

Vanderbilt University Medical Center
Emergency General Surgery Service
Surgical Residency Rotation and Curriculum

UNIT 20 ETHICAL AND LEGAL ISSUES IN SURGICAL PRACTICE

UNIT OBJECTIVES:

1. Demonstrate knowledge of basic ethical and legal principles applicable to the practice of medicine.
2. Demonstrate the ability to recognize ethical and legal issues that arise in the practice of surgery.
3. Demonstrate the ability to employ strategies for effectively managing ethical and legal issues associated with the practice of surgery.

COMPETENCY-BASED KNOWLEDGE OBJECTIVES:

SECTION ONE: Ethical, and legal issues associated with the practice of medicine

1. Assess the professional and institutional resources and methods for managing ethical and legal issues including the management of conflict.

SECTION TWO: The physician-patient relationship

1. Analyze and explain the ethical and legal characteristics of the physician-patient relationship, including:
 - a. Establishing the relationship
 - b. Maintaining the relationship, including continuity of care
 - c. Observing a patient's right to privacy and the confidentiality of clinical information
 - d. Severing the relationship; patient abandonment

SECTION THREE: The medical record

1. Analyze the ethical and legal considerations of the medical record by performing these tasks:
 - a. Describe the essential components of a medical record that meet both clinical and legal requirements.
 - b. Describe the role of the inpatient/outpatient medical record and its use as:
 - (1) An accurate and complete account of the surgical management of a patient
 - (2) A legal document
 - c. Specify the legal implications of altering or destroying medical records.
 - d. Identify the proper method of making corrections or additions to the medical record.

SECTION FOUR: Informed consent

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1. Analyze the concept of informed consent by performing these tasks:
 - a. Define competence, and discuss its application in obtaining informed consent.
 - b. Determine how to ensure that patient consent to treatment is given voluntarily.
 - c. Describe your institutional requirements for informed consent.
 - d. Review the concept that physicians disclose all risks that would be considered material to the competent person (*Canterbury v. Spence*).
 - e. Discuss the role of second opinion in surgical decision making.
 - f. Recommend a response to patient's refusal of recommended treatment.
 - g. Discuss the ethical and legal issues associated with the performance of prophylactic surgery.
 - h. Define the physician's responsibilities in the performance of experimental procedures.
2. Analyze patient advance directives, including:
 - a. Identify federal, state, institutional, and individual responsibilities under the Patient Self-Determination Act.
 - b. Review statutory requirements for legally valid advance directives.
 - c. Compare and contrast living wills versus durable powers of attorney
3. Summarize ethical and legal issues associated with death and dying, considering:
 - a. "Do Not Resuscitate" orders
 - b. Discontinuing or foregoing treatment
 - c. Withholding or withdrawing life-prolonging medical treatment
 - d. Nutrition and hydration

COMPETENCY-BASED PERFORMANCE OBJECTIVES

1. Determine the course of action to be followed in the event of a malpractice claim, including interaction with plaintiffs, lawyers, and insurance companies.
2. Outline the appropriate steps to take when one suspects that a colleague is impaired.
3. Obtain proxy consent in appropriate cases, including those involving minors.
4. Demonstrate proper methods of correcting medical records.
5. Participate in discussions and decisions regarding the discontinuation or foregoing of treatment.
6. Ascertain patient and family wishes regarding discontinuation or foregoing treatment.
7. Write orders for treatment limitation in appropriate cases.

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8. Participate in the identification and resolution of cases involving surgical error.