

# **CONTENTS**

### 1 Introduction to Law 1

Introduction 3
Sources of Law 3
Civil/Criminal Law 4
Legal Systems 5
Trial Process 12
Summary 12

# 2 Business Management for Medical Practice 15

Introduction 16
Sole Proprietor 16
Partnerships 18
Professional Service Corporations 19
Group Practice 21
Employer's Responsibilities to Employees 23
Summary 23

### 3 The Employees in the Medical Office 25

Introduction 26
Licensed Personnel 27
Nonlicensed Personnel 29
Professional Liability 32

## 4 The Importance of the Law to the Physician 35

Introduction 36
Medical Practice Acts 36
Narcotics Laws and Regulations 38
General Liability 42
Professional Liability 44

### 5 Public Duties 51

Introduction 52
Births and Deaths 53
Communicable/Notifiable Diseases 55
Reportable Injuries 56
Child Abuse 57
Drug Abuse 58

## 6 The Medical Office in Litigation 61

Introduction 62
Liability 62
Statute of Limitations 67
Subpoenas 68
Expert Witness 69
Evidence 70
Summary 71

#### 7 Consent 73

Introduction 74
Definition 74
Informed/Uninformed Consent 75
The Doctrine of Informed Consent 75
Problems in Consent 76
Implementing Consent 78

#### 8 Medical Records 81

Introduction 82
Purposes 82
POMR 83
SOAP 83
Use of Records in Litigation 85

Ownership of-Medical Records 86 Retention of Medical Records 86

### 9 Collection Practices 91

Introduction 91
Truth in Lending Act 92
Collection Guidelines 93
Collection Problems 95
Collection Agencies 96
Collections and Attitudes 97
Resources 97

### 10 Hiring Practices 99

Introduction 99
Personnel Policies 100
Locating Employees 102
Interview Process 102
Legal Implications 106
Selecting Employees 107
Keeping Employees 108

# 11 Introduction to Ethics and Bioethics 111

Introduction 111 Ethical Issues in Modern Medicine 113 The Hippocratic Oath 115 The Geneva Convention Code of Medical Ethics 116 The Nuremberg Code 117 Declaration of Helsinki Code for Nurses 123 American Association of Medical Assistants: Code of Ethics 125 American Medical Association: Principles of Medical 126 American Hospital Association: A Patient's Bill of Rights 127 The Pregnant Patient's Bill of Rights

### 12 Allocation of Scarce Medical Resources 135

Introduction 135

Macroallocation and Microallocation 136 Systems for Decision-Making 137 Health Systems Agency 138

### 13 Eugenics 141

Introduction 142
Genetic Testing and Genetic Screening 143
In-Vitro Fertilization and Cloning 144
Amniocentesis—Determining Disease, Malformation,
Sex 145
Who Decides 147
Legal Implications 147

### 14 Artificial Insemination 151

Introduction 151 Legal Implications 152 Ethical Implications 154

### 15 Sterilization 157

Introduction 158
Sterilization Methods 158
The Law and Sterilization 159
Ethics and Sterilization 159
Office Protocol 160

### 16 Abortion 163

Introduction 164
Fetal Development 164
When Does Life Begin? 165
Methods of Abortion 166
Abortion and the Law 167
Ethics and Abortion 169
Medical Office Protocol 172

# 17 Prolonging Life/Postponing Death by Artificial Means 175

Introduction 175

Prolonging Life by Artificial Means 176

Postponing Death by Artificial Means 176

:

Ethical Considerations 177 Legal Implications 179 Role of Health Professionals 180

### 18 Euthanasia 183

Introduction 183
Passive Euthanasia 184
Active Euthanasia 184
Legal Implications 185
Ethical Implications 185
The Role of Health Professionals 186

### 19 Dying and Death 189

Introduction 190
Suffering in Dying 190
Stages of Dying 194
Hospice 195
Living Will 196
Natural Death Act 197
Role of Physician and Office Employee 197
Legal Definitions of Death 198
Uniform Anatomical Gift Act 198
Autopsy 199
Role of the Physician and Medical Office Employee 200

#### 20 Have a Care! 203

Epilogue 209

Index 211