minors are those who are married or granted legal adult status to provide consent.

4. Failure to provide the standard of care is one of three elements that must be proved in a case involving a charge of _____________________ against an EMT.

5. If all efforts fail and the patient does not accept your care or transportation, you must have the patient sign a(n) ________________ ________________.

6. To refuse care, a patient must be ________________ ________________ and understand the risks of rejecting treatment.

7. A legal ________________ ________________ is an advance directive that prevents unwanted resuscitation.

8. An EMT who is on an ambulance and is dispatched to a call clearly has a(n) ________________ ________________ ________________.

9. In many states, an off-duty EMT has no legal obligation to provide ________________.

10. If the EMT is off duty and begins care, then leaves the patient before other trained personnel arrive, he may be considered to have ________________ the patient.

11. ________________ ________________ laws have been developed in most
states to provide immunity to individuals trying to help others in emergencies.

12. The only time that confidential information about a patient may be disclosed is when the patient has signed a(n) ______________________ ______________________.

13. A(n) ______________________ ______________________ is a patient who has completed a legal document that allows for that patient’s organs and tissues to be used by others in the event of his death.

14. Many lawsuits that allege negligence often involve the ______________________ transport of patients.

15. A(n) ______________________ ______________________ is a place where a crime has been committed or any place that evidence relating to a crime may be found.

16. The term ______________________ ______________________ describes a wide range of things usually invisible to the naked eye that can be found by investigators at a crime scene.

17. Many localities have ______________________ for reporting child, elderly, or domestic abuse.

18. Consent given by adults who are of legal age and mentally competent to make a rational decision in regard to their medical well-being is called ______________________ ______________________.

19. The primary ______________________ consideration within the EMT’s scope of practice is to make patient care and well-being a priority.

20. When an unconscious patient is so severely injured that his condition is life-threatening, the EMT may treat the patient under the doctrine known as ______________________ ______________________.

HANDOUT 4-5: Reinforcing Content Mastery  Student’s Name
MEDICAL/LEGAL AND ETHICAL ISSUES LISTING

Complete the following lists.

1. List two things that must be monitored frequently when transporting a restrained patient.
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

2. List four actions you might take to convince a patient who is refusing care to accept transport to a hospital.
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

3. List three of the four conditions that must be proven for a legal finding of negligence to be made against an EMT.
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

4. List five types of incidents that most states require health care professionals to report to authorities.
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
5. List five actions you can take to help police by preserving evidence at a crime scene.
MEDICAL/LEGAL AND ETHICAL ISSUES TRUE OR FALSE

Indicate if the following statements are true or false by writing T or F in the space provided.

______ 1. Within the scope of practice of an EMT, the primary ethical consideration is to make patient care and well-being a priority, even if this requires some personal sacrifices.

______ 2. Consent, or permission from the patient, is required for any treatment or action by the EMT.

______ 3. An unconscious patient must regain consciousness before consent can be granted and treatment can begin.

______ 4. Expressed consent must be obtained from patients who are physically or mentally able to give it.

______ 5. It is not legally necessary to explain all procedures to the conscious patient.

______ 6. Emergency care for a patient identified as an organ donor should not differ from the care provided to any other patient.

______ 7. Children and mentally incompetent adults are legally allowed to provide consent for their treatment.

______ 8. Patients who are mentally competent have the right to refuse medical care.

______ 9. A release form is designed to protect health care providers from liability arising from the patient’s informed refusal for treatment and transport.

______ 10. If an EMT follows the appropriate steps when treating patients who refuse care, it is a guarantee that he will be free from liability.

______ 11. An EMT may be able to “arrest” a patient who refuses care in order to provide
necessary treatment.

12. In all cases of refusal, the EMT should advise the patient to feel free to call back at any time if he has a problem or wishes to be cared for or transported.

13. A DNR order is an actual legal document.

14. It is better to be criticized or sued for saving a life than for letting a patient die.

15. In most cases, the oral requests of a family member are a sufficient reason to withhold care.

16. Patient refusal is a major cause of legal actions against EMS systems or EMTs.

17. Lawsuits against EMTs are actually quite common.

18. An EMT’s duty to act continues throughout the call.

19. The duty to act is always clear in the situations that EMTs face.

20. Good Samaritan laws do not prevent someone from initiating a lawsuit, nor will they protect the rescuer from being found liable for acts of gross negligence and other violations of the law.