

# Medical Law & Ethics: ALH 250

## Required Text

Law and Ethics for Medical Careers: Fifth Edition  
Judson, Karen; Harrison, Carlene; Hicks, Sharon

Course Title: ALH 250 Medical Law & Ethics

Discipline: Allied Health

***Instructor: Brenda Luczek, MS, LPN, CMA (AAMA)***

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Prerequisite: Test above COM 063 Reading for College

Credit Hours: 3

Contact Hours: 3

Final grades will be based on the following:

Classroom Requirements:

Attendance	(10%)
Homework & Assignments	(20%)
Research Paper	(30%)
Chapter Exams	(20%)
Final Exam	(20%)

***And by:***

Following all that the College Catalog requires. Following the homework and assignment folders and the Course Calendar. **ALL homework, assignments, chapter exams, Research Papers and the Final Exam must be completed (incomplete work receives a grade of (0) zero) by the stated DUE DATES listed on the Course Calendar in order for the student to be considered to have met the course requirements.**

**Students are expected to complete all course requirements including attending weekly sessions. After 3 (three) missed sessions and/or 2 (two) missed exams, the student may be dropped from the course.**

### **Academic Honesty and Classroom Standards:**

The faculty of the Allied Health Program is committed to providing an environment that is conducive to learning. Each faculty member encourages the free pursuit of learning, and respects the student as an individual. The student has the primary responsibility for being academically honest. Academic dishonesty includes cheating and plagiarism. Cheating refers to the **giving and/or receiving** of unauthorized copies of tests or another deceit or fraud related to the student's academic conduct. The definition of plagiarism, for the purpose of student misconduct, is to pass off as one's own the ideas or words of another or to present as one's own an idea or product derived from an existing source.

If it is determined that cheating has taken place, the student will receive **no points** for that exam, assignment or project. **A second act of cheating will automatically result in being dropped from the class with a failing grade.**

Expectations:

**\* Students are expected to take all chapter exams by the DUE DATE. Students may not proceed to the Final Exam if all prior course work is not completed.**

\* Students are expected to take the final exam by the DUE DATE.

\* Students are expected to read their reading assignments and turn in all homework and assignments by the DUE DATE.

\* Students are expected to do the research paper as indicated and turn in by the DUE DATE.

\* Students are expected to sign in weekly and answer the "Question of the Week", following all guidelines posted.

**Please print your name on and sign all course work and open book exams in the space provided on each document.**

After the Due Date for the homework, assignment or exam, a 0 (zero) is assigned as the grade for that course requirement.

Grading Scale:

**4.0 = 95 – 100%**

**3.5 = 90 – 94%**

**3.0 = 85 – 89%**

**2.5 = 80 – 84%**

**2.0 = 75 – 79%**

**1.5 = 70 – 74%**

**1.0 = 65 – 69%**

**0.0 = 0 – 64%**

**Students must earn a grade of 75% (2.0) to pass the course.**

Catalog Course Description: This course is an introduction to the legal aspects of the medical office/clinical setting that provides a foundation of law against which individual

practitioner behavior may be measured. It is intended to help prevent medical malpractice litigation by exposing the student to the legal concepts of standard of care, scope of employment, criminal and civil acts, contract, negligence, and ethical concepts.

The measurable objectives of this course that apply the legal concepts to practice are as follows:

Theory Measurable Objectives:

A. Knowledge of state and federal codes governing privacy of healthcare information.

B. Knowledge of state and federal codes governing release of information in healthcare situations.

1. Basic right to privacy
2. Public health and welfare
3. Dying declarations
4. Criminal cases
5. Proceedings for revocation/suspension of a license to practice medicine
6. Court proceedings regarding competency, conservatorship, or commitment
7. Drug and alcohol treatment programs
8. Psychiatric treatment records
9. Sexually active minors
10. HIV-related issues

C. Knowledge of elements of consent for release of information.

1. Basic right to privacy
2. Drug and alcohol treatment programs
3. Psychiatric treatment records
4. Litigation
5. HIV-related records

D. Knowledge of the requirements for rescinding a consent to release of information

E. Knowledge of the nature of the physician/patient relationship

1. Basic elements of implied contract
2. Legal obligations of parties

F. Knowledge of legal implications of providing or withholding medical care

G. Knowledge of guidelines regarding payment by a third party

H. Knowledge of breach of contract and its relevance to the medical office

I. Knowledge of patient's rights and responsibilities

in the physician/patient relationship

J. Knowledge of the physician's responsibility for care

1. Definition of duty of care
2. Definition of malpractice and negligence

K. Knowledge of professional liability claims prevention

1. Current standards of care
2. Current legal standards

L. Knowledge of use of arbitration agreements

M. Knowledge of affirmative defenses

1. Criteria for valid consent to treat
2. Definition of informed consent
3. Elements of informed consent
4. Reasons for invalidated consent
5. Exceptions to the rule of informed consent to treat
6. Failure to obtain valid consent: assault and battery

N. Knowledge of the implications of withdrawing from medical care and the concept of abandonment

1. Knowledge of the elements that should be included in a letter of withdrawal
2. Use of certified letter, return receipt requested, as a form of documentation

O. Definition of licensure

1. Provisions of medical practice acts in states
2. Licensing prerequisites

P. Renewal of license

1. Fees to be paid
2. Continuing medical education requirements
3. Medicare provider requirements
4. Business license/permit

Q. Facility Accreditation

1. State requirements
2. Laboratory registration

R. Federal requirements

1. Ambulatory surgical centers

- 2. Physician office laboratory
- S. Knowledge of state legislation
  - 1. Personnel standards
  - 2. Medicare/Medicaid reimbursement regulations
  - 3. Pregnancy termination
  - 4. Living will acts
  - 5. Anatomical gift acts
- T. Knowledge of federal/state reporting laws
  - 1. Public Health Statues
    - a. Communicable diseases
    - b. Vital statistics
    - c. Substance abuse/chemical dependency
    - d. Abuse against persons
  - 2. Criminal acts
- U. Knowledge of federal regulations
  - 1. Occupational Safety and Health Acts (OSHA)
  - 2. Right to privacy
  - 3. Controlled substances
  - 4. Medicare/Medicaid regulations
  - 5. Clinical Laboratories Improvement Act (CLIA88)

Performance Measurable Objectives:

- A. Identify sources of information for medico-legal documentation requirements in given locality
- B. Observe local, state and federal guidelines for statutory reports
- C. Abide by reporting/documentation procedures (DEA)
- D. Fulfill IRS guidelines for reports and documentation
- E. Obtain guidelines from appropriate agency and comply
- F. Document medical records and complete incident report promptly for all personal injury occurrences
- G. Comply with workers' compensation reporting requirements
- H. Document all activity related to patient care in the medical record
- I. Protect privacy of patient health information
- J. Release information in accordance with federal and state regulations
  - 1. Basic right to privacy

2. Drug and alcohol rehabilitation records
  3. Public health and welfare disclosures
  4. Rights of sexually active minors
  5. HIV-related issues
  6. Subpoena duces tecum
- K. Release information in response to written patient authorization
- L. Honor a patient request to rescind an authorization to release information
- M. Identify the criteria necessary for the establishment of the physician/patient relationship
- N. Follow established office policy in accepting patients for treatment
- O. Prepare a letter of agreement for payment by a third party
- P. Avoid statements that imply contractual obligations regarding results of care
- Q. Protect patient rights and identify patient responsibilities
- R. Define MOA, MA and HICB role in responsibility for patient care
- S. Practice measures for the prevention of professional liability
1. Abide by current standards of practice
  2. Abide by current legal standards
- T. Utilize arbitration agreements
- U. Identify the significance of affirmative defenses
1. Preserve medical records according to the Statue of Limitations
  2. Document medical care
  3. Determine need for informed consent for treatment
  4. Implement and monitor informed consent procedure
  5. Witness informed consent documents
- V. Follow established office policy in the process of termination of the physician/patient relationship
1. Prepare a letter of withdrawal from medical care for the physician's signature
  2. Document withdrawal from care

**DISABILITY STATEMENT:**

**"If you are a student with a documented disability and you believe you are**

**entitled to receive accommodations for this class, please contact me privately so we may discuss your specific needs. You will also need to contact the Student Support Specialist to schedule an appointment for an intake if you have not already done so. You may contact the Student Support Specialist by calling 269-467-9945 and asking for Student Services."**

Required Course Materials:

Please use blue or black ink pen for all course materials and exams

Method of Instructional Delivery:

Lecture (traditional class), study guides (online class), assignments (homework), testing. (See Calendar of Assignments and tests)

Information for students may be found in college catalog, that has been provided for you:

Attendance policy, make-up policy, last date to withdraw, academic honesty statement, ADA Statement

### AAMA Core Curriculum

#### **Medical Law and Ethics**

**Medical assistants graduating from programs accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) will demonstrate critical thinking based on knowledge of academic subject matter required for competence in the profession. They will incorporate cognitive knowledge in performance of psychomotor and affective domains in their practice as medical assistants in providing patient care in accordance with regulations, policies, laws and patient rights.**

#### **IX.C Cognitive (Knowledge Base) IX. P Psychomotor (Skills) IX. A Affective (Behavior) IX. Legal Implications**

1. Discuss legal scope of practice for medical assistants
2. Explore issue of confidentiality as it applies to the medical assistant.
3. Describe the implications of HIPAA for the medical assistant in various medical settings
4. Summarize the Patient Bill of Rights
5. Discuss licensure and certification as it applies to healthcare providers
6. Describe liability, professional, personal injury, and third party insurance
7. Compare and contrast physician and medical assistant roles in terms of standard of care
8. Compare criminal and civil law as it applies to the practicing medical assistant.
9. Provide an example of tort law as it would apply to a medical assistant
10. Explain how the following impact the medical assistant's practice and give examples
  - a. Negligence

- b. Malpractice
- c. Statute of Limitations
- d. Good Samaritan Act(s)
- e. Uniform Anatomical Gift Act
- f. Living will/Advanced directives
- g. Medical durable power of attorney
- 11. Identify how the Americans with Disabilities Act (ADA) applies to the medical assisting profession
- 12. List and discuss legal and illegal interview questions
- 13. Discuss all levels of governmental legislation and regulation as they apply to medical

**IX. Legal Implications (Psychomotor)**

- 1. Respond to issues of confidentiality
- 2. Perform within scope of practice
- 3. Apply HIPAA rules in regard to privacy/release of information
- 4. Practice within the standard of care for a medical assistant
- 5. Incorporate the Patient's Bill of Rights into personal practice and medical office policies and procedures
- 6. Complete an incident report
- 7. Document accurately in the patient record
- 8. Apply local, state and federal health care legislation and regulation appropriate to the medical assisting practice setting

**IX. Legal Implications (Affective Behavior)**

- 1. Demonstrate sensitivity to patient rights
- 2. Demonstrate awareness of the consequences of not working within the legal scope of practice
- 3. Recognize the importance of local, state and federal legislation and regulations in the practice setting