

Legal and Ethical Issues in Healthcare



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**Importance
for the
healthcare
professional
to understand
legal and
ethical issues**

- 1. Knowledge of legal responsibilities**
- 2. Limitations of practice**
- 3. Implications of their actions**
- 4. Protection of**
 - a) Healthcare professionals
 - b) Patients
 - c) Co-workers
 - d) Facility
- 5. Ethical behavior ensures**
 - a) Quality patient care
 - b) Positive work relationships
 - c) Well-managed workplace

Examples of current legal and ethical dilemmas

1. Abortion
2. Euthanasia (mercy killing)
3. Organ donation
4. Research and Experimental Treatment (right to try experimental drugs)
5. Patient Confidentiality
6. Emerging Topics:
 - Sex Determination
 - Genetic Editing: (e.g., "designer babies")
 - Pandemic Ethics: Resource allocation (ventilators, vaccines) during crises.
 - Artificial Intelligence

Medical Law and Ethics

Law



Ethics

A **law** is a rule of conduct or action.

Governments enact laws to maintain order and public safety.

Criminal and civil laws apply to health care practitioners.



Ethics is a standard of behavior.

Moral values serve as the basis for ethical conduct.

Family, culture, and society help form individual's moral values.



What's legal but unethical in healthcare?

Ethical concepts

- **Ethics:** Standards of behavior developed as a result of your moral values
- The ability to distinguish right from wrong
Involves a commitment to do what is right, good, and proper
- Role of HA: Making decision of the right behaviour! Difficult in some cases (Balancing competing priorities (e.g., patient needs vs. hospital policies)).

Theoretical base of ethical decisions

1. Deontological decisions (*Deon = duty*):

- Based on a duty or moral obligation motivated by oath or other circumstance.
- Considers that it is the professional's duty to do everything possible for the patient, *regardless* of the possible outcomes.
- Actions determined by rightness or wrongness (virtue ethics)



Theoretical base of ethical decisions

2. Teleological decisions (Telos = goal/end):

- Based on the considerations for the outcome of the action
- “The end justifies the means.”
- Actions will vary depending on the situation (situational ethics)
- **The principle of *utility***, which states that an act must result in the greatest amount of good for the greatest number of people involved in a situation.
- Views the consequences of the action as valuable as the ability to perform the procedure.



Theoretical base of ethical decisions

Criticism

- **Deontology**

- Values are not universally shared (different cultures)
- Do not consequences matter? (real world?)

- **Teleology**

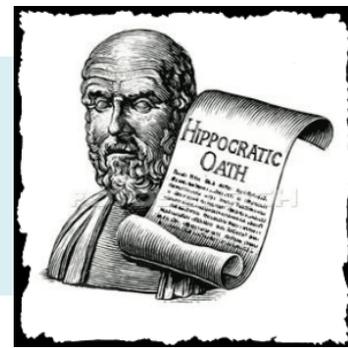
- Greatest good for the greatest number does not protect minority rights
- Not always possible to predict consequences accurately
- Your values may conflict with the action needed

Ethical Principles

1. Autonomy: *Respecting an individual's right to self-govern their healthcare decisions.* It is more than a patient's constitutional right to refuse treatment.

- Includes respect for the patients' privacy and confidentiality.
- It includes each staff member's right to decide what is the right thing for him or her to do.
- Needs to provide enough information for them to make informed choices.
- Truth telling.
- Protection of persons with diminished or impaired autonomy.

Ethical Principles



2. Non-maleficence: The *absence of harm* attributed to the physician's oath to "do no harm." Maleficence is a Deliberate action that is considered harmful or evil.

خريجو الطب في جامعة مؤتة يؤدون القسم الطبي (صورة)

"Primum non nocere"
First, do no harm!
Hippocrates



Ethical principles

3. Beneficence: *Producing good acts.*

Acting always in the patients' best interest to *maximise benefits and minimise harm.*

This is affected by personal definition of what is "good."

However, there are general aspects of this principle that are common to most cultures and religions.

Ethical principles

4. Justice: *all people are treated fairly and equally.*

- It also means:
 - Duty to help others in serious need
 - The right to health care is a basic component of a just society (social justice).

Ethical principles

5. *Veracity*, the obligation to tell the truth.



6. *Fidelity*, the duty to do what one has promised.



Organizational ethics

- **Organizational ethics** is an emerging area in health care management.
- Health care organizations have focussed on the ethical issues faced by clinicians in the direct delivery of clinical care (i.e. clinical ethics) or by researchers in the conduct of clinical research (i.e. research ethics).
- Organizational ethics is more concerned with the ethical issues faced by managers and board members and the ethical consequences of organizational decisions and practices on patients, staff, and the community.

What organizational ethics issues are health care administrators facing?

1. Resource allocation
2. Business development
3. Disagreement over treatment decisions
4. Access to care for the uninsured
5. Workplace ethics

Unethical practices reported in Jordan (Evidence from 2011-2022 Studies)

Examples of unethical practices reported by studies done in Jordan. Clinicians and Administrators highlighted the following concerns:

1. Staffing & Professional Standards

Hiring unqualified workers for complex cases (Ajlouni et al., 2015)

Health professionals risk standards to please owners (Al Oun & Smadi, 2011)

22% of nurses report pressure to cover for underqualified staff (Jordan Medical Association [JMA], 2022)

2. Financial Misconduct

"Split-fee" commissions and rewards (Al Oun & Smadi, 2011)

Prioritizing profitable patients/short-term illnesses (Obeidat & Komesaroff, 2019)

15% rise in unnecessary surgeries post-COVID (Al-Qahtani et al., 2021)

3. Patient Care Issues

Discrimination against low-income patients (Ajlouni et al., 2015)

Father-only consent in pediatrics (Obeidat & Komesaroff, 2019)

38 cases of telemedicine privacy breaches (JMA, 2022)

4. Systemic Challenges

Lack of clear ethical strategies (Ajlouni et al., 2015)

ICU bed allocation favoring VIPs during COVID (Al-Qahtani et al., 2021)

Ajlouni, M. T., Dawani, H., & Diab, S. M. (2015). Home health care (HHC) managers' perceptions about challenges and obstacles that hinder HHC services in Jordan. *Global Journal of Health Science*, *7*(4), 121–129. <https://doi.org/10.5539/gjhs.v7n4p121>

Al Oun, S. S., & Smadi, Z. (2011). Healthcare commercialisation in Jordan's private hospitals: Ethics versus profit. *International Journal of Behavioural and Healthcare Research*, *2*(4), 362. <https://doi.org/10.1504/IJBHR.2011.043417>

Obeidat, A., & Komesaroff, P. A. (2019). The struggle for clinical ethics in Jordanian hospitals. *Bioethical Inquiry*, *16*, 309–321. <https://doi.org/10.1007/s11673-019-09928-y>

Al-Qahtani, J. M., Al-Zamanan, M. Y., & Al-Hussein, F. A. (2021). Ethical dilemmas in ICU resource allocation during the COVID-19 pandemic: A Jordanian perspective. *Journal of Medical Ethics*, *47*(12), e45. <https://doi.org/10.1136/medethics-2020-107103>

Jordan Medical Association. (2022). *Annual report on medical ethics violations in Jordan (2021–2022)*. <https://www.jma.org.jo/reports>

Legal concepts

A **binding framework** of rules that:

Guides human conduct

Defines rights and obligations

Enforced by the state

Applies equally within authority

In Healthcare:

Protects patients (e.g., consent laws)

Regulates providers (e.g., licensing)

Ensures responsibility (e.g., malpractice claims)

Laws

- 1. Public (Criminal) Law:** Protect the public as a whole from the harmful acts of others. Crimes against a person, property or society.
- **Felonies** جنائي – Examples: murder, rape, robbery, tax evasion, practicing medicine w/o license. Prison (>1 year-death)
 - **Misdemeanors** جنحة – Examples: Theft, minor narcotics violations. less serious offenses that carry a punishment of fines or jail for up to a year.
- **2. Civil (Private) Laws:** Concerns relationships between individuals and the protection of a person's rights. Medical malpractice claims, Patient confidentiality breaches. *Outcome:* Financial compensation (not jail). Healthcare employees are most frequently involved in cases of civil law.

Laws

- Includes a general category of laws known as **torts** **الاضرار**
 - Torts are either:
 - **Intentional (willful)**
 - **Unintentional (accidental)**

Intentional Torts

Health care workers (Administrators) are required to report any signs or symptoms of intentional torts.

Assault

To cause another person to feel threatened.

Invasion of privacy

The intrusion into the personal life of another. Public disclosure of private information. Inappropriate exposure. Violating confidentiality.

Defamation of Character

Damaging a person's reputation by making a public statement. تشهير

Battery

An action that causes bodily harm to another. Even touching without permission (consent).

Fraud

Intentional misrepresentation that may cause harm, loss, or collection of monies not legitimately due.

False Imprisonment

Intentional, unlawful restraint or confinement of a person.

Unintentional Torts

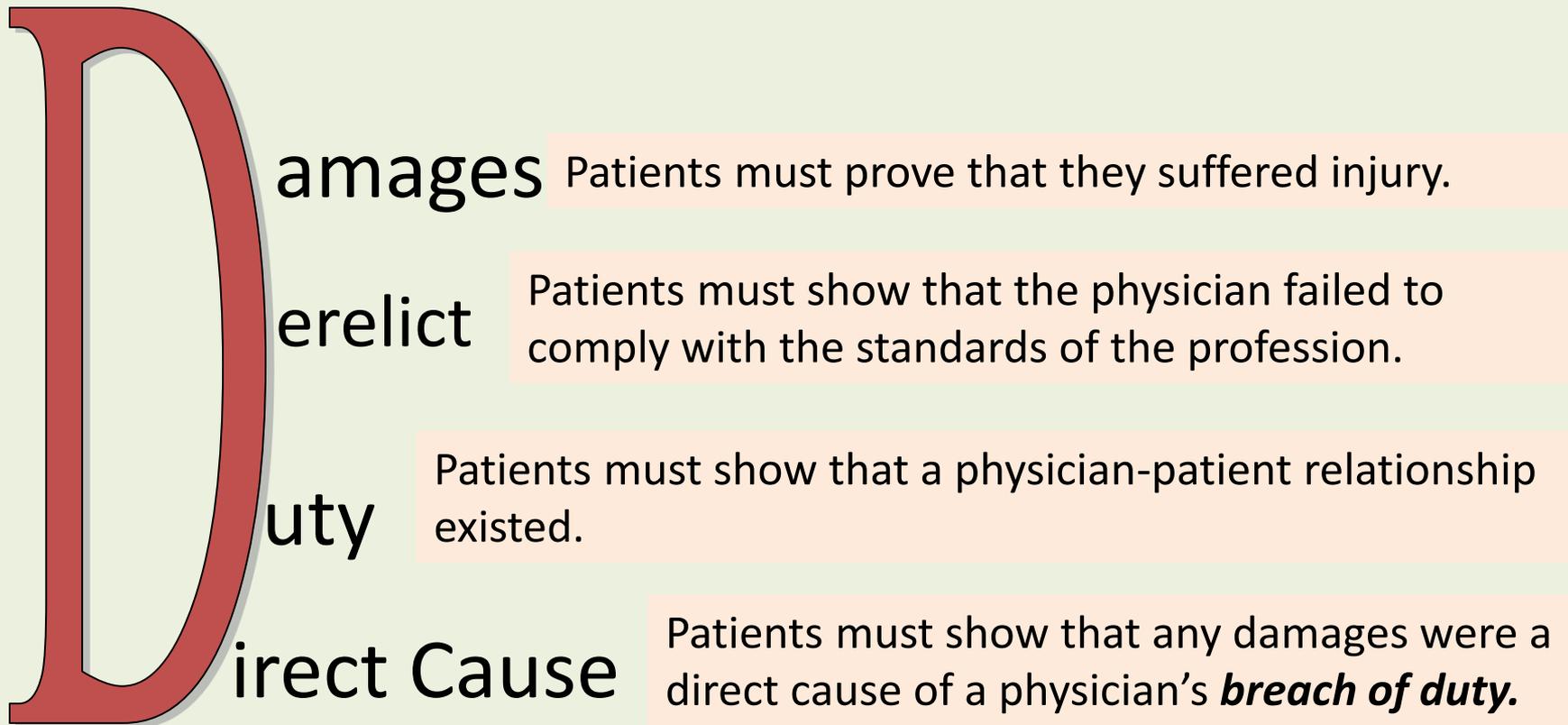
❑ Acts that are committed with no intent to cause harm but are done with a disregard for the consequences:

❑ **Negligence** Failure to meet care standards or Unintentional mistakes. الإهمال والتقصير

❑ **Malpractice** A subset of negligence specific to licensed professionals (doctors, nurses, etc.). Involves gross deviation from accepted medical standards. الممارسة الخاطئة

- **Examples of Negligence:**
 - Abandonment: Terminating care without proper notice/referral (e.g., discharging a patient mid-treatment).
 - Delayed treatment: (e.g., ignoring chest pain symptoms → heart attack).
- **Legal Terms used to classify Negligence**
 - **Malfeasance** (unlawful act or misconduct)
 - **Misfeasance** (lawful act done incorrectly)
 - **Nonfeasance** (failure to perform an act that is required duty or that is required by law)

The 4 Ds of Negligence



Patients must be able to prove **all 4 Ds** in order to move forward with a malpractice suit.

Contracts

A **contract** is a voluntary agreement between two parties in which specific promises are made for a consideration.

4 Elements of a Contract

Agreement



Consideration

Contractual Capacity (competency)

Legal Subject Matter

Contracts

Types of Contracts

- **Expressed Contracts**

- Clearly stated in written or spoken words
- A payment contract is an example

- **Implied Contracts**

- Actions or conduct of the parties, rather than words, create the contract
- Examples: A patient rolling up his/her sleeve to receive an injection, A patient filling in a questionnaire.

Other legal health documents

Living Wills

(Advance Directives)

A legal document stating types of treatment the patient does and does not want in an event of terminal illness, unconsciousness, or comatose state.

Patients with living wills are asked to name someone that will make decisions on their behalf (***durable power of attorney***) if they are unable to do so.

A legal document that states a person's wish to donate one or more organs as a donation. Even total body anatomical donations are made.

Uniform Donor Card

A case from Jordan

- (September 2017)
- **Patient:** Newborn with life-threatening congenital malformations.
- **Requirement:** Father's consent for surgery (per Jordanian hospital policy).
- **Conflict:** Father refused consent due to marital disputes with the mother.
- **Outcome:** Surgery delayed (administrators decision) → newborn died.

سبب .

ولفت جهشان أيضا إلى المادة 62 من قانون العقوبات والتي تنص على أنه "لا يعد الفعل الذي يجيزه القانون جريمة. ويجوز القانون العمليات الجراحية والعلاجات الطبية المنطبقة على أصول الفن، شرط أن تجرى برضا العليل أو رضا ممثليه الشرعيين أو في حالات الضرورة الماسة".

وحول تعريف مصطلح "حالات الضرورة الماسة"، يوضح جهشان أنه يعني "إذا لم يتدخل الطبيب لحظيا تحصل الوفاة" مثل النزف الدموي الحاد بسبب طعن سكين بالصدر أو حادث سير أو تمزق الرحم إثر ولادة منزلية متعسرة إلخ...".

وبحسب جهشان، فإن "حالات الضرورة الماسة" غير متوفرة في حالة الرضيع (قيس)، لأن الخطر الكامن "المتوقع خلال أيام وليس خلال اللحظة".

وأكد أنه في حالة (قيس) كانت موافقة ولي الأمر حتمية لأنها تتعلق بنقل الطفل إلى مستشفى آخر تتوفر لديه إمكانيات إجراء العملية.

لكنه أضاف مستدركا، بالقول "كان من المفروض أن تقوم جهة حكومية بذلك بالنيابة عن ولي الأمر (الأب) الذي تخلى عن ابنه"، بحيث يكون لهذه الجهة مرجعية قانونية بالحماية الاجتماعية للأطفال"، والمقصود هنا "وزارة التنمية الاجتماعية" بتطبيق المادة 31 من قانون الأحداث التي نص البند التاسع منها على "يعتبر محتاجا إلى الحماية أو الرعاية من كان معرضاً لخطر جسيم إذا بقي في أسرته".

ولفت جهشان إلى أن قانون الأحداث يسمح بإجراء الحماية عاجلا وعلى مدار الساعة عن طريق مكاتب الخدمة الاجتماعية في إدارة حماية الأسرة أو مديريات التنمية الاجتماعية، "وعقب هذا الإجراء تصبح وزارة التنمية الاجتماعية المسؤولة المباشرة عن إجراءات علاج الطفل وتقديم الرعاية الطبية له".

ودعا جهشان إلى التعامل مع حالات "الإهمال بتقديم الرعاية الطبية" للطفل، عن طريق إيجاد مرجعية تشاركية للقطاعات الطبية والاجتماعية والقانونية، لتحديد جذور المشكلة، بالاستناد لمبادئ المصلحة الفضلى للطفل.

The Telemedicine Privacy Breach (2022)

- **Issue:** Doctor shared postpartum depression patient consultations on TikTok as "case studies."
Ethical Conflict: Medical education vs. confidentiality.
Outcome: Medical license suspended; 10K JOD compensation.
- **Impact:** New MOH digital ethics training (2023).

RIGHTS

A patient has the right to:

1. Respect & Autonomy:

Receive considerate, culturally-sensitive care.

Refuse treatment (within legal limits).

2. Transparency & Consent:

Access complete, current medical information.

Receive clear explanations for informed consent.

3. Privacy & Continuity:

Confidential handling of records (Jordanian IT Law compliance).

Smooth care transitions between providers.

4. Financial & Institutional Clarity:

Review detailed bills and request cost explanations.

Disclose hospital affiliations (e.g. teaching/research ties).

Responsibilities

Patient Responsibilities:

1. Collaborative Participation

Share accurate medical history and symptoms.

Engage in shared decision-making.

2. Adherence & Communication

Follow agreed treatment plans.

Say concerns about prescribed therapies.

3. Institutional Awareness

Respect hospital policies and staff.

Report safety concerns quickly.

THANK YOU