

LIVE WEBINAR - Recorded 8th April 2021

Common medico-legal challenges for interns

Your panel:

Dr Hashim Abdeen, Rheumatology & General Medicine Advanced Trainee

Dr Jaffly Chen, Resident Medical Officer

Dr Sikta Samantry, Intern

Facilitated by:

Dr Jane Deacon, Manager, Medico-legal Advisory Services - MDA National

Your panel



Dr Hashim Abdeen



Dr Jaffly Chen



Dr Sikta Samantray

Your host



Dr Jane Deacon
Manager, Medico-legal
advisory services

Confidentiality versus privacy

You have a duty of privacy & confidentiality to your patients. They are not always the same.

Confidentiality

- Relates to disclosure of information about a person
- Assurance that certain information would not be disclosed without the consent of the subject
- Arises as an ethical duty

Privacy

- Rules / framework governing the obtaining / storage / access / release of information about a person
- Privacy has its origins in legislation

Why is confidentiality important?

- Full disclosure by patients to their treating practitioner is vital for diagnosis and treatment
- Without confidentiality, patients fear communicating their problems, as these may be humiliating and deeply embarrassing
- Maintaining confidentiality is an essential part of any clinical consultation. Doctors have an ethical, professional, and legal duty to respect patient rights to privacy and confidentiality regarding their personal and health information, and how it should be used
- Failure to maintain confidentiality gives rise to serious professional and legal consequences

1. Consent and confidentiality

An elderly patient was undergoing surgery. During the operation, the patient arrested and CPR was commenced by the operating theatre team, including internal cardiac compressions. A medical student filmed the resuscitation on an iPhone, and posted the footage on Facebook.

The student tagged the name of the hospital in her status, “Guess what happened at work today?”

Confidentiality

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The student tagged the name of the hospital in her status, “Guess what happened at work today?”

Questions:

- 1. Is the video in this scenario ‘health information’?**
- 2. Has this patient’s privacy been breached?**
- 3. What are the potential outcomes of the student’s actions?**
- 4. Why is patient confidentiality important?**

2. Consent and confidentiality

Jessica is a friend of yours from school who is in a relationship with your ex-boyfriend, John. Jessica calls you and tells you that John had some dysuria and went to ED, urine and blood tests were done, but John hasn't told her the results. She wants you to check the results.

You check John's results and find that he has gonorrhoea.

This case scenario is fictitious, inspired by real calls for advice

Consent and confidentiality

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John has gonorrhoea.

Questions:

- 1. Is it okay to check the results?**
- 2. Assuming you do check the results, should you tell Jessica about them?**
- 3. Are there any other implications?**

What are professional boundaries?

Professional boundaries are parameters that describe the limits of a relationship in which one person entrusts their welfare to another and to whom a fee is paid for the provision of a service.

Professional boundaries

- Boundaries are the limits that define the relationship between a doctor and their patient, and are integral to a good doctor–patient relationship
- Never use your professional position to establish or pursue a sexual, exploitative or other inappropriate relationship with anybody under your care
- Avoid expressing your personal beliefs to patients in ways that may exploit them or cause distress

Boundaries in the doctor–patient relationship

Doctor uses the encounter solely in the service of the patient

- Receives only remuneration and personal satisfaction
- Will not exploit the professional relationship, e.g. improper influence, financial gain, “selling” something

Boundary transgressions

- Boundary crossings
 - Departures from usual practice that are not exploitative
 - Can sometimes be helpful to the patient
- Boundary violations are transgressions which are harmful to patients

Why are boundary violations bad?

Boundary violations are unethical and unprofessional because they exploit the doctor–patient relationship, undermine the trust that patients have in their doctors, and can cause profound psychological harm to patients and compromise their ongoing medical care.

3. Boundaries

While working in a rural hospital you treat a patient who attends regularly due to cystic fibrosis. The patient is a similar age to you, you have discovered you share many of the same interests, and they tell you that they don't get out of the house much. They tell you that their lack of social interaction is causing them to feel 'hopeless about their life'.

You stop working at the hospital but are still in the town for a week. During that time, which is a few weeks after the patient's most recent admission and interaction with you at the hospital, the patient contacts you on Facebook and asks if you would like to go to see a movie you had discussed briefly and want to see.

This case scenario is fictitious, inspired by real calls for advice

Boundaries

While working in a rural hospital you treat a patient who attends regularly due to cystic fibrosis. The patient is a similar age to you, you have discovered you share many of the same interests, and they tell you that they don't get out of the house much. They tell you that their lack of social interaction is causing them to feel 'hopeless about their life.'

During that time, which is a few weeks after the patient's most recent admission and interaction with you at the hospital, the patient contacts you on Facebook and asks if you would like to go to see a movie you had discussed briefly and want to see.

Questions:

- 1. Can you see a patient socially if you no longer work at the hospital where you treated the patient? Why / why not?**
- 2. Should you respond to the person on Facebook? If so, how?**
- 3. You are worried about the impact on the patient's mental health if you say no, what should you do?**

4. Boundaries

During your general surgery rotation, you are approached by a senior registrar, Thomas. Thomas has been very supportive of you so far during this rotation, and you get on well with him.

Thomas explains he has ongoing back pain, which is only controlled with opiates. Thomas hasn't been able to get in to see his GP and tells you he is in agony. He won't be able to assist in theatre without pain medication, and is worried that the consultant will be annoyed that he can't assist. He asks you to write him a script.

Boundaries

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Thomas explains he has ongoing back pain, which is only controlled with opiates. Thomas hasn't been able to get in to see his GP and tells you he is in agony. He won't be able to assist in theatre without pain medication, and is worried that the consultant will be annoyed that he can't assist. He asks you to write him a script.

Questions:

- 1. Should you write the script for Thomas?**
- 2. What are the potential implications if you do write the script?**
- 3. How should you handle the situation? What could you say?**

5. Consent, confidentiality AND boundaries

A nurse at the hospital you are working at approaches you and asks you to sign an Xray referral for her adult daughter for a chest x-ray for a cough. You issue the referral without too much thought.

A few days later, you receive the x-ray report which has identified a lesion in the lung. You don't have the daughter's contact details but the abnormality requires urgent follow up.

This case scenario is fictitious, inspired by real calls for advice

Consent, confidentiality AND boundaries

A nurse at the hospital you are working at approaches you and asks you to refer her adult daughter for a chest x-ray for a cough. You issue the referral without too much thought.

A few days later, you receive the x-ray report which has identified a lesion in the lung. You don't have the daughter's contact details but the abnormality requires urgent follow up.

Questions:

- 1. Should you have issued the referral for the x-ray? If not, why not?**
- 2. How are you going to handle the results?**
- 3. What are the potential implications of this situation?**

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The screenshot shows the MDA National website interface. At the top, a green navigation bar contains links for 'Freecall 1800 011 255', 'Report an incident', 'Request a quote', and 'Contact us'. Below this is a dark grey header with the MDA National logo (Support Protect Promote) on the left and navigation links for 'Advice & Support', 'Member Benefits', 'Insurance Products', and 'Login' on the right. A search icon is also present. A yellow banner across the middle of the page reads 'COVID-19 information hub - Stay updated with' on the left and 'Learning resources. Find out more' on the right. The 'Advice & Support' dropdown menu is open, listing 'Overview', 'Medico-legal Advice', 'Incidents & Claims', 'Library' (circled in red), 'Medico-legal FAQs', and 'Medico-legal Team'. In the background, there is a blurred image of a person in a lab coat and mask looking through a microscope, and a 'Request a quote' button with contact information.

Thank you



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