

Imaging Scenario: The Case of Misunderstanding

Scenario # 1

Jamie Love, Ethics 101, November 27, 2021

## Summary

In scenario number one, “The Case of Misunderstanding”, a pregnant, traumatized woman is in the imaging trauma center after being in a car crash. While searching for answers and fearing for her unborn baby's life, she overhears imaging professionals conversing about her baby's injuries. She overhears the imaging professionals use the terms “fetal death... oxygen deprivation... and internal injuries” (The Case of Misunderstanding). She becomes distraught and angry as she demands answers from her imaging professional. The woman then goes into premature labor, and later files for a medical malpractice lawsuit.

## Ethical Dilemmas

An ethical dilemma that arises from the scenario is the breach of confidentiality. This confidentiality was broken by the medical professionals act of disclosing and discussing personal information about a patient without their consent. If she was able to hear the discussion of this information in a different room, other individuals were able to hear her private health information as well. This breach of confidentiality ultimately broke HIPPA and could have been easily avoided by not discussing her private information amongst each other. An alternate solution would be making the patient comfortable in the imaging room by diligently working to produce the best images for the radiologist and not discussing the situation. The imaging professionals should have left the patient's diagnosis to the radiologist and doctors to discuss only. Negligence refers to, “the neglect or omission of reasonable care or caution” (Ehrlich & Coakes, 2021, pg 79). The four elements of negligence are duty, causation, breach, and damages or injury. Due to the fact that the plaintiff could not use these four elements against the technologists, there was no sign of negligence in this scenario. The imaging technologist did uphold the standard of care, and the scenario did not

state otherwise. If the imaging technologist would have neglected reasonable care towards the patient, and the plaintiff could have proved duty, causation, breach, and injury then a lawsuit for negligence would be reasonable.

### Legal Considerations

Laws can be divided into civil laws and criminal laws. Civil laws, “deal with the rights and duties of individuals with respect to one another” (Ehrlich & Coakes, 2021, pg 78). A tort is defined as, “a civil wrong committed by one individual against the person or property of another” (Ehrlich & Coakes, 2021, pg 78). A tort can be deemed intentional or unintentional based on the act itself. Intentional torts range from assault, battery, false imprisonment, invasion of privacy for personal gain, as well as libel and slander. Unintentional torts range from malpractice, negligence, gross negligence, contributory negligence, and corporate negligence. Breach of confidentiality is a common law tort, so this can become a civil lawsuit against the individual, or in this case the imaging technologist who breached the privacy of the patient. Consequences that may arise from this lawsuit may be termination of employment, loss of trust in the community, or even loss of license.

### Professional Issues

Although one could argue, “The patient's right to confidentiality is not violated by appropriate communications among health care workers when the information is pertinent to the patient's care” (Ehrlich & Coakes, 2021, pg 71). It is also stated in the ARRT Code of Ethics that “conversations about patients must never be held in public areas”. In this scenario the ARRT Code of Ethics was also shown to be broken by the imaging professionals. The first principle of the

ARRT Code of Ethics was shown to be broken due to the lack of professionalism that was shown. The first principle of ARRT Code of Ethics states, “The radiologic technologist acts in a professional manner, responds to patients needs, and supports colleagues and associates in providing patient care” (Ehrlich & Coakes, 2021, pg 71). This was shown in the scenario when the imaging professional is “at a loss of words, angry to be placed in this situation by peers” (The Case of Misunderstanding). An alternate solution would have been the imaging techs not discussing another colleague's patient. This lack of professionalism and breach of confidentiality ultimately affects the patients trust in the health care system and can destroy the communities outlook on the hospital itself.

#### Summary

If I was put in the position of having to address this scenario, I would uphold the code of ethics, HIPPA and standards of care to my employee. Although it seems as though the imaging technologists were not intentionally breaching confidentiality, trust was still broken and professionalism was not upheld. Consequences that may arise from this lawsuit may be termination of employment, loss of trust in the community, or even loss of license.

## References

Ehrlich, R. A., & Coakes, D. M. (2021). Patient care in radiography: With an introduction to medical imaging. Elsevier.

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