

## **Chapter 3 Medical/Legal And Ethical Issues**

### **Scope of Practice**

-Scope of Practice the extent or limits, of the EMTs job.

The scope is defined by legislation, which varies from state to state, even by region.

The primary ethical responsibility is to make patient care and well-being a priority.

As an EMT you must obtain confidence and mastery of your skills and after that continue your education and re-certify as necessary to maintain mastery.

-Quality improvement

### **Patient Consent and Refusal**

#### **Consent**

-consent or permission from the patient to allow the EMT to provide care.

#### **-Expressed consent,**

given by adults who are of legal age and mentally competent to make a rational decision in regard to their well being.

#### **-Implied consent**

is presumed a patient or patients parents would give if they could.

#### **Children and Incompetent Adults**

In cases of life-threatening illness or injury when a parent or guardian is not available care may be given based on implied consent.

### **When a Patient Refuses Care**

For various reasons some patients who require treatment and transport will refuse care. It is your responsibility as an EMT to be sure that the patient is fully informed about his situation.

For this to take place the patient must: Be legally able to consent, mentally competent and oriented, fully informed, sign a "release" form.

-liability = being held legally responsible.

Even carefully following the steps above does not guarantee that you will be free from liability.

Take all possible actions to persuade a patient who you feel should go to the hospital including: Spending time speaking to the patient, Inform the patient of the consequences of not going to the hospital, Consult medical direction, Contact family members to help convince the patient, Call law enforcement personnel if necessary, try and determine why the patient is refusing care.

Keep in mind you do not have the authority to force a competent patient to be helped.

Carefully document all refusals of care and have witnesses.

### **Do Not Resuscitate Orders**

-DNR a do not resuscitate order is a legal document, usually signed by the patient and his physician, which states that the patient has a terminal illness and does not wish to

prolong life through resuscitative efforts. A DNR is an -Advanced Directive.  
-Living Wills statements signed by the patient usually regarding use of long-term life support and comfort measures.

## **Other Legal Aspects**

### **Negligence**

-Negligence a failure act properly including: A Duty to act Failure to uphold the standard of care Not upholding the standard of care the EMT caused harm to the patient

### **Duty to Act**

-Duty to act is an obligation to provide emergency care to a patient.

If your on duty and dispatched to a call you have a duty to act

-Abandonment is leaving a patient after care has been initiated and before the patient has been transferred to someone with equal or greater medical training.

### **Good Samaritan Laws**

Good Samaritan laws most of these laws will provide immunity to from liability if the rescuer acts in good faith to provide care to the level of his training and the best of his ability.

These laws do not prevent lawsuits or protection of a rescuer whom is found liable for negligence.

### **Confidentiality**

-Confidentiality is the obligation not to reveal information obtained about a patient except to other health care professionals involved in the patients care, or under subpoena in a court of law, or if the patient has signed a release of confidentiality.

-HIPPA: The Health Insurance Portability and Accountability Act, a federal law protecting the privacy of patient-specific health care information and providing the patient with control over how this information is used and distributed.

### **Special Situations**

Some patients wear medical alter identification devices for heart conditions, allergies, diabetes, epilepsy and others.

-Organ Donor is a person who has completed a legal document that allows for a donation of organs and tissues in the event of death.

The emergency care of a donor must not be different from any other patient.

### **Crime Scenes**

-crime scene: the location where a crime has been committed or any place that evidence relating to a crime may be found.

The EMT's priority at a crime scene is to provide patient care.

While providing patient care you should be careful to consider Maintain the original condition of the scene, the patient himself provides valuable information, Fingerprints and Footprints, Microscopic evidence.

To preserve the scene Remember what you touch,, minimize you r impact on the scene, work with the police.

### **Special Crimes and Reporting**

You may be required to reporting crimes such as chil, elder, domestic abuse, violence, sexual assaults, among others. You may need to notify law enforcement of situations where restraint may be necessary, intoxicated persons are found with injuries or mentally incompetent people have been injured.