

# Chapter 20

## Ethics, Legal Considerations, and Professionalism

# Learning Objectives

- Discuss reasons why a study of professional behavior is important to the limited x-ray machine operator
- Apply ethical concepts to typical situations that arise in the health care setting
- Explain the rationale for confidentiality of professional communications and precautions for maintaining confidentiality
- Demonstrate respect for patient rights that the limited operator is responsible for protecting
- List specific acts of misconduct and malpractice that could occur in the practice of radiography and describe the most frequent circumstances causing patients to initiate litigation

# Learning Objectives

- List aspects of self-care that demonstrate responsible behavior by the limited operator
- Demonstrate effective communications skills, including listening skills, nonverbal skills, and validation of communication; discriminate between assumed and validated statement
- Suggest positive strategies for both verbal and nonverbal communication with patients with hearing and/or visual impairments and patients from other cultures
- Demonstrate communication strategies that promote teamwork in the workplace
- Demonstrate professional skills in handling messages sent and received on paper and by telephone, voice mail, and fax

# Learning Objectives

- Demonstrate the use of patient charts for both obtaining and recording information; state the essential characteristics of good medical records
- Explain requirements for maintaining radiographs and procedures for lending them

# Professionalism

- Defined as
  - The application of specialized knowledge in a profession and possessing certain attributes such as honesty, integrity, and competency
- Professional organizations
  - Set professional behavior standards
  - Establish and maintain educational requirements for the profession
  - Determine qualifications for practice of the profession

# Morals, Values, and Ethics

- **Morals**
  - Right actions based on religious teachings
- **Values**
  - Priority placed on various moral concepts
- **Ethics**
  - Rules that apply values and moral standards to actions
  - Professional ethics define appropriate behavior for a profession

# Standards of Ethics for Radiography

- ARRT Code of Ethics requires radiographers to
  - Render professional services without prejudice or bias
  - Use care and discretion in decision making and accept responsibility for decisions
  - Adhere to accepted practices and protect themselves, patients, and staff from unnecessary radiation exposure
  - Respect the confidentiality of professional communications and the patient's right to privacy

# Patient Rights

- Considerate and respectful care
  - Treat all patients with dignity
- Information
  - Answer questions regarding a procedure or examination, and refer questions about treatment and diagnosis
- Privacy
  - Respect patient modesty
  - Maintain confidentiality



# Patient Rights

- Confidentiality
  - HIPAA (Health Insurance Portability and Accountability Act) regulates
    - Release of medical information
    - Disclosure of information and how it will be used
    - Patient's right to
      - View and receive copies of medical information
      - Amend medical records
      - Request restrictions on uses and disclosures of information
      - File complaints about violations of HIPAA rules

# Patient Rights

- Refusal of treatment or examination
  - Patient may refuse treatment or examination even if consent was given
- Informed consent
  - Obtain for experimental procedures and those carrying significant risk
  - Signed consent form indicates patient understands procedure and associated risks

# Patient Rights

- For informed consent to be valid the
  - Patient must be legally competent
    - If not legally competent parent or guardian provides consent
  - Form must be completed before it is signed
  - Conditions are explained by the physician performing the procedure
  - Conditions stated on the form are met

# Legal Considerations

- Violations of local and institutional standards
  - Failure to maintain proper credentials
- Intentional misconduct or negligence
  - Assault or threat of injury
  - Battery or unlawful touching
  - False imprisonment or unjustifiable detention of a person
  - Invasion of privacy or breach of confidentiality
  - Libel and slander or the spread of information resulting in defamation of character
    - Libel refers to written information
    - Slander refers to information spread verbally

# Legal Considerations

- Negligence refers to the neglect or omission of reasonable care or caution
- The possibility of negligence can be reduced by
  - Maintaining professional competence
  - Complying with workplace policies and procedures
  - Proper charting
  - Effective patient and co-worker communications
  - Maintaining patient confidentiality
  - Treating patients and co-workers courteously
  - Exercising carefulness in the performance of procedures

# Being a Professional

- Practice self-care – remaining in good health
- Maintain a neat, clean, professional appearance
- Project a positive attitude
- Function as part of the workplace team
- Provide empathetic patient care – be considerate and respectful
- Maintain the work environment including supplies and equipment
- Acquire new skills and expand existing knowledge through continuing education

# Professional Communication

- Non-verbal
  - Make eye contact
  - Use positive gestures and facial expressions
  - Use positive touch that is both firm and gentle
- Verbal
  - Speak clearly
  - Use words the listener can understand
  - Speak face to face

# Professional Communication

- Listening
  - Focus on the speaker
  - Do not interrupt or finish another's sentences
- Validating
  - Repeat the message so the speaker can confirm accuracy



# Professional Communication

- In stressful situations
  - Speak slowly and clearly
  - Speak in a normal tone of voice
  - Be nonjudgmental
  - Remain calm
  - Make sure the listener understands your message

# Professional Communication

- For all patients
  - Address by surname
  - Provide opportunities to make choices
  - Provide clear instructions
- For patients who are deaf, blind, or mentally impaired, adjust communications to accommodate situation

# Professional Communication

- With co-workers
  - Do not discuss patients and their medical information unless there is a need to know
  - Relay messages accurately and quickly
  - Respond to voice mail promptly
  - Send a cover sheet with all faxes
  - Contact fax recipient by phone prior to sending faxes with confidential information

# Professional Communication

- Persons from other cultures
  - Provide an interpreter as appropriate
  - Use demonstrations or sketches
  - Be considerate of differences related to touch and modesty
  - Remember that gestures such as nodding may have different meanings in different cultures

# Medical Charting

- Patient charts may include
  - Patient history, diagnosis, and prognosis
  - Medications
  - Treatment
  - Laboratory results
  - Radiology reports

# Medical Charting

- The chart is a legal document that may be
  - Paper
  - Computerized
- Entries to the chart must be
  - Accurate, pertinent, and legible, and include date, time, statement of what occurred, and signature of person making the entry

# Radiographs and the Medical Record

- Radiographs
  - Belong to the facility at which they were made
  - Must be retained for 5 to 7 years depending on state law
  - May be loaned with a record kept of the borrower's name and address and the date loaned

# Summary

- Professionalism is the application of specialized knowledge for the benefit of others
- Morals, values, and ethics influence how people behave
- The ARRT Code of Ethics outlines appropriate conduct for radiographers
- Ethical dilemmas are best resolved by identifying the problem, developing alternate solutions, and selecting the best solution
- Patients have the right to considerate and respectful care, information, privacy, confidentiality, refusal of treatment, and informed consent



# Summary

- Types of negligence include assault, battery, false imprisonment, invasion of privacy, libel, and slander
- Negligence can be avoided through competence, compliance, charting, communication, confidentiality, courtesy, and carefulness
- A professional practices self-care, is neat and clean, has a positive attitude, functions as part of a team, provides empathetic care, maintains the work environment, acquires new skills, and expands existing knowledge
- Professional communication requires verbal and non-verbal skills
- Effective listening involves focusing on the speaker and validating the message

# Summary

- Professional communication involves interacting with patients and their families as well as co-workers
- The chart is a legal document
- Entries to the chart must be accurate, pertinent, and legible
- Although radiographs may be loaned, they are part of the medical record and belong to the facility