MEDICAL ASSISTING

Simplified

Law and Ethics
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PREFACE

*Medical Assisting Simplified* is an exciting new series designed to make learning enjoyable for medical assisting students. Each book in the series uses a light-hearted, humorous approach to presenting information. Maria, a Certified Medical Assistant, guides students through the books, offering helpful tips and insight along the way.

*Medical Assisting Simplified* takes a practical approach, providing students with the critical information that they need to know, including complete coverage of the core skills they must master in their studies. The series covers all competencies based on the standards and guidelines established for medical assisting by the Commission on Accreditation of Allied Health Educational Programs (CAAHEP) and the Accrediting Bureau of Health Education Schools (ABHES).

About This Book

*Medical Assisting Simplified: Law and Ethics* provides students with a solid foundation in medical law and ethics, covering essential topics such as the American legal system, risk management and lawsuits, the patient-physician relationship, medical law and statutes, workplace law, medical records and confidentiality, and bioethics. The text covers the Legal Concepts set forth in both CAAHEP’s general competencies and in ABHES’s competencies. These are among the skills that students must master to pass the test required to become either a Certified Medical Assistant or a Registered Medical Assistant.

Special Features

*Medical Assisting Simplified: Law and Ethics* is designed to be enjoyable to read, as well as highly informative. Each chapter in this book includes special features designed to guide students.
Preface

in their study. These elements will help students identify the most important information in the chapter and to understand all of it.

- **Chapter Checklist** includes a list of skills and other important information that students will gain after reading the material.

- **Chapter Competencies** highlights the ABHES and CAAHEP competencies covered in each chapter.

- **Legal Brief** summarizes important legal information.

- **By the Book** highlights the medical assistant’s impact on ensuring that office operations are carried out according to legal and ethical dictates.

- **Ethics in Action** offers tips about ethics as it pertains to medical assistants.

- **Exhibits** present illustrated examples of concepts presented in the text.

- **What’s the Verdict?** presents case studies covering real-life scenarios that medical assistants would need to know how to handle.

- **Letter of the Law** provides a bulleted review of laws that medical assistants need to know.

- **Closing Statements** summarizes a chapter’s key content.

- **Before the Bench** tests students on what they have learned via an end-ofchapter quiz.

In addition to the above features, this book also includes bolded key terms throughout each chapter and a Glossary in the back of the book, as well as many other boxed features and tables.
Additional Resources

In addition to the text, the following resources are available for students and instructors:

- PowerPoint Slides with lecture notes and images.
- A Test Bank with questions in different formats.
- A complete set of Lesson Plans.
- ABHES and CAAHEP Competency Evaluation Forms available on the text’s online site.

*Medical Assisting Simplified: Law and Ethics* is designed to make the study of law and ethics fun and effective for medical assisting students. The purpose of this book, and the entire *Medical Assisting Simplified* series, is student success!
Hello, my name is Maria. I'm a Certified Medical Assistant and educator, as well as your guide through this textbook. There are a number of features in this Medical Assisting Simplified text to help you learn everything you need to become a successful medical assistant. Read through this User's Guide to orient yourself to everything the text has to offer. Good luck in your medical assisting studies!

**Chapter Checklist** orients you to the material that's covered in the current chapter.

- Explain why a knowledge of law and ethics is important in working in a medical office
- Describe the difference between law, ethics, etiquette, morals, and values
- Distinguish how law and ethics are related
- Compare the consequences of unlawful and unethical behavior
- Recognize the importance of providing good customer service and helping prevent lawsuits
Chapter Competencies tell you which skills are covered in each chapter, as outlined by CAAHEP and ABHES.

- Perform within legal and ethical boundaries (CAAHEP 3.c.2.b.)
- Demonstrate knowledge of federal and state health care legislation and regulations (CAAHEP 3.c.2.e.)
- Follow established policy in initiating or terminating medical treatment (ABHES 5.d.)

Legal Brief boxes summarize important legal information.

DUTY OF CARE AND RESPONDEAT SUPERIOR

As you learned in Chapter 2, respondeat superior is the legal principle that your employer is responsible for your actions if you’re acting within your scope of practice. However, respondeat superior may not apply if by following the physician’s orders you harm a patient, and then you don’t let the physician know. Case law has established that failing to tell the physician breaches your duty of care to the patient. If you do not tell the physician, the physician can’t correct the situation. For example, a medical assistant instructed to administer an intramuscular injection accidentally hits the sciatic nerve while administering the shot. If the medical assistant lets the patient leave and does not tell the physician, the patient may return to the office due to pain from the shot. In almost every case of this type, the courts have ruled that both the employer and the employee must pay damages to the patient.

STATUTES FOR MEDICAL ASSISTANTS

Two good examples of statutes that will affect your job as a medical assistant are the Controlled Substances Act and the Health Insurance Portability and Accountability Act (HIPAA). Both are federal laws that Congress passed. The Controlled Substances Act regulates how your office handles and prescribes certain drugs. HIPAA sets standards for the privacy of patients’ medical records and for the filing of claims to patients’ health insurance providers. You’ll read much more about these two important laws in later chapters.

By the Book boxes highlight your impact as a medical assistant on ensuring that office operations are carried out according to legal and ethical dictates.
A LOOK AT EUTHANASIA

Some patients with terminal illnesses are in great pain. Your compassion can lead you to want to ease their suffering. Some health care workers have helped such patients end their lives by means such as giving enough pain medication to cause death. This is known as euthanasia. It makes no difference if the patient consents to “mercy killing” or even begs the health care worker to help him die. In nearly every state, the law views such actions as murder. It’s important to behave ethically. But it’s also important to obey the law. If your personal values conflict with the law, you must still follow the law every time! If you must, remove yourself from the situation so you do not risk breaking the law.

PATIENT LAWSUITS: WHAT TO EXPECT

The first action in a patient lawsuit starts when the patient files a complaint. The following steps describe what you can expect:

1. If the patient feels that there was a problem with his treatment, the first thing he will do is discuss his concerns with the medical office staff. If he finds the answers acceptable and fair, he might not take legal action. If he still feels there was wrongdoing, he will be on his way to a lawsuit.

AM I GOING TO DIE?

Charles is a medical assistant in an oncologist’s office. (An oncologist is a physician who specializes in treating cancer.) A patient was visibly upset after her treatment as she and Charles arranged an appointment for her next visit. “I’m going to die, aren’t I?” she blurted out, as tears welled up in her eyes. Charles knew that patients with her type of cancer have a high cure rate. “Don’t worry,” he told her. “You’re going to be just fine.” The comforted patient thanked him and left the office greatly relieved. Did Charles provide an acceptable standard of care in this situation?

The Verdict: No. Charles acted honestly and openly, but he exceeded his scope of practice by advising the patient about her condition. As a medical assistant, he does not have the education to make such a judgment.
THE CONSUMER PROTECTION ACT

The Consumer Protection Act of 1968 governs payment arrangements that health care providers may make with patients to pay their bills. It requires that the contracts signed by patients must contain the following information:

- total amount for which the patient is responsible
- amount of any down payment the patient has made
- amount of each installment and when it is due
- date of the final payment
- amount of interest, if any, the office is charging the patient

• Medical office employees need to have a good understanding of law and ethics in order to act appropriately, to make decisions in difficult situations, and to provide a high standard of customer service and medical care. Failure to act legally and ethically at all times can lead to lawsuits and loss of income for the office. It can also put you in conflict with the law.

• Laws are rules of conduct that government creates and requires people to obey. Ethics are guidelines for proper behavior that come from other sources than government. The main sources of ethics are personal morals, values, codes of conduct established by professional organizations, and standards that are generally expected by professionals who work in that field.

Answer the following multiple-choice questions.

1. The range of activities a medical professional is qualified to perform is called:
   a. scope of practice.
   b. standard of care.
   c. duty of care.
   d. reasonable person standard.

2. According to the AAMA, which of the following is not a common clinical task a medical assistant may be asked to perform?
   a. taking medical histories
   b. removing sutures and changing dressings
   c. performing venipuncture
   d. interpreting test results

Before the Bench provides you with a short quiz so you can test your knowledge.

Letter of the Law boxes provide a bulleted review of laws with which medical assistants should be familiar.
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