

Imaging Scenario: Student Competency

Scenario No. 1

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A woman that is 6 months pregnant involved in a head-on collision arrives at the imaging trauma center. She is frantic because she has not felt the baby move since the accident. Upon waiting in the imaging suite, she overhears phrases such as crushing injuries, fetal death, oxygen deprivation, and internal injuries. She becomes hysterical and is demanding an explanation from the radiographer, who himself was angry to be placed in the situation by his peers. The woman went into premature labor, and the baby spends many months in the NICCU, as well as the mother, who spends weeks in the hospital. A medical malpractice lawsuit charging negligence and breach of confidentiality is also filed.

The issues arising in this scenario start with the place of communication, as well as breach of confidentiality, which was the failure of the imaging professionals to use the duty of reasonable care. The breaching of confidentiality occurred when the patient's information was being discussed out in the open allowing for anyone to hear the information and was inaccurate information for the status of the patient. If the woman was able to hear the conversation from her suite there is a big possibility other patients could as well. The patient overhearing the information caused distress and could be argued that this was the reason for her going into premature labor, resulting in the imaging professionals involved potentially being liable for the harm. The patient also lost her autonomy (being treated as an individual) when she overheard the phrases that she believed to be directed towards her situation. Discussing patient information should have been done in a setting where patient confidentiality was respected, especially if the information was not accurate for a patient. Interpreting a diagnosis is also outside of an imaging professional's scope of practice, it is the physician's job to diagnose, so this can also be potentially harmful to the imaging professionals in the lawsuit. As well as avoiding the discussion of patient information, it is an obligatory secret and should have remained concealed

regardless of the accuracy of information. Discussing possible patient information with other staff, especially to where others can hear, went against patient rights and the imaging professional's obligations. "Obligatory secrets are secrets that arise from the fact that harm will follow if a particular knowledge is revealed" (Ethics, 99). The information being discussed, in the end, should have been with the patient by the physician, not among staff members.

Keeping patient information confidential is a standard of care medical professionals owe to patients, and failure of that duty can leave one negligent for any harm. Medical negligence, also known as medical malpractice, is a breach of the health care provider and their duty to follow the applicable standards of care, which results in harm to the patient. The actions of the imaging professionals can lead to legal issues and can be held liable for harm when duty was owed to the patient, the duty was breached, and harm resulted from the breach. In this case, the duty of confidentiality was owed, the confidentiality was breached, and harm to the patient was done when she became distressed and went into premature labor. The imaging professionals that participated in the conversation, if proven, can be liable and can be fined, which would fall under an unintentional tort, an action that is not intended to do harm. This suit would be brought under tort law, a subdivision of civil law. "A tort action is filed to recover damages for personal injury or property damage occurring from negligent conduct or intentional misconduct." (Ethics, 17). Since a lawsuit is being filed, the woman will have to be able to prove the negligence caused damages to her, for the court to award compensation for the breach of confidence. "Individuals and/or hospitals are ordered to pay monetary damages, loss of license, potential unemployment" (Patient Care, 80). If the patient claims that the conversation of the imaging professionals was the cause of her distress because she believed it was about her baby, there could be a liability there to pay for the damages and possibly other consequences for the imaging professionals. A

HIPAA violation could also be filed separately. “HIPAA does not provide a right to sue but instead provides a requirement to file a written complaint with the Secretary of Health and Human Services (HHS) through criminal penalties may be imposed.” (Ethics, 103). HIPAA helps to regulate the protection of privacy for patients and has regulations to abide by. The breach of confidentiality falls under a HIPAA violation, so filing could also cause additional penalties if the negligence can be proven.

From a professional standpoint, radiologic technologists perform by a Code of Ethics, which serves as a guide to maintain professionalism. A professional issue from this scenario was the failure to comply with Code 6: “The Radiologic technologist acts as an agent through observation and communication to obtain pertinent information for the physician to aid in the diagnosis and treatment of the patient and recognizes that interpretation and diagnosis are outside the scope of practice for the profession.” (Ethics, 263). The imaging professionals' failure to keep patient information confidential breaks this code, and also by stepping outside their scope of practice. Their “interpretation” of what they believed to be the diagnosis for the woman was a false diagnosis. Even though they specifically did not diagnose her, she still overheard and believed that to be her diagnosis, which caused distress and potential damages.

The outcome of the lawsuit can affect the imaging professionals, and even the hospital negatively, especially if/when the information goes public. Nonetheless, the woman having a bad experience at that hospital will more than likely be information she spreads, which can also hurt the imaging professional and hospital by potentially preventing others from wanting to be seen by the specific individual(s), their department, or even the hospital in general. The failure to remain professional was the downfall in this scenario, which can have impacts legally, and professionally for the imaging professionals and/or the hospital. Reminding professionals to

abide by the Code of Ethics would be the advice I would give the imaging professionals in the future to be able to provide protection and respect for the patients.