

Legal Issues in Emergency Medicine

Cambridge University Press
978-1-107-49937-9 — Legal Issues in Emergency Medicine
Rade B. Vukmir
Frontmatter
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Legal Issues in Emergency Medicine

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CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781107499379
DOI: 10.1017/9781316182192

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First published 2018

Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Vukmir, Rade B., author.

Title: Legal issues in emergency medicine / Rade B. Vukmir.

Description: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2018. | Includes bibliographical references and index.

Identifiers: LCCN 2017049400 | ISBN 9781107499379 (hardback)

Subjects: | MESH: Emergency Medical Services – legislation & jurisprudence | United States | Legal Cases

Classification: LCC RA975.5.E5 | NLM WB 33 AA1 | DDC 362.18–dc23

LC record available at <https://lccn.loc.gov/2017049400>

ISBN 978-1-107-49937-9 Hardback

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Contents

Disclaimer vii
Foreword viii
Preface ix

Introduction	1	Criminal Charges	61
1 Abandonment in the Emergency Department	3	24 Criminal Acts	63
2 Abandonment of Patient by Treating Physician	6	25 Death Certification	66
3 Admission	9	26 Decision-Making	68
4 Advance Directives	11	27 Difficult Patient Encounter	70
5 Advanced Practice Providers	14	28 Discharge Instructions	74
6 Adverse Event Disclosure	17	29 Disruptive Provider Behavior	77
7 Against Medical Advice	21	30 Do Not Resuscitate	79
8 Americans with Disabilities Act and Education	25	31 Documentation	82
9 Americans with Disabilities Act and Access to Facilities	27	32 Domestic Violence	84
10 Assault	29	33 Driving Impairment	87
11 Assisted Suicide	31	34 Drug and Alcohol Abuse	90
12 Battery	33	35 Duty to Warn	92
13 Bed Boarding	35	36 Electronic Health Records	94
14 Brain Death	38	37 Emergency Consent	97
15 Care of Children	41	38 Emergency Medical Services	100
16 Code Response	43	39 Emergency Medical Treatment and Labor Act	103
17 Commitment	45	40 Employment Issues	105
18 Communication	47	41 Expert Witness	108
19 Competence and Capacity	50	42 Fitness for Duty	114
20 Confidentiality	52	43 Frequent User	117
21 Consultation	55	44 Futility	121
22 Controlled Substances	58	45 Geriatric Abuse	124
		46 Good Samaritan	126
		47 Guidelines and Protocols	128

Contents

<p>48 Health Insurance Portability and Accountability Act and Health Information Technology for Economic and Clinical Health Act 132</p> <p>49 HIV 136</p> <p>50 Hospital Medicine 140</p> <p>51 Immigrant Care 143</p> <p>52 Impaired Physician 147</p> <p>53 Indigent Care 150</p> <p>54 In-Flight Emergencies 153</p> <p>55 Informal Consultation 157</p> <p>56 Informed Consent 160</p> <p>57 Insurance 163</p> <p>58 Intoxication 166</p> <p>59 Laboratory Testing 169</p> <p>60 Left without Being Seen, Left without Treatment, and Elopement 172</p> <p>61 Malpractice Claims 179</p> <p>62 Mandatory Care 182</p> <p>63 Mandatory Reporting 185</p> <p>64 Medical Education 188</p> <p>65 Medical Errors 193</p> <p>66 Medical Records 197</p> <p>67 Medical Screening Exam 201</p> <p>68 Minor Consent 204</p> <p>69 Missed Illness and Injury 208</p> <p>70 Multiple Visits 212</p> <p>71 Nursing 215</p> <p>72 Operations 219</p> <p>73 Organ Donation 223</p> <p>74 Overcrowding 226</p> <p>75 Pain Control/Medication 230</p> <p>76 Patient Satisfaction 233</p> <p>77 Pediatric Abuse 237</p>	<p>78 Peer Review 240</p> <p>79 Policy/Procedure 244</p> <p>80 Pregnancy 248</p> <p>81 Prescription Writing 251</p> <p>82 Privacy 254</p> <p>83 Professional Boundary Issues 259</p> <p>84 Protected Health Information 263</p> <p>85 Psychiatric Care 267</p> <p>86 Referral 270</p> <p>87 Religion 273</p> <p>88 Research 277</p> <p>89 Restraint 280</p> <p>90 Resuscitation 283</p> <p>91 Service Contract 287</p> <p>92 Sexual Assault 291</p> <p>93 Social Media 296</p> <p>94 Staff Privileges 300</p> <p>95 Subpoena 304</p> <p>96 Substance Abuse 308</p> <p>97 Suicide 311</p> <p>98 Telemedicine 315</p> <p>99 Telephone Advice 320</p> <p>100 Third-Party Duty 324</p> <p>101 Transfer 329</p> <p>102 Translation, Interpreting, and Language Issues 332</p> <p>103 Triage 337</p> <p>104 Unanticipated Death 340</p> <p>105 Urgent Care 344</p> <p>106 Violence 348</p>
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Glossary 352

Index 354

Disclaimer

The information contained herein is not meant to be relied on as legal advice in an actual legal issue or conflict. One should seek appropriate legal assistance in the specific area of concern if it is felt to be warranted.

The case studies present fictionalized hypothetical health-care events, and are not representative of any individual encounters.

Likewise, the legal case explanations provided were abstracted from the public record information, and no further accuracy is assured, or liability assumed.

Foreword

Physicians prefer when the practice of medicine is based upon science, and the art of using the patient–physician relationship to benefit the patient with a positive therapeutic outcome.

Most physicians like to think that if they are doing the best they can for their patients, they should not need to worry about the legal implications of each interaction, and each decision. This naïve approach simply does not work in the real-world practice of emergency medicine.

In the US, there are now over 150 million visits to emergency departments each year. The unique aspects of the clinical practice of emergency medicine make medical and legal dilemmas a daily unavoidable reality.

Each of the 106 chapters in *Legal Issues in Emergency Medicine* represents realistic, common practical issues that every emergency medicine physician and emergency department will face. Many of these issues occur multiple times in each shift. Often, these situations leave the emergency physician searching for an approach without having the formal legal and ethical basis necessary to make a legally wise and low-risk decision.

Legal Issues in Emergency Medicine is an invaluable resource for medical practitioners, legal experts and administrative professionals in practice and in training. It is practical, concise, and well organized.

The style of *Legal Issues in Emergency Medicine* is exactly what a busy practitioner would want as a reference or what emergency department leaders, hospital administrators or residents would desire as a training text. Each topic includes a clinical vignette, a review of the legal controversy, current medical scientific

evidence, legal precedent, caselaw generating solutions and potential risk reduction programs.

The book covers key topics that have direct relevance in day-to-day acute patient care practice.

This approach allows practitioner exposure to a wide variety of medico-legal problems, allowing a pre-emptive, informed approach to problem-solving. One of the remarkable features of this valuable text is the ability to take extraordinarily complex issues such as advance directives, against medical advice (AMA), the Emergency Medical Treatment and Labor Act (EMTALA), involuntary commitment, and dozens of other issues and distill them into brief digestible summaries.

Few authors would be able to compile a text that is so informative, well organized and authoritative. Rade B Vukmir not only talks the talk but has walked the walk for decades. Dr. Vukmir has been trained in Emergency Medicine and Critical Care and has decades of clinical care experience. In addition, Dr. Vukmir has completed a degree in law with health-care certification. He has analyzed medico-legal issues involving patients, physicians, medical groups, and hospitals in every imaginable situation.

He has focused on providing guidelines to improve patient safety as well as decreasing both clinical and legal risk. This text is simply a must-have addition to any emergency department, reference library, legal office, and quality and risk management department.

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of Pittsburgh School of Medicine, Emergency
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Preface

The case study format used in this book is grounded in both medical and legal disciplines, and provides an effective instructional tool to facilitate understanding for the members of both professions.

As physicians, we try to learn from every patient encounter. In the complex world of acute care medicine, the potential for a legal question to arise is becoming more common every day. Likewise, legal

practitioners can benefit from a better understanding of the complexity of common medical dilemmas that may exist. Last but not least, the case studies will allow medical administrative professionals to appreciate the balance between the medical and legal disciplines and how they both impact the health care provided to patients.

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