



Medicolegal

*Specialty Courses
for Phlebotomists*



National Center for
Competency Testing

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Medicolegal Specialty Certificate Course For Phlebotomists

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NCCT is continually refining and creating professional development products for all certified allied health professionals. We are committed to your success. This mini course was designed to help healthcare professionals understand and provide superior service to children.

The course is divided into chapters. There is an open-book quiz at the end of every chapter to help you assess your understanding of that chapter's material. Upon completing all the chapters, you can access this mini course's final examination on-line at NCCT's website, www.ncctinc.com. Proceed to the *Testing* section, and choose the *CE Test Login* option, and log in. Choose the *Medicolegal for Phlebotomists Final Exam*.

Seventy per cent or better is considered a passing grade for this course. Upon passing the course's final exam you will receive a Specialty Certificate and a sticker from NCCT signifying that you have successfully completed this course. This sticker should be placed in your NCCT *Professional Development Log Book*. You will also receive five clock hours of continuing education credit and the course title will be placed on your *NCCT Continuing Education Transcript*.

Acquiring new skills and pursuing additional knowledge in your career field has always been the hallmark of a true professional. Read, learn, and most importantly, enjoy your profession more. Your new knowledge will not only increase your competence and importance to your team, but will also increase your own self-assurance in your ability and work.

Learning Outcomes

Upon completion of the Competence Certificate Course, the professional will be able to:

1. Define medicolegal
2. Categorize complications of phlebotomy
3. Describe physical complications of phlebotomy
4. Discuss liability of the physical complications of phlebotomy
5. List and describe preanalytical variables that impact on erroneous results
6. Describe specimen identification errors
7. Relate liability and potential for legal action to complications of phlebotomy
8. Define HIPAA
9. Discuss legal implications of HIPAA violations
10. Relate patient safety objectives to legal actions
11. Discuss licensure of phlebotomy technicians
12. Discuss medicolegal aspects of phlebotomy performed by untrained personnel
13. Outline hazards of employment for phlebotomists that may warrant legal action
14. Define ethics
15. Evaluate medical case studies and scenarios and discuss the ethical considerations of each case.
16. List constituents of a medical code of ethics.
17. Briefly discuss medical malpractice insurance

Disclaimer

The writers for NCCT Competence Certificate Courses attempt to provide factual information based on literature review and current professional practice. However, NCCT does not guarantee that the information contained in these educational courses is free from all errors and omissions.

CHAPTER 1 MEDICOLEGAL DEFINITIONS

Legal aspects of medical care have changed over the course of time. Medical professionals have historically been held in high esteem. Decisions and judgments of physicians were not questioned or queried by the recipients of these decisions. The culture of healthcare has changed. Individual recipients of healthcare have become consumers. Patients have free access to volumes of medical information. This information is disseminated freely on the Internet, in written publications and by the media. This includes access to information on disease states, treatments, medications, and adverse effects as well as positive and negative outcomes. Blogs, chat rooms and on-line support groups are available for a myriad of medical conditions and treatment modalities. While portions of this material are factual, information accessible to the general public through Internet access and other modalities is at times inaccurate and inspiring of hysteria. Healthcare consumers are more likely to bring legal action against healthcare providers. Legal personnel have the right to advertise. These advertisements are broadcast in the ever-expanding media and are influential in the decision to prosecute for incidents perceived as malpractice. Phlebotomy personnel and laboratory professionals are not exempt from this litigation. It is important to understand basic legal terms and their relationship to legal action.

Medical guidelines and concepts that may be subject to legal action should also be a part of any health care workers knowledge base. Application of these guidelines to daily work practices will aid in prevention of litigation.

Section A Unit a Basic Legal Definitions

A basic understanding of legal terms is essential to comprehension of legal proceedings. It is the sincere hope and desire of every healthcare professional that he/she will never be involved in litigation. Some of the material presented as a part of this unit is an introduction to legal terms. Application of these terms to legal circumstances will vary by situation.

Assault -- an unjustifiable attempt to physically approach another in such a way that the person under attack believes that the act will be carried out; the attacked feels threatened and experiences fear; actual physical contact is not necessary; a permissible assault exists when proper consent has been given such as consent to obtain a blood specimen

Battery -- intentional physical contact with another without consent; physical contact with intention to harm; battery always includes an assault; liability of health care workers for acts of battery is most often present when proper consent is not obtained for medical procedures such as blood collection

Causation -- a relationship between conduct and results; a means of connecting conduct with resulting harm; medical causation relates to the clinical outcome that may have been negatively impacted by a treatment rendered

Civil Law -- action between two private parties; plaintiff sues for monetary damages; not criminal actions; constitute the majority of legal actions associated with medical office or other healthcare facilities; most civil actions in health care are based on tort

Criminal action -- legal recourse that charges an individual with the commission of a crime; the acts or offenses are against the public welfare; the actions can lead to imprisonment

Criminal Law -- associated with laws designed to protect all members of society from injurious acts by others; may be felonies or misdemeanors

Defendant -- individual (healthcare worker) or institution against which the lawsuit is filed

Felony -- crime punishable by imprisonment or death; examples include murder, assault, and rape

Fraud -- deceitful practice or willful plan expected to produce unlawful gain; includes billing for services that may not have been provided

Liable -- under legal obligation as far as damages are concerned

Litigation -- process of bringing and pursuing or "litigating" a lawsuit

Malpractice -- professional negligence; improper or unskillful care of a patient by a member of the healthcare team; any professional misconduct; must be distinguished from negligence

Medicolegal -- of, relating to, or concerned with medicine and law

Misdemeanor -- lesser offense punishable by a fine or less than 1 year in jail

Negligence -- failure to act or perform duties according to the standard of care or practice of the profession; the intent of harm is not present; medical cases where there is no intent to harm but injury occurs, it is called negligence and the individual has the right to sue for damages; the following criteria must be met to sue for negligence:

- A legal duty or obligation must be owed by one person to another
- A breaking or breach of duty
- Harm done as a direct result of the action

Plaintiff -- the individual who brings a lawsuit or action; the claimant

Subpoena -- court order for appearance of an individual or documents to be present at court proceedings; may be the healthcare provider or phlebotomist and/or technical documents such as procedures

Tort -- a civil wrong committed against a person or property for which damages may be awarded in a court of law; act committed without cause that may be intentional or unintentional; examples of torts include:

- Assault
- Battery
- Fraud
- Invasion of privacy
- Breach of confidentiality
- Negligence
- Malpractice



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