Ethical & Medico-Legal Dilemmas in Clinical Practice

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Disclosures

Mitchell Forman, DO
- Nothing to disclose

Weldon (Don) Havins, MD, JD
- Nothing to disclose
Consultation gone awry

a. What is the issue?
b. Did the clinician handle the problem appropriately?
It’s my body….it’s all in vein

a. How far does autonomy go?
b. Are there circumstances that impact autonomy?
I’ve got good news and bad news

a. Is there an issue of confidentiality regarding what the patient reports?
b. Is it ethical to comply with the patient’s wishes?
Show me your pain

a. Can the attending’s behavior be changed?

b. Who has the responsibility for reporting?
The worst of bad news

a. What went wrong with this encounter?
b. How should bad news be presented?
Where is the chaperone when I need one?

a. When did a problem first begin?

b. How should this interaction have been handled?
Angry patient

a. How can you de-escalate an adversarial patient interaction?

b. Could something have been done before the clinician entered the office?
Telemedicine & Tele – Depression

Is telemedicine amenable to all types of patient health issues & interactions?
a. What are the specific issues in this interaction?
b. What is the clinician’s responsibility to report?
c. Is there liability in reporting?
d. How should the clinician have handled her safety?
Minor’s consent vs minor’s coercion.

a. Do the parents have the authority to make the decision regarding their child serving as a donor?

b. Who has the responsibility to protect the minor child?
Give her the liver!

a. What are the specific issues involved in the decision to assist this patient?

b. Is the clinician serving his patient’s best interests?
Loose lips sink ships

a. Is this an issue of confidentiality?
b. What does “right to know” mean or imply?
c. When did it become a HIPAA issue?
You get what you pay for!

a. How could this interaction have been handled more effectively?

b. Are there circumstances where telemedicine is not as effective as in person interactions?
Trash talking doctor….a set - up for divisiveness & litigation

a. Who is responsible for addressing this issue?
b. Does the patient have any recourse?
Doing it the Right Way?

1. Kind, soft-spoken, polite
2. Ask if she wanted her grandson present?
   a) HIPAA violation?
3. What would you do differently?
How do you avoid this?

What do you do if this happens?