El Centro College

MDCA 1205.51400 – FA19
Medical Law and Ethics
Lec 2
Prerequisites: ENG 1301 and SPCH 1311, 1321

Course Description
Instruction in principles, procedures, and regulations involving legal and ethical relationships among physicians, patients, and medical assistants. Includes current ethical issues and risk management as they relate to the practice of medicine and fiduciary responsibilities.

Required Text and Materials
Text Book: Medical Law and Ethics 5th Ed., Bonnie F. Fremgen
Publisher: Pearson

Contact the El Centro College bookstore (Building B, Room 100) at 214-698-0461 for availability and cost.

Note: A student of El Centro is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer, THECB TAC Rule 4.218 (c)

Course Objectives
Introduction Chapter 1

- Define the key terms.
- Describe the similarities and differences between laws and ethics.
- Discuss the reasons for studying law, ethics, and bioethics.
- Describe how to apply the three decision-making models discussed in this chapter.
- Explain why ethics is not just about the sincerity of one’s beliefs, emotions, or religious viewpoints.
Part 1 Chapter 2

- Define the key terms.
- Discuss why an understanding of the legal profession is necessary for the healthcare professional.
- Describe the sources of law.
- Describe the steps for a bill to become a law.
- Discuss the difference between civil law and criminal law, explaining the areas covered by each.
- List six intentional torts and give examples of each.
- List examples of criminal actions that relate to the healthcare worker.
- Discuss the difference between a felony and a misdemeanor.
- Describe the types of courts in the legal system.
- Explain the trial process.
- Discuss why an expert witness might be used during a lawsuit.

Part 1 Chapter 3

- Define all key terms.
- List four basic characteristics of state medical practice acts.
- Describe the three methods by which a state grants a license to practice medicine.
- Discuss conduct that may result in a physician's loss of license to practice medicine.
- Identify the difference between licensure and certification.
- Discuss what term standard care means for the physician and what it means for someone in your profession.
- Describe the importance of the discovery rule as it relates to the statue of limitations.
- Discuss the importance of the phrase respondent superior as it relates to the physician.

Part 1 Chapter 4

- Define all key terms.
- Describe today's healthcare environment.
- Discuss the similarities and differences among health maintenance organizations (HMOs), preferred provider organizations (PPOs), and exclusive provider organizations (EPOs).
- Describe five types of medical practice.
- Discuss the term diplomat as it relate to medical specialty boards.
- Identify three categories of certified healthcare professionals.
- Describe the diagnostic related group (DRG) system of classification.
- State the difference between Medicare and Medicaid.

Part II Chapter 5
• Define the key terms.
• Describe the rights a physician has when practicing medicine and when accepting a patient.
• Discuss the nine principles of medical ethics as designated by the American Medical Association (AMA).
• Summarize "A Patient's Bill of Rights."
• Understand standard of care and how it is applied to the practice of medicine.
• Discuss three patient self-determination acts.
• Describe the difference between implied consent and informed consent.

Part II Chapter 6

• Define the key terms.
• Define the dour Ds of negligence for the physician.
• Discuss the meaning of res ipsa loquitur.
• Explain the term liability and what it means for the physician and other healthcare professionals.
• Lost 10 ways to prevent malpractice.
• State two advantages of arbitration.
• Discuss three types of damage awards.
• Describe two types of malpractice insurance.
• Explain the law of agency.

Part II Chapter 7

• Define the key terms.
• Describe the public duties of a physician.
• Discuss the guidelines that should be used when completing a legal record or certificate.
• List the information that must be included in a death certificate.
• Describe the cases in which a coroner or health official would have to sign a death certificate.
• List 10 reportable communicable diseases.
• Discuss the Child Abuse Prevention and Treatment Act of 1974.
• Describe eight signs that indicate a child, spouse, or elderly may be abused.
• Discuss the federal legislation of controlled substances.
• List and explain the five schedules of drugs.
• Explain how an Employee Assistance Program (EAP) can help troubled employees.

Part II Chapter 8

• Define the key terms.
• Discuss the regulations concerning equal employment opportunity and employment discrimination.
• Describe the regulations affecting employee health and safety.
Discuss the regulations affecting employee compensation and benefits.
Give examples of regulations affecting consumer protection and collection practices.
Describe accommodations that can be made in the workplace for persons with disabilities.
List several questions that may be legally asked during an employment interview and several questions that are illegal to ask during an interview.
Discuss guidelines for good hiring practices.

Part II Chapter 9

- Define the key terms.
- List five purposes of the medical record.
- List seven requirements for maintaining medical records as recommended by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
- Discuss guidelines for effective charting.
- Discuss what is meant by timeliness of charting and why it is important in a legal context.
- Describe ways to protect patient confidentiality that relate to the use of fax, copiers, e-mail, and computers.
- Discuss the time periods for retaining adults’ and minors’ medical records, fetal monitor records, and records of birth, death, and surgical procedures.
- Explain 13 guidelines to follow when a subpoena duces tecum is in effect.
- Describe confidentiality obligations using electronic medical record keeping.

Part II Chapter 10

- Define key terms.
- Identify the problems associated with patient confidentiality.
- Describe the information to which the Privacy Rule refers and how it applies your profession.
- Discuss the purpose of the Health Insurance Portability and Accountability Act (HIPPA) of 1996.
- List which entities are affected by HIPPA.
- List the patient’s rights under the Privacy Standards.
- Discuss the ethical issues concerning information technology.

Part III Chapter 11

- Define the key terms.
- List and discuss at least bioethical issues the modern physician and healthcare professional face.
- Describe how an ethical decision-making model, such as the Seven-Step Decision Model, can be used when confronted with difficult ethical dilemmas.
- Discuss ethical issues relating to genetic testing.
- Describe the advances in human stem cell research.
- Summarize the ethical issues of organ transplantation.
- Discuss the importance of codes of ethics such as the Nuremberg Code.

Part III Chapter 12

- Define the key terms.
- Discuss the ethical considerations relating to artificial insemination.
- Describe the Baby M case.
- Discuss the ethical considerations relating to surrogate motherhood and contraception.
- List several ethical issues surrounding sterilization and contraception.
- Explain the importance of Row v. Wade.

Part III Chapter 13

- Define the key terms.
- Discuss the difference between cardiac and brain-orientated death.
- Describe the Harvard Criteria for a Definition of Irreversible Coma.
- Discuss the pros and cons of euthanasia.
- Provide examples of ordinary versus extraordinary means used in the treatment of the terminally ill.
- List and discuss the five stages of dying as described by Dr. Kubler-Ross.

Part III Chapter 14

- Define the key terms.
- Discuss what is meant by the phrase "First, do no harm."
- Discuss the Children's Health Initiative Program (CHIP).
- Describe who is covered under the Patient Protection and Affordable Care Act (PPACA).
- Explain what health benefits are covered by Medical Exchanges.

CAAHEP/MAERB Objectives

Cognitive (Knowledge) X.C Legal Implications

1. Differentiate between scope of practice and standards of care for medical assistants
2. Compare and contrast provider and medical assistant roles in terms of standard of care
3. Describe components of the Health Information Portability & Accountability Act (HIPAA)
4. Summarize the Patient Bill of Rights
5. Discuss licensure and certification as they apply to healthcare providers
6. Compare criminal and civil law as they apply to the practicing medical assistant
7. Define:
   a. negligence
   b. malpractice
   c. statute of limitations
   d. Good Samaritan Act(s) Omit
   e. Uniform Anatomical Gift Act
   f. living will/advanced directives
   g. medical durable power of attorney
   h. Patient Self Determination Act (PSDA)
   i. Risk management
8. Describe the following types of insurance:
   a. liability
   b. professional (malpractice)
9. List and discuss legal and illegal applicant interview questions
10. Identify:
    a. Genetic Information Nondiscrimination Act of 2008 (GINA)
    b. Americans with Disabilities Act Amendments Act (ADAAA)
11. Define the following medical legal terms:
    a. informed consent
    b. implied consent
    c. expressed consent
    d. patient incompetence
    e. emancipated minor
    f. mature minor
    g. subpoena duces tecum
    h. respondent superior
    i. res ipsa loquitur
    j. locum tenens
    k. defendant-plaintiff
    l. deposition
    m. arbitration-mediation
    n. Good Samaritan laws

Cognitive (Knowledge) XI.C Ethical Considerations

1. Define:
   a. ethics
   b. morals
2. Differentiate between personal and professional ethics
3. Identify the effect of personal morals on professional performance

Psychomotor (Skills) X.P Legal Implications

1. Locate a state’s legal scope of practice for medical assistants
2. Apply HIPAA rules in regard to:
   a. privacy
   b. release of information
Workplace and Foundation Competencies

El Centro is committed to assisting you in obtaining the knowledge and skills that you will need to succeed in today's dynamic work environment. Toward this goal, the following WECM Courses/Scans Competencies have been integrated into the curriculum for Law and Ethics MDCA 1205.

WECM Courses/Scans Competencies

- Work on teams, teach others, serve customers, lead, negotiate, and work well with people from culturally diverse backgrounds.
- Acquire and evaluate data, organize and maintain files, interpret and communicate, and use computers to process information.
- Understand social, organizational, and technological systems; monitor and correct performance; design or improve systems.
- Select equipment and tools, apply technology to specific tasks, and maintain and troubleshoot equipment.

Foundation Skills

- **Basic Skills:** Students must be able to demonstrate basic skills in reading, writing, listening, and speaking. Students must learn to locate, understand, and interpret written information; communicate thoughts, ideas, information, and messages in writing; interpret, and respond to verbal messages and other cues; organize ideas and communicate orally.
- **Thinking Skills:** Students must be able use efficient learning techniques to acquire and apply new knowledge, demonstrate critical thinking skills, and reason effectively.
- **Personal Qualities:** Students must be able to demonstrate personal qualities such as responsibility, professionalism, self-management, integrity, and honesty.

(Taken from: What Work Requires of Schools: A SCANS Report for America 2000. The Secretary's Commission on Achieving Necessary Skills, a publication of the US Department of Labor, June 1991)

Student Contributions

The following is a list of student contributions that are required for success in this course.

- Read and understand Course Syllabus and Course Calendar.
• Students must have access to a computer and must possess basic computer skills in order to be successful in this course.

• **Log in to your online class weekly.**
• Read Messages and Announcements posted by the instructor in eCampus.
• Communicate directly with the instructor by email through the Course Messages tab.
• Contact instructor in a timely manner about any problems that may arise.
• Chapters 1-14 will be covered in this course
• For each chapter:
  1. Read the chapters in the textbook as a first step to prepare for quizzes/exams that are due as listed in the Course Calendar.
  2. Review the Power Points.
  3. Complete the Study and Review Questions quiz. This quiz can be found at the end of each chapter in the text.
  4. Participate in discussion forums by due dates listed in the Course Calendar.
  5. Complete all chapter assignments and final exam by due dates listed in the Course Calendar.

**IMPORTANT: This is not a self-paced course**

All assignments/assessments must be submitted by the due date and time posted on the course calendar in order to receive credit.

**Course Activities**

**Chapter Assignments**

An assignment will be due on the following Sunday of each week @ 11:59 PM (Study and Review Questions). These are the same matching and multiple choice questions found at the end of each chapter. See calendar and each Weekly Course Work for details.

**Chapter Tests**

The chapter tests are located in the Weekly Course Work also. A test will be scheduled every other week, covering the 2 chapters completed the previous weeks. This test consists of 20 questions, may include multiple choice and/or true/false.
You will have one attempt. (Review Upon submission)

**Time allowed 30 minutes**

Once you commit to opening a test you are committed to taking the test, so do not click “begin” if you are not prepared to take the test in 30 minutes.

All test are set on **Auto Submit**, and they will automatically shut off when you have reached the time limit. Any questions not answered at that point will receive a zero.

**Comprehensive Final Exam**

This test consists of multiple choice questions and or true/false questions. You will have one attempt. (Review Upon submission)

**Time allowed: 2 hours and 30 minutes.**

Once you commit to opening an exam you are committed to taking the exam, so do not click on "OK" if you are not prepared to take the exam in 2 hours and 30 minutes.

Please note the following for all tests:

- Assessments may be taken from any computer. The deadline is on Sundays at 23:59 (11:59pm). After 11:59 pm on the last date, it will be unavailable and a grade of “0” is earned for that assessment if it is not taken.
- Assessments must be completed in one attempt and they will be timed.
- No make-up tests will be given.
- **When taking a test, do not save, enter, or backspace at any time during the quiz.** Doing so may cause you to be locked out of the quiz.
- **Once you have completed the test, click “Submit” once.**
- If you experience technical problems while taking an assessment, submit a ticket to eCampus technical support. Upon verification, that assessment will be reset once. Tech support cannot reset your quiz/test; only an instructor can do that.

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**Assessing Outcomes and Grading Methods**

**Course Grading Scale**

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<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>100-90</td>
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<td>B</td>
<td>89-80</td>
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<td>C</td>
<td>79-70</td>
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<td>D</td>
<td>69-60</td>
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<tr>
<td>F</td>
<td>59-0</td>
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</tbody>
</table>
Grading

Assignments (14)……………………………..10.5% (0.75% each)
Medical Assisting Scope of Practice………4%
HIPAA…………………………………………….3.5%
Chapter tests (7) …………………………….42% (6% each)
Final Exam…………………………………………40%

Total 100%

Student must complete 100% of the Cognitive Objectives. In order for a student to pass this course and proceed in the program he or she must earn a grade of “C”.

Method of Communication

All communications concerning the course will occur through the In-Course Email feature in eCampus (Course Messages). Emails sent to my dcccd.edu will be deleted.

In-Course Email is a communications tool inside eCampus that allows instructors and students to interact through a private, internal email messaging system unique to each individual course. You must be logged in to the eCampus course to read and send messages.

Students are not notified if they receive a new message, so it is your responsibility to check for new messages on a regular basis and avoid missing important news and information from the instructor.

I will read In-Course Emails Monday thru Friday only. I will respond within 48 hours.

I will meet with you should the need arise; you may contact me through the In-Course Email or by phone (972) 273-3205 to set up an appointment. Please give me a few suggested dates and time. I will try to work within those time frames. I will respond within 48 hours.

Attendance and Late Work Policies

This is an online class offered through the DCCCD Blackboard Learn eCampus website (http://ecampus.dcccd.edu/), and it must be completed within the semester it is offered.

This is not a self-paced course. All assessments/assignments have specific due dates.
A detailed course calendar, which shows all due dates, is located under the “Syllabus and Calendar” link in eCampus. It is developed for student success in this course. The dates are chosen with the overall course work load in mind and the due dates are not negotiable, except in extreme cases left to the instructor’s discretion.

Students are expected to make posted deadlines and participate accordingly. Late work is not accepted and extensions are not given.

Failure to purchase required materials is not an excuse for missing work. Technical issues are the student's responsibility to work through. Waiting until the last minute to complete work then running into technical issues can cause a student irreparable damage in the course. Students are encouraged to work ahead in order to avoid such situations.

**Computer Skills Needed**

Students must possess basic computer skills in order to be successful in this online course. These include knowing how to navigate and work in a Windows environment as well as on the Internet, accessing a Web site when given an address (URL) or link, using features of a Web browser, downloading/uploading files, sending/receiving emails, attaching files to emails, and using Microsoft Word software.

If you experience personal computer or e-mail problems, you are expected to find another computer to use or use computers in the libraries of the DCCCD college campuses. **In other words, personal computer or e-mail problems are no excuse for failing to communicate or submit course work.**

**Accessing eConnect**

eConnect is the web interface that provides online student services which allow students to search, register, and pay for credit classes, view final grades and financial aid status. Go to this address: [http://econnect.dcccd.edu/econnect/st/stmenu.html](http://econnect.dcccd.edu/econnect/st/stmenu.html)

Check to see if you are eligible to use eConnect: [http://www.econnect.dcccd.edu/econnect/st/stsrorexp.html](http://www.econnect.dcccd.edu/econnect/st/stsrorexp.html)

Login using the “Login” link at the top right of the main. Your USERID is your student ID Number, which is 7 digits long, often called the Colleague ID number or CID. It is printed on your College ID Card. Your password, at least initially, is your date of birth. (Example: 040479 for April 4, 1979.)

After you log in to eConnect for the first time, you will be required to change your password. If you are a returning user and cannot remember your password, you can be reminded of it by selecting “Show My Password Hint” on the log in screen or, if you have
an email address in the system, reset it by selecting “Forgot My Password”. Please contact your Admissions office if you are unable to locate your Student ID#, have forgotten your password or if the system does not recognize you.

You MUST have an email address on file with the College to access eConnect. You may use a DCCCD email address, which is free if you are eligible, or you may use a commercial email address. To be eligible you must be a credit student, or a continuing education (CE) student enrolled in a credit class, and you must be currently enrolled with a tuition payment posted to your account. (If you are not eligible, check out this site: http://www.emailaddresses.com/ which may help you find a free email service.)

If you have a question, contact eConnect@dcccd.edu

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**Accessing eCampus**

eCampus is the web interface used to access Internet-based distance education courses. Some traditional on-campus classes will have supplemental information posted on eCampus. The instructor will inform you if an eCampus site exists for your course.

Go to http://ecampus.dcccd.edu and press "Click here to login". Type in your Student ID# with a lower case "e" in front of the number. This is used for both the Username and the Password. (Example: username: e3456789, password: e3456789) Please change your Password after your initial login.

If you still cannot login, here are a few tips that may help you gain access:

1. Update your browser
2. Have all JAVA script settings enabled in your browser
3. Set your browser to accept all cookies

If you are unsure how to do any of these things, or you still cannot login, please contact Support at ecampus.support@dcccd.edu or call 972.669-6402.

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**Grade Appeals/Grievance Procedure**

A grievance is any complaint, injustice or unresolved issue that a person has encountered as a student. The grievance procedure provides a formal avenue for the student to resolve a problem or issue. The Student Grievance Procedure is published in the College Catalog on line at https://alt.dcccd.edu/catalog/ss/grievance.cfm?loc=econ. Students will begin with the instructor and proceed up the chain of command if problems cannot be resolved.
For information regarding the El Centro College grade appeal/grievance procedure please see page 49 of the El Centro Student Handbook. For information regarding the Health and Legal Studies Division grade appeal/grievance procedure please see the Student Instructional Concern/Grade Appeal Process El Centro College – Health and Legal Studies located in the programs e-Campus Community.

Institutional Policies

www.elcentrocollege.edu/syllabipolicies

NOTE

The instructor reserves the right to modify the course requirements, calendar dates, assignments, grading procedures, and other related policies that are deemed necessary to manage and conduct this course in the classroom or online with notice. Students are responsible for contacting the instructor and for seeking clarification of any requirement that is not understood.
<table>
<thead>
<tr>
<th>Week</th>
<th>Assignment</th>
<th>Test</th>
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<tbody>
<tr>
<td>1</td>
<td>Chapter 1: Introduction to Medical Law, Ethics, and Bioethics</td>
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<td></td>
<td>Ch 1 Study and Review Questions.</td>
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<tr>
<td>2</td>
<td>Chapter 2: The Legal System</td>
<td><strong>Test #1</strong> (chapters 1 and 2).</td>
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<td></td>
<td>Ch 2 Study and Review Questions.</td>
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<td>3</td>
<td>Chapter 3: Essentials of the Legal System for Healthcare Professionals</td>
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<td></td>
<td>Ch 3 Study and Review Questions.</td>
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<td></td>
<td><strong>Discussion Board: Medical Assisting Scope of Practice.</strong></td>
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<td>4</td>
<td>Chapter 4: Working in Today’s Healthcare Environment</td>
<td><strong>Test #2</strong> (chapters 3 and 4).</td>
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<td>Ch 4 Study and Review Questions.</td>
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<td>5</td>
<td>Chapter 5: The Physician-Patient Relationship</td>
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<td>Ch 5 Study and Review Questions.</td>
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<tr>
<td>6</td>
<td>Chapter 6: Professional Liability and Medical Practice</td>
<td><strong>Test #3</strong> (chapters 5 and 6).</td>
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<td>Ch 6 Study and Review Questions.</td>
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<td>7</td>
<td>Chapter 7: Public Duties of the Healthcare Professional</td>
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<td>Ch 7 Study and Review Questions.</td>
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<tr>
<td>8</td>
<td>Chapter 8: Workplace Law and Ethics</td>
<td><strong>Test #4</strong> (chapters 7 and 8).</td>
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<td>Ch 8 Study and Review Questions.</td>
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<td>9</td>
<td>Chapter 9: The Medical Record</td>
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<td>Ch 9 Study and Review Questions.</td>
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<td>10</td>
<td>Chapter 10: Patient Confidentiality and HIPAA</td>
<td><strong>Test #5</strong> (chapters 9 and 10).</td>
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<td>Ch 10 Study and Review Questions.</td>
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<td><strong>HIPAA Assignment.</strong></td>
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<td>11</td>
<td>Chapter 11: Ethical and Bioethical Issues in Medicine</td>
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<td>Ch 11 Study and Review Questions.</td>
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<td>12</td>
<td>Chapter 12: Ethical Issues Relating to Life</td>
<td><strong>Test #6</strong> (chapters 11 and 12).</td>
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<td>Ch 12 Study and Review Questions.</td>
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<td>13</td>
<td>Chapter 13: Death and Dying</td>
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<td>Ch 13 Study and Review Questions.</td>
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<td>14</td>
<td>Chapter 14: Trends in Healthcare</td>
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<td>Ch 14 Study and Review Questions.</td>
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<tr>
<td>15</td>
<td><strong>Comprehensive Final Exam</strong></td>
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<td>There will be 100 questions and you will have 2 hours and 30 minutes to</td>
<td><strong>The final exam</strong> will be</td>
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<td>take the final.</td>
<td>available from (TBA).</td>
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**NOTE:** Drop date for this section is **11/9/17**.