

Imaging Scenario: Student Competency

Scenario #1: The Case of Misunderstanding

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THE CASE OF MISUNDERSTANDING

A young, pregnant woman involved in a head on collision is admitted into a trauma center. While waiting for an imaging procedure the patient overhears a conversation about her case. The information openly discussed is traumatic, and causes her to become hysterical resulting in premature labor. The patient then spends weeks in hospital care, and the baby months in NICU. Later filed is a medical malpractice lawsuit charging negligence, and breach of confidentiality.

Health care providers have a responsibility to protect the privacy of patients, and patients have the right to privacy. Within the Patient Confidentiality Guidelines, it clearly states that patient information is not to be discussed where others can hear the conversation. Information accessed is to be strictly used for job performance. Extending any information regarding a patient orally is a breach of the fiduciary duty to maintain confidentiality.

A breach of confidentiality causes a domino effect of negative definitions. Negligence leads to an unintentional tort which is described as the unintended harm stemming from incorrect actions, and can only be found if a duty exists. Following negligence is the failure to offer reasonable care affecting the appropriate standards of care. The degree of care a person would want in a similar situation defines reasonable care.

The patient in this scenario has a good case for court. A tort action is filed to mend damages for personal injury occurring from negligent behavior. In most cases, concerning breach of confidentiality, negotiation settlements are presented and accepted before lawsuits are filed. Unaccepted settlements result in court bringing about the pleading, discovery and trial phases.

The civil aspect of law can include monetary damages in order to compensate the patient for loss, damages, and for punishment towards the employee(s) responsible. Following court, ARRT's administration could choose to audit employees involved by an ethics committee. "The Chair of the ethics committee reviews each violation of the Rules of Ethics that is brought to the attention of the ethics committee". The punishment can include suspension, and revocation of a health care employee's license.

There are many steps that can be taken to avoid litigation and medical malpractice suits. A problem-solving aid, such as the covenantal model, provides an appropriate interaction between patient and health care worker. An important advantage of this model allows for a businesslike relationship while also implementing shared goals. This model emphasizes a trust in the health care workers integrity and confidence, concluding to the patient that the provider has their best interest at heart. Staying consistent with this model has more chance for patients to return. A reliance on previous satisfactory services provided to an individual build's confidence of their situation in another's hands.

A health care work maintaining persistent knowledge of professionalism is a strategy for avoiding unintentional tort actions. "Professionalism and an awareness of personal standards of ethics are essential for imaging technologists". Health care workers should remember basic concepts of professionalism, and apply them to everyday performance. These include staying aware of the behavior, objectives, and character defining a profession.

The standard of care breached for this patient was that of the most basic legal boundary being obligated to give reasonable care, and to do no harm. Throughout one's medical career administering a case study analysis can aid in preventing negligence. Some examples include questions regarding the context in which an ethical problem occurred, significance of values

THE CASE OF MISUNDERSTANDING

involved, meaning of the problem for all parties involved, and how to remedy the problem.

Attending appropriate continuing education courses are a great way to upkeep the applicable standard of care.

The American Society of Radiologic Technologists uphold employees to high standards for following the Code of Ethics. It is a duty to respect confidences entrusted into a professional practice, and at most reveal confidential only as required by law. A technologist should continue to improve skills by participating in continuing education programs. It is important to remember our legal duties and obligations to patients, the institution which employed, and the community.

ASRT's Code of Ethics includes implementing efficient assessments of situations; exercising the significance of care, discretion and judgement. It is required to assume responsibility for executive decisions, and steadily acting in best interest of a patient. ASRT's codes and ARRT rules are "mandatory standards of minimally acceptable professional conduct for all certification holders and candidates". Overall, they promote the protection, safety, and comfort of patients.

If I were the imaging technologist in this scenario, I would have done a number of things differently. First, after the patient enters the room, the door should be shut immediately after to assure patient they are in a confidential space. This helps keep by passers from glancing in the room providing patient under my care appropriate amount of privacy. If colleagues were heard discussing a patient within earshot, my response would be to excuse myself from the patient to notify coworkers their conversation is occurring in an inappropriate place.

Let's say even with the door shut, the patient overhead their conversation. Rushing to the door is an expression of impulsivity, and unnecessary panic. This will only put an injured

THE CASE OF MISUNDERSTANDING

pregnant woman in distraught, and showing panic brings panic. Excusing yourself from the patient very briefly takes the patient's focus off situation at hand, and remaining calm could help deescalate the situation. When a patient demands answers, ask her to wait until a test is done to rule out stressful conclusions, and express politely that a physician will provide results to them. ASRT's Code of Ethics states that an RT "acts as an agent through observation and communication", while "recognizing that interpretation and diagnosis are outside the scope of practice for the profession".

By the end of this scenario if the patient still remains hysterical resulting in premature labor, and extended hospital stays, I would be sure to document the incident thoroughly. ARRT's ethical rules require "Failure to Protect Confidential Patient Information" to be reported as a violation. A failure to immediately report to supervisor can result in the non-negligent person to become a deeper part of a medical malpractice suit as well.

It is a duty to report errors concerning departure from the standard of care. "The duty to report under this rule exists whether or not the patient suffered any injury". Doing this would hopefully help prevent my license, conduct, and reliance from being diminished. I feel it's pertinent to remain professional and consistent with ASRT's Code of Ethics, especially in traumatic situations that require critical thinking and fast actions.