Course Learning Outcomes for Unit I

Upon completion of this unit, students should be able to:

1. Explain why it is so important for practicing health care professionals to comprehend the principles of medical law and ethics.
2. Describe moral values and explain how such values relate to law and to ethics in health care.
3. Differentiate among law, ethics, bioethics, etiquette and protocols in health care.
4. Explain the skills and personal characteristics which are most often associated with successful careers in the medical professions.
5. Examine need and value development theories and relate these to health care.
6. Summarize the key principles of contemporary consequence-oriented, duty-oriented, and virtue ethics reasoning in health care.
7. Articulate and provide examples of the key ethical principles for health care professionals.

Reading Assignment

Chapter 1:  
Introduction to Law and Ethics

Chapter 2:  
Making Ethical Decisions

Unit Lesson

Introduction to Law and Ethics

This lecture will serve to introduce students to the fields of medical law and medical ethics, explaining some of the key concepts on the legal side, and then on the ethical side, of health care today. It all starts with understanding why we even need to study these topics to begin with.

Why Study Law and Ethics?

It is a professional responsibility for everyone practicing in a health care role to understand the laws and ethical precepts that impact their work. This is for our patients’ benefit first and foremost, so that we can provide excellent care for them. But it is also important for avoidance of malpractice and for reducing liability in our hospitals and clinics. Staff and management understanding of law and ethics is crucial for effective risk management in our organizations. It is also good for morale! Caregivers who know the law and know ethics are less anxious and less fearful, as they go about their daily work with patients. They can experience more enjoyment of their work and do a better job overall.

Law Defined

"Law" can be considered the foundation of statues, rules and regulations which govern people, relationships, behaviors and interactions within the state, society and government. That is certainly a mouthful, but law encompasses all of these things. If our laws are good and sound, they will resolve disputes without violence and will protect individual health, safety and welfare.
Ethics Defined

Ethics is a system which is closely related to law, but which is different in focus. We can consider “ethics” to mean the system of moral principles which govern the conduct of a particular group, such as a particular professional group. And within the field of ethics, “bioethics” means the application of ethics specifically to life and health.

Law, ethics and culture cannot be separated, they are closely related and they impact each other significantly, as you will see.

Key Ethical Principles

The key ethical principles which caregivers must understand include autonomy, beneficence, nonmaleficence, and justice. We will consider each of these briefly.

“Autonomy” refers to the fact that patients should be told the truth, period, and that they should be informed of all material risks and benefits of their treatment. In America, the patient has the right to refuse therapy, even if there is clear medical evidence that the therapy is needed. The only exceptions to this right come under the heading of public health protection. For example, a patient with active tuberculosis cannot decline treatment, because he or she would become a public health risk in the community, possibly spreading the disease. Patients have in fact been arrested and jailed on that basis, upon order of the health commissioner, in a few circumstances.

“Beneficence” means working to do good for the patient, just that simple. This is why most people enter a health care profession to begin with, and what motivates many of us to continue on a daily basis. Will your actions as a caregiver truly benefit the patient? That is the question of beneficence.

“Nonmaleficence” refers to doing no harm, the primum non nocere concept of Hippocrates when he wrote his famous oath. Will your actions harm the patient, either by omission or commission? That is the question of nonmaleficence.

And finally “justice” means treating everyone fairly within the scope of our authority and responsibility. Justice comes in two forms, distributive justice and comparative justice. The distributive form calls for equal access by everyone in our society. While the comparative form focuses on the standard of care, the quality of medical treatment provided. And justice applies to patients and to caregivers alike.

Conclusion

You will learn much more in this course regarding the legal and ethical aspects of medicine, and I think that you will enjoy the process. Some weighty issues are ahead for you in this course, many of them with no easy answers. But they are interesting to study, and they will help you to better appreciate the importance of what you do as a medical professional. Pay special attention to the case examples provided in your textbook as you study. They provide a great and practical way to understand the most important concepts in these fields.
Suggested Reading

Go the General OneFile database in the CSU Online Library, and search for the following articles. If you have trouble locating the suggested reading, use a combination of keywords from the title, or search by the author.


