



## **The Complete Course on Legal Aspects of Health Care**

**Course Venue:** UK - London

**Course Date:** From 27 OCT 2019 To 7 NOV 2019

**Course Place:** Hyde Park

**Course Fees:** 11900 GBP



## **Introduction**

This comprehensive and engaging course lays a strong foundation in both health law and ethics, providing a solid foundation in a wide range of current healthcare issues in an understandable format that carefully guides the delegates through practical ways in order to improve the quality and safety in the delivery of patient care.

## **Course Objectives**

### **On completion of this course you should be able to:**

- Describe a brief history of the development of hospitals as influenced by medical progress and determine their successes and failures over centuries.
- Define government organization, sources of law, and government ethics.
- Discuss ethical theories, principles, virtues values, and related topics.
- Define negligent and intentional torts, as well as criminal aspects of healthcare.
- Get a solid basis for a more complete understanding of patient consent, legal reporting requirements, medical records, procreation and ethical issues.

## **Course Outlines**

### **Reflections on the Past**

- Early Hindu and Egyptian hospitals
- Greek and Roman Hospitals
- Hospitals of the early Christian era
- Islamic hospitals
- Medieval hospitals
- Hospitals of the renaissance
- Hospitals of the 18<sup>th</sup> century
- Early hospitals in the United States
- Late 19<sup>th</sup> century renaissance
- 20<sup>th</sup> century progress
- Health care and hospitals in the 21<sup>st</sup> century
- History's common theme: recurring infections
- History challenges us to do better

### **Government, Law, and Ethics**

- Development of Law
- Sources of Law
- Government organization
- Department of health and human services
- Government ethics
- Political malpractice

### **Health Ethics**

- Ethics
- Morality
- Ethical theories
- Principles of healthcare ethics
- Virtue ethics and values



- Religious ethics and spirituality
- Secular ethics
- Ethics committee
- Reasoning and decision making
- Moral compass gone astray
- Summary thought

### **Tort Law - Negligence**

- Objectives of Tort Law
- Negligence
- Forms of negligence
- Degrees of negligence
- Elements of negligence
- Summary case

### **Intentional Torts**

- Assault and battery
- False imprisonment
- Defamation of character
- Fraud
- Invasion of privacy
- Infliction on mental distress
- Products liability

### **Criminal Aspects of Health Care**

- Criminal procedure
- Healthcare fraud
- Kickbacks
- Tampering with drugs
- Internet pharmacy and sale of drugs
- Falsification of records
- Patient abuse
- Criminal negligence
- Manslaughter
- Murder
- Rape and sexual assault
- Theft

### **Contracts and Anti trust**

- What is a contract?
- Types of contracts
- Elements of a contract
- Breach of a contract
- Corporate contracts
- Partnerships
- Independent contractor
- Legality of object
- Conditions
- Performance
- Nonperformance defenses
- Remedies



- Employments contracts
- Medical staff bylaws: A contract
- Exclusive contracts
- Restraint of trade
- Hospital staff privileges
- Transfer agreements
- Insurance contract

### **Civil Procedure and Trial Practice**

- Pleadings
- Discovery
- motions
- Pretrial conference
- Notice of trial
- Memorandum of law
- The courtroom and the judge
- The jury
- Subpoenas
- Burden of proof
- Res Ipsa Loquitur
- Opening statements
- Examination of witnesses
- Judicial notice rule evidence
- Defenses against plaintiff's allegations
- Closing statements
- Judge's charge to the jury
- Jury deliberation and determination
- Awarding damages
- Joint and several liability
- Appeals execution of judgments

### **Corporate Structure and Legal Issues**

- Authority of corporations
- Corporate committee structure
- Corporate ethics
- Corporate negligence
- Doctrine of respondent superior
- Governing body responsibilities
- Corporate reorganization

### **Medical Staff Organization and Physician Liability**

- Principles of medical ethics
- Medical staff organization
- Medical director
- Medical staff privileges
- Common medical errors
- Patient assessments
- Diagnosis
- Treatment
- Discharge and follow-up care infections
- Psychiatry
- Physician-patient relationship



## **Nursing and the Law**

- Scope of practice
- Nurse licensure
- Nursing careers
- Advanced practice nurses
- Legal risks of nurses
- Duty to question discharge
- Duty to report physician negligence

## **Hospital Departments and Allied Professional**

- Emergency department
- Chiropractor
- Dentistry
- Laboratory
- Medical assistant
- Medical imaging
- Nutritional services
- Paramedic
- Pharmacy
- Physical therapy
- Physician's assistant
- Podiatrist
- Respiratory therapist
- Security
- Certification of healthcare professionals
- Helpful advice for caregivers

## **Patient Consent**

- Introduction
- Informed consent
- Physicians and informed consent
- Hospitals and informed consent
- Nurses and informed consent
- Validity of consent
- Assessing decision-making capacity
- Admission consent forms
- Consent for specific procedures
- Limited power of attorney
- Who may consent
- Incompetent patients
- Right to refuse treatment
- Exculpatory agreements
- Proving lack of consent
- Informed consent claims and defenses

## **Legal Reporting Requirements**

- Abuse
- Child abuse
- Senior abuse
- Communicable diseases
- Hospital-acquired diseases



- Hospital-acquired infections
- Births and deaths
- Adverse drug reactions
- Physician competency
- Incident reporting
- Sentinel events
- Look closer, see me

### **Medical Records**

- Information management
- Medical record contents
- Documentation of care
- Privacy act of 1974
- Health insurance portability and accountability act
- Ownership and release of medical records
- Failure to use patient data gathered
- Retention of records
- Electronic medical records
- Legal proceedings and the medical records
- Confidential and privileged communications
- Charting: some helpful advice

### **Procreation and Ethical Dilemmas**

- Abortion
- Sterilization
- Artificial insemination
- Surrogacy
- Wrongful birth, life, and conception

### **Acquired Immune Deficiency Syndrome**

- Spread of AIDS
- Healthcare workers transmission
- Confidentiality
- Discrimination
- AIDS-related lawsuits
- AIDS treatment
- AIDS education

### **End-of-Life Issues**

- Patient autonomy and case law
- Constitutional right to refuse care
- Legislative response
- Defining death
- Futility of treatment
- Do-not-resuscitate orders
- Withholding and withdrawal of treatment
- Euthanasia
- Physician-assisted suicide
- Advance directives
- Autopsy
- Organ donations



- Research, experimentation, and clinical trials
- Human genetics
- Stem cell research

### **Patient rights and responsibilities**

- Patient rights
- Patient responsibilities

### **Labor relations**

- U.S. department of labor
- Unions and healthcare organizations
- National labor relations act
- Norris-LaGuardia Act
- Labor-management reporting and disclosure act
- Fair labor standards act
- Occupational safety and health act
- Rehabilitation act
- Family and medical leave act
- State labor laws
- Workers' compensation
- Labor rights
- Management rights
- Affirmative action plan
- Patient rights during labor disputes
- Injunctions
- Administering collective bargaining agreement
- Discrimination in the workplace

### **Employment at Will and Discharge**

- Employment at will
- Public policy issues and termination
- Termination
- Unemployment compensation denials
- Wrongful discharge
- Defending a claim for unfair discharge
- Fairness: The ultimate test
- Effective hiring practices

### **Employee Rights and Responsibilities**

- Employee rights
- Employee responsibilities
- The Caregiver's Pledge

### **Professional Liability Insurance**

- Insurance policies
- Liability of the professional
- The insurance agreement
- Intentional Torts: coverage denied
- Conditions of insurance policies
- Medical liability insurance



- Self-insurance
- Trustee coverage
- Mandated medical staff insurance coverage
- Investigation and settlement of claims

### **National Health Insurance Managed Care**

- National health insurance
- Veteran care
- Managed care
- Models of managed care organizations
- Federally qualified HMO
- State laws
- Case management firms
- Third-party administrators
- Utilization review
- Liability for nonparticipating physicians
- Employee retirement income security act
- Reducing exposure to liability
- Healthcare quality improvement act of 1986
- Ethics in patient referral act 1989
- Managed care and legal actions
- Price fixing
- Market power

### **Tort Reform and Risk Reduction**

- Mediation and arbitration
- Structured awards
- Pretrial screening panels
- Collateral source rule
- Contingency fee limitations
- Countersuits: Frivolous Claims
- Joint and several liability
- Malpractice caps
- No-Fault System
- Regulation of insurance practices
- Statutes of limitations
- Reducing the risks of malpractice
- Physician participation in Tort Reform