

Student Ethical Competency

Scenario # 1

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A young woman who is 6 months pregnant, arrives at a trauma center after being involved in a head on collision. She reported that her seat belt prevented her from hitting the car windshield, but she was struck by the airbag. She's also reporting chest pain and has been unable to feel the baby move since the accident. She is brought to the imaging suite and the Rad tech is working on getting her imaging done. As she is lying there, she hears people talking in the adjoining room. They are mentioning things like, fetal death, crushing injuries, internal injuries and possible oxygen deprivation. The Rad tech rushes to close the door, but not before the woman becomes hysterical and accusatory. The Rad tech is angry to be put into the position of having to explain his colleagues but is also concerned for his patient's wellbeing. The woman goes into premature labor, and she and the baby spend months in the hospital. A medical malpractice lawsuit is filed, charging the facility with negligence and breach of confidentiality.

Our ethical dilemma is simply this, someone was talking about patient information, whether it's her information or not, in a place the patient could over hear the conversation. The conversation then resulted in the patient having a break down, and she went into premature labor.

The patient cannot prove who was talking about her case, if they even were talking about it. It could have been a Doctor coming in and telling the Rad Tech what they need to look for, because she is a trauma patient. It could have been a nurse that came with her to the imaging suite, to explain to the Techs what to look for in the patient, such as shock, low blood pressure and even fetal movement.

However, this conversation, no matter who or what it was about, should have been held in a more discreet location as to not breach HIPAA, patient confidentiality, of any kind.

This patient can file for that breach of confidentiality, if it can be shown that the breach resulted in actual patient injury or damage. A person cannot however just sue for a HIPAA violation according to Federal Law, which might be why the Medical Negligence charge was filed as well. In order for the patient to win a medical negligence/ malpractice lawsuit, she must prove several things. 1. A Doctor- Patient relationship was established, 2. The Doctor was negligent, 3. The Doctors negligence caused injury, and 4. The injury led to specific damages. The doctor's negligence could include: a failure to diagnose, improper treatment and failure to warn a patient of known risks.

Again, one of the professional issues of this case involve talking about private patient information, where the patient could overhear. Another professional issue that must be considered and addressed, is the awkward position that they put the Rad Tech in by having to explain the conversation that was overheard by their patient. Radiologic Technologists should all follow the ARRT Standard of Ethics. In the Code of ethics guide, code number 5 states, "The Radiologic Technologist assesses situations; exercises care, discretion, and judgement, assumes responsibility for professional decisions; and acts in the best interest of the patient." If the people that were talking in the other room were to follow this code, maybe the whole mess would never have happened.

I personally don't think that this patient has any leg to stand on if she takes this case to court. She has no way of knowing or proving that this conversation did in fact cause her to go into premature labor. She was in the imaging center, due to do a car accident. A head on collision to be specific. She might not have collided with the windshield, but her seatbelt and airbag could have done significant damage to her internal organs, and to her unborn child. It is expected that

after a significant trauma you might have to spend some time in a facility to recover and recuperate, which was indicated here.

There is also an interesting thing that I found in the Standards of Ethics of ARRT, that whoever is in this situation, could use as part of their defense in court. Code number 6 states, “The Radiologic technologist acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnoses and treatment of the patient and recognizes that interpretation and diagnoses are outside the scope of practice for the profession.” This technician (or whomever was discussing this case) has a duty to this patient, and the physician to collect accurate diagnostic information, which also might include adding what they are looking for, and expecting to find crushing injuries, internal injuries, and possible fetal death and oxygen deprivation.

