

Imaging Scenario: Student Comprehensive Evaluation

The Case of Jacob and the Diseased Leg, Scenario 2

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Jacob was a high school football quarterback with the potential of a college scholarship. Unfortunately, he had sustained a major fracture to his lower leg the summer leading into his senior year. Due to his extensive injury, Jacob had to have surgery to correct the alignment of his leg. Following the surgery, Jacob was told by an orthopedic surgeon, Dr. M., that he would need a follow-up visit for the next six weeks. On Jacob's sixth-week checkup, Dr. M. removed the cast and noticed some draining and swelling around Jacob's stitches. Aside from that, Jacob's leg was healing quite nicely. During Jacob's appointment, Dr. M. was between patients and told Jacob to wait a few minutes while he went and checked on his other patient across the hall, Sarah. As he exited the room, Dr. M. left both patient rooms open. Jacob and his parents could hear everything Dr. M. was saying to Sarah. They ended up overhearing Dr. M. talking about Sarah's infected leg. Sarah had a bone infection called osteomyelitis, and Dr. M. inspected the leg without wearing gloves. He then walks back into Jacob's room. Although the doctor had washed his hands and put gloves on the first time looking at Jacob's leg, he did not when manipulating Sarah's leg. He also did not wear gloves when inspecting Jacob's leg the second time. Jacob's parents had noticed this but did not say anything nor ask Dr. M. to put gloves on before assessing Jacob's leg once again. Due to the current swelling and drainage around Jacob's leg after removing the cast, Dr. M. prescribed Jacob an oral antibiotic, mentioned he could begin to put weight on it again, and told him to keep the area clean and dry over the next week. Jacob went home and did as the doctor instructed; however, the following week, Jacob's leg developed a big, infected abscess. He then had to have surgery once again to drain the abscess. This infection not only kept Jacob from playing football that fall season, but he also lost his college

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scholarship. His parents were unhappy and asked the doctor for the infection results from pathology. When the results came back positive for osteomyelitis, his parents sued Dr. M. for negligence.

As medical professionals, doctors must provide care to their patients. In this example, Dr. M. endangers both of his patients by not following basic hand hygiene, not providing quality patient care, and breaking patient confidentiality. This applies to ethical, legal, and professional dilemmas.

There are seven bioethical principles that are expected to be followed in the healthcare industry, three of which were broken by Dr. M. The first principle broken was patient confidentiality. Dr. M. violated both Jacob and Sarah's confidentiality by leaving both patient rooms open so they could hear what the doctor was saying each time he went across the hall. This is important because it is their right as a patient to have their medical and personal information kept private. It also builds trust in the relationship between the doctor and the patient. A solution to this could be keeping the doors to the patient rooms closed at all times. This prevents other patients from overhearing conversations in such situations as Jacob and his parents.

The second and third principles that were broken were non-maleficence and beneficence, both of which fall under the category of unintentional torts. Non-maleficence, the avoidance of evil, was directly violated by Dr. M. when he did not wash his hands after returning from Sarah's room. He also used his bare hands when inspecting Sarah's bone infection and then touched Jacob's leg. By not washing his hands, Dr. M. increased the risk of spreading her infection

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among other patients. Jacob was already vulnerable due to having an open wound resulting from his surgery stitches. To avoid the spread of infectious diseases, a solution to this would be having the doctor follow proper PPE precautions by wearing gloves and washing his hands between visits. Similar to non-maleficence, beneficence, where the goal is to perform good acts, was also broken by Dr. M. As a doctor, he has a responsibility to ensure patient recovery. Dr. M. violated this as he directly performed actions that affected Jacob's health and recovery by inspecting his leg immediately after working with another patient who had an infectious disease. By Dr. M. performing this inspection after not washing his hands or wearing gloves, he put Jacob at risk of developing Sarah's bone infection.

Regarding legal considerations, Dr. M. unintentionally committed negligence by breaching patient confidentiality. This becomes a legal issue due to the violation of HIPAA. By not closing their doors, Jacob and his parents could overhear Dr. M. and Sarah's conversation. Hospitals require physicians to follow HIPAA law to protect patients concerning the release of private and personal information. Not following such laws can lead to unintentional misconduct, which can lead to legal issues. In this scenario, it led to negligence and malpractice. This violation of HIPAA could have resulted in Dr. M. facing lawsuits and/or loss of license and job.

Jacob's parents had the right to sue the doctor and the hospital for malpractice, seeing as they met all four of the following conditions. The defendant, in this case, the doctor and the hospital he worked for, had a duty to provide reasonable care to the patient. The patient in this case, Jacob, sustained further injury to his leg, resulting in the loss of his college scholarship. The defendant is responsible for Jacob's injury and loss, seeing how he was the reason the

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osteomyelitis had spread from Sarah to Jacob. This loss could directly be tied to negligence due to the improper practice of hand hygiene and PPE.

Professional issues that resulted from this incident can be judged according to the Standard of Ethics. The Standard of Ethics is split into two parts: the Code of Ethics and the Rules of Ethics. The ten Codes of Ethics provide protection, safety, and comfort for patients. The fifth Code of Ethics states that healthcare providers should exercise care and discretion and perform acts with the patient's best interest in mind. Dr. M. did not act in his patient's best interest, as he ended up spreading the bone infection from one patient to another. The seventh Code of Ethics states that providers must perform techniques, procedures, and services following the standard of practice. This includes hand hygiene and wearing gloves. Dr. M. did not employ this technique appropriately, leading to Jacob developing osteomyelitis. Lastly, in code nine, the provider must respect the patient's right to privacy and reveal confidential information related to the patient as required by law. Dr. M. violated HIPAA by not protecting his patient's right to privacy, leading to a lawsuit for Dr. M. and the community hospital.

The Rules of Ethics are in place to ensure the safety of the patient as well as protect the doctor and community they work for. Without such rules, there would be no morals, trust, or responsibility to contribute to a better quality of life. Dr. M. broke rules number five and six. Rule number six, part two, addresses engaging in unprofessional conduct that may consequently create a danger to a patient's life, health, or safety unnecessarily. Rule five talks about the inability and failure to perform responsibly and safely. Dr. M. not only endangered Jacob's safety, which applied to rules five and six, but also failed to perform with the skill and safety

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expected of a physician, as stated in rule five. Dr. M. accomplished this by worsening Jacob's condition in his leg, affecting Jacob's health and safety, and losing his opportunity to play football that season.

Incidents like these allow people to learn and grow from others. Mistakes cannot always be avoided, but learning from other situations can help minimize accidents like these in the future. Although Dr. M.'s mistakes were obvious and could have been easily avoided, in my opinion, accidents like these do happen. Using proper PPE, keeping patient confidentiality, and proper infection control are very important in the healthcare field and should not be ignored. Dr. M. should have known better than to use proper hand hygiene, especially when dealing with open wounds like Jacob's. He also should have kept both patient doors closed to avoid breaking patient confidentiality. Jacob's parents should have spoken up if they noticed it was wrong for Dr. M. to inspect Jacob's leg without washing his hands and putting on gloves when reentering the room. Jacob's parents may have been able to prevent his condition from getting worse had they said something. All of these are easy fixes if the doctor takes their job seriously and avoids missing the little things. Patients should not have to worry about whether their doctor is ethically or legally correct; that is not their obligation.

Sources

Young, T. (2007). Ethical and Legal Issues for Imaging Professionals (2nd ed.). Elsevier Health Sciences (US).