

Unfortunate outcome

Scenario No. 1

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The principles of ethical and legal issues are essential to an imaging professional, especially when evaluating possible scenarios that one could encounter during their career. The ethical scenario that will be evaluated is scenario no 1. This evaluation will include ethical, legal, and professional obligations that must be considered in this scenario, as well as whether they were met or violated.

When establishing an imaging career, it is important that the foundation is based on high ethical standards and strong morals. It is unfortunate when there are instances that imaging professionals do not follow those standards because it keeps one from providing the best care possible, and it can lead to large financial losses to the facility. In scenario No. 1, we learn of a woman that is six months pregnant and arrives at the trauma center after being involved in a head-on car collision. She is experiencing chest pain and has not felt her baby move. She is visibly distraught and in shock. While lying in the imaging suite she overhears a conversation taking place outside the suite. She hears partial sentences that include words like crushing injuries, fetal death, oxygen deprivation and internal injuries. She confronts the imaging professional and demands an explanation from the radiographer about what she overheard, but the imaging professional dismissed the request. At some point the imaging professional rushes over and closes the door of the woman's suite, but not before the woman has become increasingly hysterical. The woman then goes into premature labor. After the birth, the baby spends months in the NICU, and the mother spends weeks in the hospital as well. The mother files a malpractice lawsuit, citing medical negligence and confidentiality breach.

The first step of analyzing this scenario is understanding and identifying the problem, then building alternate solutions. The woman in this scenario has undergone a tremendous

amount of pain and distress due to the accident. That distress increases because of what she overheard the imaging professional say scary things that she believed were about her situation, which ultimately leads to the lawsuit filed for malpractice. The alternate solution that could have helped to prevent this dilemma is the imaging professional moving the conversation to a different room, away from the ears of the patient. Better yet, completely avoiding the conversation about any and all information about the patient's circumstance that would have avoided the entire situation. This would have saved the patient from having more stress placed on her, and the imaging professional would not have been in the predicament that they ultimately came to acquire. The basic principle of ethics that is important to identify here is the concept of Standard Care. Standard Care explains the importance of providing the best care for the patient and holding one's self to a high standard to serve the patient adequately. This was violated when the imaging professional was inconsiderate of the patient's current emotional state. Then, again, when they held a conversation about the patient's circumstance within earshot of her room, allowing her to overhear comments that ultimately led to the increase in the patient's stress level. Ethically, it could be argued that, had the technician practiced basic Standard of Care, they would have been more sensitive to the patient and her concerns, possibly avoiding the extra distress.

The legal concern is the very serious violation of the Health Insurance Portability and Accountability Act (HIPAA). HIPAA is the federal legal protection granted to patients, protecting their healthcare information and requiring privacy protections. It is important for medical professionals at all levels to observe and respect these protections as it assures patient privacy, and when violated, creates a very serious legal matter. The patient in this scenario could make a case for a violation of HIPAA because the imaging professional was openly discussing

the patient's healthcare without consent. The patient was not aware of who else could have been in the other room where the conversation took place, therefore they could not give consent to the sharing of that information. Information which she herself had yet to receive, and was being heard by anyone around. Perhaps the imaging professional did not mean to be overheard, and hopefully they did not mean to cause the patient more stress. However, the failure to observe Standard Care and HIPAA ultimately caused more distress in the patient and breached the patient's healthcare privacy protections, creating an unintentional tort.

Lastly, the professionalism portion of the code of ethics was violated when the imaging professional failed to behave in a professional manner. The aspiration behind creating any code of ethics is to provide protection, safety, and comfort for each and every patient. The patient in this case did not feel protected, safe, or comfortable. The First Code explains the radiologic technologist must conduct himself or herself in a professional manner, respond to the patient's needs, and support colleagues and associates in providing the quality patient care. The imaging professional did not fulfill the patients' needs because the patient was left alone while visibly distressed, and when the patient asked for an explanation as to what was said the technologist simply rushed to close the door and walked away making the patient feel more worried, scared and stressed. The technologist should have been more professional and made the patient feel more comfortable and safe and responded to the patient's needs. Unfortunately, by failing to adhere to First Code, the technician caused more stress for the patient, possibly deteriorating her condition.

In this scenario, standards of care, HIPAA, and First Code were violated, creating unintentional tort. This was a failure on the imaging professional's part because by not providing the Standards of Care that every patient should be offered, not following First Code in the code

of ethics, they were not doing their best professionally or ethically. The patient came in for treatment, but the actions of the technician created a collapse in the care, causing more harm than good. It is also a medical professional's obligation to hold patient privacy at the highest level, and unfortunately that did not happen in this case.