

The Case of Misunderstanding

Scenario #1

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Abstract

A woman who is six months pregnant, involved in a head on collision, arrives at the imaging trauma center. She was wearing her seat belt upon collision, which kept her from hitting the windshield, but caused severe bruising. The woman complained of chest pain and not being able to feel her baby move since the accident. The woman is frantic with fear. As the woman is lying in the imaging suite she overhears someone talking from the adjoining room. The woman can only hear phrases such as crushing injuries, fetal death, oxygen deprivation, and internal injuries. The imaging professional tries to close the door before the woman hears but is too late. The woman becomes hysterical and demands an explanation from the imaging professional. The imaging professional was angry that he was placed in this situation and was at a loss for words. The image professional becomes very concerned for the woman's wellbeing. The woman's fear causes her to go into premature labor and results in her baby spending time in the NICU. The woman also ends up spending weeks in the hospital due to the imaging professionals negligence and allowing her to overhear imaging results. A medical malpractice lawsuit charging negligence and breach of confidentiality is later filed.

Ethical Obligations

As imaging professionals we are held to higher standards when it comes to ethics. The biomedical ethics set the guidelines for actions and attitudes imaging professionals are to have toward the community. Imaging professionals are to abide by the seven principles of biomedical ethics, which include autonomy, beneficence, confidentiality, justice, nonmaleficence, role fidelity, and veracity. Autonomy means ensuring the patient is able to make his or her own decisions. Beneficence means to do good. Confidentiality means to keep the patients' health information private. Justice means to be fair. Nonmaleficence means to do no harm. Role fidelity means to be faithful to your ethics in your profession. Lastly, veracity means to tell the truth.

In this scenario the patient finds the imaging professionals did not uphold the standards of ethics when it comes to negligence and confidentiality. The patient believes being able to overhear health information violated confidentiality. The patient believes the imaging professionals were also negligent by speaking in an area where the information could be heard. Confidentiality involves the keeping of secrets. "A secret is knowledge a person has a right or obligation to conceal. Obligatory secrets are secrets that arise from the fact that harm will follow if a particular knowledge is revealed." (Book, pg. 99) As an imaging profession we have to keep secrets about what we see on the exams and allow the doctors to diagnose and deliver the results. We as imaging professionals are not trained to read the X-rays. We are also responsible for keeping a patient's health information private from other patients to avoid doing harm. The code of ethics number 8 and 9 speak to the imaging professionals' duty to act in an ethical manner and keep patients' information confidential. The Rule of Ethics number 10

talks about acting in an unethical manner by demonstrating a willful or careless disregard for the health, welfare, and safety of a patient.

Legal Obligations

Imaging professionals legally have the responsibility to keep patients' information confidential unless ordered by a subpoena. "Negligence is an unintentional tort resulting from actions not intended to do harm. It occurs in situations in which a duty to use reasonable care is owed to another person and an injury results from failure to use reasonable care." (Book, pg. 38) Negligence requires a duty, a breach of that duty, an injury, and causation. As an imaging professional we have a duty to provide reasonable care. The imaging professionals represent the institution and since the patient is suing, the repercussions will fall back on the institution. Then if she tells others in the community this will cause distrust in the institution. It is important for the institution to have a good reputation so that patients can trust they are getting the best health care. Legally a patient has to prove negligence by proving this duty was breached and an injury was sustained by this breach. The patient going into premature labor could be used in a civil court case to show negligence against the imaging professionals. The imaging professionals would then have to prove the premature birth was due to the injuries caused by the wreck rather than the fear of what she overheard.

Professional Obligations

In the scenario above, the imaging professionals did not keep the information of the patient they were discussing confidential. They also demonstrated negligence by discussing a patient's information in an area where others could overhear them. This shows a careless disregard for the welfare of the patient. The professionals were responsible for discussing

results behind closed doors, or for making sure other patients were not in hearing distance of their conversation. The imaging professionals may have violated confidentiality by discussing the health information in the first place. The imaging professionals failed to take care of their patient by letting her overhear information that may or may not have been about her, and not addressing the patient's concerns afterwards.

Conclusion

In conclusion, if I were in this situation as an imaging professional I would have not been discussing a patients' health information unless it was on a "need to know" basis. If I needed to know the information for the exam I would have made sure the door was closed or my colleagues and I were out of earshot of anyone else. At the very least if I found myself in this position I would have addressed the patients concerns as best I could or let an authority know the situation right away. Confidentiality was breached because a harmful secret was overheard and caused an avoidable injury (the premature birth). Negligence occurred because the door was not shut and concerns were not addressed causing a premature birth. Closing the door or not discussing health information around the patient could have prevented the whole incident. Ethics is important in health care because it is what drives patients' trust. If patients do not trust their health care institution they are likely to not seek the help they need. Patients could be sick and not receive the medication they need, therefore, infecting the public. Thus causing health issues for the community as well as the individual.