

Imaging Scenario: The Case of the New Minister

Scenario #3

Jessica Rojas; Ethics 101; December 3, 2020

A Pharmacy Dilemma

Discussion:

Dawn is an ordained minister who has faced discrimination as the first female clergy member in her town. However, just recently she feels accepted in her new position. She receives a colonoscopy due to do being diagnosed with irritable bowel syndrome. Her gastroenterologist that practices in the next town, has told Dawn that he wants her to begin taking amitriptyline for three months. He states he has had success using this antidepressant to treat irritable bowel syndrome. When Dawn picks up her prescription in her town, the pharmacist leaned over the counter and said, "Do you know that this is an antidepressant?". All the while two members of her congregation were there to pick up their prescriptions.

The ethical dilemmas that have emerged from this situation are confidentiality and negligence. The duty to protect the privacy of the patient and unintentional tort, due to the pharmacist failing to use reasonable care. The problem that occurred is when the patient's privacy was violated by the pharmacist. The pharmacist leaned over the counter and stated, "Do you know that this is an antidepressant?" Though, two members of her congregation were there to pick up prescriptions as well. Whereas, Dawn has just overcome depression. With members of her congregation there, the pharmacist has potentially formed an emotional bridge back to Dawn's depression. Due to stating Dawn's medication is an antidepressant in front of her members. There are some alternate solutions to prevent this matter from happening again. One way to avoid this situation is to have a sign say, "Please wait here, until called upon" and placed more than eight feet away from the counter. The second alternative is to advise the pharmacists and pharmacy techs to speak low so that information is discrete. Last solution is to have the pharmacists follow protocol when patients come to pick up prescriptions; such questions should

be asked in this order. “Have you ever taken this medication before? Do you have any questions regarding the medication? If yes to either one of these questions, the pharmacists should then offer the patient an alternate area of discussion to protect patient health information.

Not only is announcing the patient’s medication unprofessional but it is also illegal. The best solution for this dilemma is to have the pharmacist and staff follow a series of questions prior to stating the patient’s medication. Train the staff and pharmacist of the law, report violations that occur immediately to supervisor or compliance department. Give patients an option to talk in a private area to discuss the medication. If the patient declines, then note the patients’ chart.

The legal considerations in this circumstance is a patient cannot use a HIPPA violation as a direct cause of action in a privacy lawsuit. HIPPA creates right to privacy, not a right to file suit. However, if a HIPPA violation happens as a result of a breach of duty, negligence, or professional malpractice, then comparable cases can be brought under state laws. With Dawn’s recent history of depression, the action of the pharmacist may have Dawn back into a depression. Negligence took place while the pharmacists failed to be discrete. Therefore, this classifies under tort law, unintentional misconduct. The pharmacist did meet standard of care.

Legally, it is the pharmacist job to obtain patient health information in a proper manner. The pharmacist should be professional and compassionate with care. Breach of duty to negligence was voided as the pharmacists failed to provide and exercise the degree of care. Even though there is no physical injury, the patient may occur emotional injury. Potential outcomes are a lawsuit filed for emotional abuse, and fines may be faced. No criminal actions will proceed. Nevertheless, defamation took place, it has the potential to cause damage to Dawn’s reputation as she just overcame depression from being the first female accepted into her congregation.

The Standard of Ethics was revoked as the professional failed to protect patient's privacy. According to Townsley-Cook & Young (2007) "9. The radiologic technologist respects confidences entrusted in the course of profession practice, respects the patient's right to privacy, and reveals confidential information only as required by or to protect the welfare of the individual or the community." Page. 264. In the Rules of Ethics the pharmacists aborted rule number ten. As mentioned in Townsley- Cook & Young (2007) "10. Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause. ". The pharmacist showed careless professionalism to Dawn, during her time to pick up her prescription.

If I were to be put in this position to address the situation, I would host a staff meeting and go over protocol questions prior to giving the patient any medications. Also, proceed to offer a private area to discuss patient information on questions for the medication. The obligation to provide confidentiality as well as professionalism can be prevented if rules are followed. Ethical responsibilities of a pharmacist are to respect the patient's autonomy. Also, to include respecting privacy, confidentiality as well as dignity. Pharmacists are not allowed to discuss the name of the patient's medication unless the patient say the name first. Every patient interaction is governed by HIPPA. Pharmacists are trained to be discrete. Patients should be treated with compassionate care. Therefore, patient privacy is vital to the healthcare industry.

Citation

Townsly- Cook, Doreen M. & Young, Terese A. (2007). *Ethical and Legal Issues For Imaging Professionals*