

## **MEDICAL LAW AND ETHICS**

MDCA 1205.088 TR

Spring 2024

### **COURSE SYLLABUS**

Instructor: Karen Pitts, BAAS, AAS, CMA (AAMA)  
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### **Course Description**

This course introduces the student to the legal principles and ethical issues affecting all healthcare professionals in the United States. The role of the allied healthcare professional will be emphasized throughout the course.

### **Required Texts**

*Legal and Ethical Aspects of Health Information Management (5<sup>th</sup> ed), D.C. McWay*

*MindTap Access – **electronic platform, e-textbook included***

### **Course Learning Objectives:**

1. Differentiate between legal, ethical, and moral issues affecting healthcare.
2. Identify and explain how the sources of law influence the content of the health record
3. Describe the components and implications of HIPAA for the medical assistant in various healthcare settings
4. Compare criminal and civil law as it applies to the practicing medical assistant
5. Describe the various legal Acts related to medical law and ethics, health information, and employment.
6. Define terms related to each chapter.

### **Cognitive Competencies:**

X.C.6 – Identify criminal and civil law as they apply to the practicing medical assistant

X.C.7.a-i – Define: negligence, malpractice, statute of limitations, Good Samaritan Act(s), Uniform Anatomical Gift Act, living will/advanced directives, medical durable power of attorney, Patient Self Determination Act (PSDA), risk management

X.C.10.a,b,c – Identify: Health Information Technology for Economic and Clinical Health (HITECH) Act, Genetic Information Nondiscrimination Act of 2008 (GINA), American with Disabilities Act Amendments Act (ADAAA)

X.C.12.a,b,c – Identify compliance with public health statutes related to: communicable diseases; abuse, neglect, and exploitation; wounds of violence

X.C.13.a,b,c,d,e,f,g,h,i,k,l,m – Define the following medical legal terms: informed consent, implied consent, expressed consent, patient incompetence, emancipated

minor, mature minor, subpoena duces tecum, respondeat superior, res ipsa loquitur, defendant-plaintiff, deposition, arbitration-mediation

XI.C.1.a,b – Define: ethics, morals

XI.C.2 – Identify personal and professional ethics

XI.C.3 – Identify potential effects of personal morals on professional performance

### **Course Policies:**

To ensure you have all key information available to you off-line, it is highly recommended that you print the student syllabus and course calendar for your reference.

### **Attendance:**

This is an online course – there is no on-campus attendance for this course. Attendance is not recorded for this class. It is recommended that you log-on to your classroom at least twice daily to ensure you are aware of announcements, assignments, discussions, and testing. The course week begins on Monday at 12:01am and ends on Sunday at 12:00 midnight. Days of the week correspond as follows:

Monday – Day 1

Tuesday – Day 2

Wednesday – Day 3

Thursday – Day 4

Friday – Day 5

Saturday – Day 6

Sunday – Day 7

### **Alternate Operations During Campus Closure and/or Alternate Course Delivery Requirements:**

In the event of an emergency or announced campus closure due to a natural disaster or pandemic, it may be necessary for Northeast Texas Community College to move to altered operations. During this time, Northeast Texas Community College may opt to continue delivery of instruction through methods that include, but are not limited to: online through the BlackBoard Learning Management System, online conferencing, email messaging, and/or an alternate schedule. It is the responsibility of the student to monitor NTCC's website (<http://www.ntcc.edu/>) for instructions about continuing courses remotely, BlackBoard for each class for course-specific communication, and NTCC email for important general information.

Additionally, there may be instances where a course may not be able to be continued in the same delivery format as it originates (face-to-face, fully online, live remote, or hybrid). Should this be the case, every effort will be made to continue instruction in an alternative delivery format. Students will be informed of any changes of this nature through email messaging and/or the BlackBoard course site.

## **Instructional Methods and Tools:**

The instructional methods and tools are tied to the course and chapter learning objectives by allowing the student to research, discover, and perform the differing educational exercises within the MindTap Learning Platform and class discussion forums. This course uses the following tools to aid students in successfully achieving the learning objectives in this course:

1. The MindTap Learning Platform will be used for the majority of assignments in this course. The platform contains different learning tools that include videos, homework assignments, and quizzes.
2. Weekly discussion questions.
3. Additional articles, lectures, and video demonstrations supplied by the instructor.

## **Evaluation and Grading Criteria:**

Exams will be given each week and will cover information contained in your text, class discussions, and any additional materials given by the instructor. If there is an alteration in the class calendar, the change will be announced in the “announcements” section of Black Board. There are **NO** make-up exams and I do **NOT** accept late assignments! All assignment due dates are listed in the course calendar and under the description of the actual assignment. If you have a conflict with the date, it is your responsibility to contact me in advance of the due date to make arrangements for alternate submission. Failure to do so will result in a grade of zero for the assignment. **It is your responsibility to ensure that your assignments are submitted on or before the due date!** I do understand that there are unforeseen circumstances (such as a death in the immediate family and hospitalization) that may not allow you to post assignments by the due date. Please contact me as soon as possible to arrange for an extension. **Technology issues are not valid reasons for missing deadlines.** Please ensure that your computers are updated with the correct software. Course weeks closes on Day 7 at 11:59pm.

The instructor will **not** drop students from the course rolls for any reason. If the student decides not to complete the course, it is the responsibility of the student to officially drop the course through the Registrar’s office. Failure to do so will result in an “F” being awarded in the course.

## **Grade Policy**

DQ’s, Knowledge Checks, & HIPAA Training	25%
Critical Thinking Quizzes, Concept Quizzes, & HIPAA Exam	40%
Final Comprehensive Exam	35%

### **Grading Scale:**

The grading scale of all graded activities combined will be the following

90% - 100%	=	A
89% - 80%	=	B
79% - 75%	=	C
Below 75%	=	F

**\*\* A minimum of a “C” is required to pass this course.**

**Drop Policy:** The last day to drop with a grade of “W” is **Thursday, April 18, 2024.**

Grades will be posted online under “**My Grades**” in Blackboard. Grades will be posted no later than day 7 of the following week in which the assignment was due. For example, if your assignment was due in Week 3, you would not receive grades on that assignment until Day 7 of Week 4. I do review tests for computer errors and may award credit for answers that I feel are correct.

I will log in to the course at least 4 times during the week to monitor the weekly **Discussion** area. Feedback will be provided in the **Discussion** area and/or in the **Announcements** area. Requests for more specific feedback may be made in the **Discussion** area or in the **Ask the Instructor** area. I will respond to at least one main post each week but will not usually respond to all posts. If you feel you are not receiving enough personal feedback, you are strongly encouraged to contact me and ask for more specific feedback via email.

### **Academic Dishonesty**

Academic dishonesty is considered an act of cheating. Each student has a responsibility to follow the college policies regarding academic dishonesty which are found on page 86 in the Northeast Texas Community College General Catalog. Please see my letter regarding Academic Integrity found on Black Board under “**Start Course Here**”

**Any student found guilty of academic dishonesty, the issue will be dealt with per NTCC’s policies and may receive a grade of “0” for that assignment. A second violation will result in failure of the course.**

### **Online Communication:**

Since this is online course and we do not interact face-to-face, good communication within the online environment is essential. Please read “The Core Rules of Netiquette” posted under “**Start Course Here.**”

If you have any questions regarding course content or questions related specifically to the class, please post them in the “**Ask the Instructor Forum**” posted under “**Start**

**Course Here” or “DISCUSSIONS.”** Please take advantage of this forum as all students may benefit from your knowledge. If you have a personal question or situation, please email me directly. I make it a policy to answer all emails within 24 hours of receipt of the email. If I do not respond to you in 24 hours, please text me. As with electronic transfer of information (Internet connection issues), I may not have received your email. I also make it a point to log-on to our classroom frequently each week. If for any reason I will be unavailable during the semester, I will post the information under the “**Announcements**” tab.

It is important to always check your **Blackboard Course E-mail, the Discussion** area, **Announcements**, and the **Ask the Instructor** area each time you check into the classroom. One of your classmates may have offered feedback or insight that will be helpful to you or I may have provided information in general to assist you in your work.

Private e-mailing between student and instructor via the **NTCC e-mail** should only be used for personal, confidential situations. Any communication regarding a personal matter should be sent directly to the instructor via e-mail. No communications of a private or personal matter should be posted in the public spaces of the classroom.

Please feel free to use the Class Biography forum to initiate and participate in conversations not directly related to the course. This is an excellent opportunity to get to know other students.

### **Course Navigation:**

Please ensure that you navigate through the entire course, so you are aware of the location of course materials, email, grade book, BlackBoard help, etc. It is your responsibility to ensure your knowledge of the BlackBoard system. If you have any questions, please post in the “**Ask the Instructor Forum**,” or you can contact NTCC’s Tech Support. There are several “tabs” to the left of the course screen that provide additional information for the course.

### **Internet Connection Issues:**

Since this course is delivered in an online format, please ensure that you have the proper computer and Internet set-up. There are no excuses for not submitting assignments due to technology issues – in other words, “my dog ate my computer” is not a valid excuse. If you have issues regarding connectivity, please contact NTCC’s Tech Support for help. If you have issues with navigating through the BlackBoard system, please refer to the “**HELP**” tab to the left on the course screen.

### **Course Materials and Assignments:**

Along with your text books for this course, additional course materials located within the Course Connect program are available as educational resources. You are also expected to use the Internet for additional research to enhance your discussions and assignments. There are several types of assignments that will be required to be completed during this course:

**Discussion Questions (DQs):** You will have one DQ due each week that is worth 15 points. Grading is based on the DQ rubric located in the “Rubric” tab on the left side of homepage screen. Please post your initial response by Day 2 (Thursday) and respond to at least two people (classmates and/or instructor) by Day 5 (Friday). You must post on at least three different days of the week to receive credit for participation. Minimum word count for initial posting is 50 words and minimum word count for peer responses is 25 words. Make sure that you research your answer and cite and reference your work using APA formatting. Answers must be thought provoking or ask a question regarding the content of the post. I expect your posts to be researched, insightful, and add value to the discussion. Please note that I do grade on grammar, spelling, the use of citation and referencing, and punctuation as correct use of written communication is important. I have posted basic information for use of APA formatting under the “START HERE” tab. However, if you are comfortable using a different reference formatting such as MLA, that is acceptable.

**MindTap Assignments/Quizzes:** The following assignments are performed through the MindTap Learning Platform and are due by Day 7 of each week: Knowledge Checks, Critical Thinking Quizzes, and Concept Quizzes. There are also video clips that accompany the Critical Thinking Quizzes and Concept Quizzes that should be watched before attempting the quizzes. If these videos do not load on your cell phone (through BlackBoard app), please use a laptop/desktop computer to access these videos. Please check the Learning Modules weekly for the list of MindTap assignments due for the specific week.

You will have two reading assignments attached to Chapter 7. The handouts are located in the learning module. Handouts are for Kubler-Ross Theory and Uniform Anatomical Gift Act. These two handouts are for discussion in your discussion post.

**HIPAA Assignment and HIPAA Test:** As a requirement of this course, the HIPAA assignment and HIPAA quiz will be due by Day 7 of Week 5. A description of the assignment and test link are found in the Week 5 Learning Module of the Blackboard Classroom.

**Interactive Exercises:** There are interactive exercises (Chapter Flashcards) imbedded within the MindTap Learning Platform. While these are not graded exercises, it is suggested that you complete these exercises to aid you learning of the course material.

**\*\*\*\*There are no make-ups for any activities or assignments and I do not accept late work unless prior arrangements have been made.**

**Final Comprehensive Exam:** This test will be administered the last week of class and will not be available before the last week of class. Additional information regarding the final will be posted in week of class. **There is absolutely NO MAKE UP for the final exam.**

**APA (American Psychological Association) Format:** APA is a specific format that is a guideline for every aspect of writing, from determining authorship to constructing a [table](#) to avoiding [plagiarism](#) and constructing accurate reference citations. This format must be adhered to for all writing assignments to avoid plagiarizing your written material including discussion questions and peer responses. If you are unfamiliar with APA formatting, I have provided an Internet link on the “**START HERE**” page for reference.

### **ADA Statement**

It is the policy of Northeast Texas Community College to provide reasonable accommodations for qualified individuals who are students with disabilities. This College will adhere to all applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal educational opportunity. It is the student’s responsibility to arrange an appointment with a College counselor to obtain a Request for Accommodations form. For more information, please refer to the Northeast Texas Community College Catalog or Student Handbook or you can contact the Coordinator of Special Populations at 903-434-8202, or visit the website:

<http://www.ntcc.edu/index.php?module=Pagesetter&func=viewpub&tid=111&pid=1>

### **Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children’s educational records. These rights transfer to the student when he or she attends a school beyond the high school level. Students to whom the rights have transferred are considered “eligible students.” In essence, a parent has no legal right to obtain information concerning the child’s college records without the written consent of the student. In compliance with FERPA, information classified as “directory information” may be released to the general public without the written consent of the student unless the student makes a request in writing. Directory information is defined as: the student’s name, permanent address and/or local address, telephone listing, dates of attendance, most recent previous education institution attended, other information including major, field of study, degrees, awards received, and participation in officially recognized activities/sports.

### **Tobacco Use**

If you come to NTCC’s campus, the use of tobacco products including smokeless tobacco, smoking tobacco, electronic cigarettes, and any legal smoking preparation is prohibited in all College buildings, enclosed facilities, inner campus, and College owned vehicles.

#### **Tobacco use is prohibited in:**

1. All enclosed buildings and facilities, including but not limited to classrooms, offices, food service areas, lavatories and residence halls

2. All exterior areas in the inner campus and parking lots.
3. All college owned vehicles.

Tobacco use is permitted in:

1. Personal vehicles
2. Designated smoking huts on the west side of campus.

## **Chapter Objectives**

### Chapter 1

- Differentiate between public law and private law
- Compare and contrast criminal and civil law as they apply to healthcare providers (specifically MAs)
- Compare and contrast contract and tort law
- Describe the branches of government and their roles in creating, administering, and enforcing law
- Define terms related to chapter

### Chapter 2

- Define the terms arbitration and mediation
- Differentiate between subject matter jurisdiction and personal jurisdiction
- Explain the differences between a trial and an appeal
- Define the terms defendant and plaintiff
- Identify the steps in a civil lawsuit
- Define subpoena duces tectum
- Define the term deposition and the purpose of depositions
- Define terms related to chapter

### Chapter 3

- Define terms related to chapter
- List the questions typically asked of the health profession when establishing a foundation and trustworthiness requirements
- Describe the use and application of the physician-patient privilege
- Compare and contrast a court order authorizing disclosure of health information with a subpoena
- Discuss the three recommended responses of a health professional to the presentation of a subpoena

### Chapter 4

- Define terms related to chapter
- Explain the difference between assault and battery
- Define the different types of torts
- Define respondeat superior
- Differentiate among the three types of damages
- Define medical malpractice and negligence
- Define res ipsa loquitur



- Define the Good Samaritan Act and the laws that fall under this Act

#### Chapter 5

- Define terms related to chapter
- Define ethics and morals
- Differentiate between ethics, morals, values, etiquette, and law
- Explain the differing types of ethical concepts and their application to healthcare
- Differentiate between the differing types of ethical theories

#### Chapter 6

- Define terms related to chapter
- Differentiate between personal and professional ethics
- Explain the effect of personal morals on professional performance
- Explain the ethical decision-making process
- Describe the factors that influence the decision-making process
- Define and discuss the Patient Self Determination Act (PSDA)

#### Chapter 7

- Define the terms related to chapter
- Explain the Uniform Anatomical Gift Act
- Explain the Genetic Information Nondiscrimination Act (GINA)
- Specifically define living will/advanced directives and medical durable power of attorney
- Discuss the Kubler-Ross theory of the 5 Stages of Grief
- Discuss ethical issues related to death and dying

#### Chapter 8

- Define the terms related to chapter
- Identify and explain how the sources of law influence the content of the health record
- Describe the proper and improper methods for health provider to correct the health record
- Define and explain statute of limitations and how it relates to record retention
- Describe the importance of keeping permanent evidence of a record's destruction in the ordinary course

#### Chapter 9

- Define the terms related to chapter
- Define and explain the difference between express, implied, and informed consent
- Describe the components of the Health Information Portability and Accountability Act (HIPAA)
- Define and discuss the differences between an emancipated minor and a mature minor and the legal rights each type of minor has
- Define patient incompetence with regards to healthcare consent issues

## Chapter 10

- Define the terms related to chapter
- Describe the Health Information Technology for Economic and Clinical Health (HITECH) Act
- Describe the ownership of medical health records
- Explain the concept of a notice of information practices
- Explain the methods employed to disclose health information
- Compare and contrast the rights of access of patients and third parties to patient-specific health information
- Describe compliance with public health statutes regarding communicable diseases, abuse, neglect, and exploitation, and wounds of violence

## Chapter 11

- Define the terms related to chapter
- Describe the differences between specialized patient records and general health records
- Compare and contrast release of information forms used in an ordinary healthcare setting with those used in a substance abuse setting.
- Explain the difference between the official record and the personal record in the mental health/developmental disability context
- Compare and contrast court-ordered HIV/AIDS testing with HIV/AIDS testing pursuant to statutory authority
- Describe situations in which employers may require HIV/AIDS testing of employees

## Chapter 12

- Define the terms related to the chapter
- Define risk management and its need in the healthcare setting
- Describe the process in compliance reporting for unsafe activities, errors in patient care, conflicts of interest, and incident reports
- Identify the reporting requirements of the HealthCare Quality Improvement Act
- Explain how the three components of patient record requirements relate to risk management

## Chapter 13

- Define the terms related to chapter
- Discuss the reasons supporting the transformation to an electronic health record
- Compare and contrast the three broad categories of laws and regulations governing the creation and storage of electronic records
- List the types of lawsuits that may arise due to a breach of confidentiality of a health record
- Compare and contrast the security issues associated with the use of the Internet and e-mail

## Chapter 14

- Define the terms related to chapter
- Explain the meaning of fraud and abuse
- Compare and contrast the major laws supporting a prosecution for healthcare fraud and abuse
- List and describe the roles of various law enforcement agencies in the prosecution of healthcare fraud and abuse
- Explain the meaning of compliance and compliance programs

#### Chapter 15

- Define the terms related to chapter
- Define and describe the Americans with Disabilities Act and the Amendments Act
- Define the concept of employment and differentiate between the various types of employees
- Explain the concept of at-will employment doctrine
- Describe the interplay between ethics and law in the context of employment
- List and describe the various civil rights and workplace protection laws that relate to human resource management