

HI103: Fundamentals of Law for Health Information Management

Week 4 Article Response

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This is a very interesting article this week. I believe that everything discussed should be in writing and signed by the patient as well as the physician. This lets the patient know that these are all of the options that we discussed concerning your future care and all of the risks that are associated with those options. Anytime you undergo a surgical procedure, there are always risks of injury or death. The choice to proceed forward is the patient's and only the patients. I believe that in the trial of Dr. Jones and Megan Shinal, the decision that it was the physician's duty to obtain consent to the surgery because he is the one performing it. That an assistant to the physician should not be the one who obtains this consent. "In particular, the majority expressed concern about the "primacy of the physician-patient relationship," arguing that "[w]ithout direct dialogue and a two-way exchange between physician and patient, the physician cannot be confident that the patient comprehends the [necessary information]." Shinal v. Toms, 162 A.3d 429 (Pa. 2017). I believe that the Hospital or office can obtain consent from the patient but it would be to seek care but when the patient seeks medical care advice or recommendation from the Physician, that is where another consent directly for treatment should be obtained by the Physician.