



Emergency Medical Training Services

Emergency Medical Technician – Basic Program Outlines

Outline Topic: **MEDICAL/LEGAL ISSUES**

Revised: 11/2013

SCOPE OF PRACTICE

- The action and care that an EMT is legally allowed to perform. This is what the EMT has been taught. A paramedic has a larger scope of practice than an EMT.

STANDARD OF CARE

- The emergency care that would be expected to be given to a patient by any trained EMT under similar circumstances. What is expected to be done for the patient's condition if in their scope of practice and protocols. If the EMT does too much or too little they can get in trouble.

MEDICAL DIRECTOR

- Must work under a medical doctor's direction.
- They are known as EMS Director, Medical Director, Medical Administrator.
- EMT may take orders from an approved agent of the medical director.

MEDICAL PRACTICE ACT

- A physician may extend and delegate to EMS professions to practice under their medical license.

NEGLIGENCE

- Doing something wrong and damages happen.
- Four things to prove if one is missing cannot be negligence; 1) duty to act, 2) breach of duty, 3) damages, and 4) causation.

DUTY TO ACT

- An obligation of the EMT to respond to the scene and to provide emergency care to the patient. A commitment for pay or not to provide EMT services.

BREACH OF DUTY

- Not doing something a person of similar training would have done.

LEGALLY COMPETENCE

- Must know common questions. Person, Time, Place and Event (A&Ox4).
- If competent they can refuse care at any time.

CONSENT

- Implied consent is for people not competent. Drunk, unconscious, minors.
- Expressed consent also known as; informed, actual, written, and verbal. This is when a competent person says help me. Must be obtained from every conscious, mentally competent adult before treatment is started.

WHEN MINORS ARE ADULTS

- In this course must be over 18 to be an adult.
- If pregnant they are an adult during pregnancy only.
- If legally married.
- If in military services.
- If emancipated by judge.

PREGNANT MINORS

- If a minor is pregnant and the EMS person believes them, the minor can make their own decisions about themselves and their baby. Some instructors think: The pregnant minor can only make decisions about the mom's baby only but not about the mom's body. How can EMS tell if one is going to affect the other. This is wrong. Unless the mom has criminal intentions, she can refuse care for herself and her fetus.

ABANDONMENT

- Terminating care without leaving the patient with an equal or higher level of care. Leaving a patient without terminating care with a refusal form.

FALSE IMPRISONMENT

- Taking a competent patient without consent. EMT needs to have doctor's order to keep side rails up on a bed.
- Behavioral Emergency restraining will be discussed in that chapter 26. Not in this chapter.

ASSAULT and BATTERY

- Assault is the threat of unwanted bodily contact.
- Battery is the act of actual unwanted touching.

REFUSAL OF TRANSPORT

- As a rule the EMT will offer transport/care to all patients.
- If patient refused care EMT must do the following; 1) prove competency, 2) do an assessment to inform the patient what might be wrong, 3) tell them to get help somewhere if not with us, 4) get a witness to sign, 5) doctor must agree.

DO NOT RESUSCITATE (DNR)

- Also know as Do Not Attempt Resuscitation
- Written for the terminally ill.
- Must use a legal state approved form.
- Only applies when patient is in arrest (CPR person).

- Patient can override the DNR at any time.
- If close relative says to save the patient then do it.
- If a crime took place save them.
- If any delay in finding the DNR save them.
- If pregnant must save.
- If they are dead from a car crash (MVC) this is not why they have a DNR so save them.
- Up to the Medical Director if the DNR has to be an original.

ADVANCED DIRECTIVES OR LIVING WILLS

- Both are the same.
- Written for terminally ill.
- Only applies while they have a pulse then need DNR.
- Written instructions incase something happens to them like life-support machines.

CONFIDENTIALITY

- Breach of confidentiality is any private information let out. Whether good or bad.
- Slander is saying something bad.
- Libel is writing something bad.

- Keep your mouth shut. Do not give out any records even to a spouse without written permission from patient.
- Breech is the number one reason for a lawsuit in healthcare.
- If a minor has Sexual Disease the EMT cannot tell parents.

WHAT MUST BE REPORTED BY LAW

- Gun shot/stab wounds.
- Birth.
- Death.
- Child/elderly abuse.
- Rape.
- Animal bites.
- Some communicable diseases.
- Spouse abuse.
- DO NOT INCLUDE ETOH or DRUGS. They are considered addictions and are private doctor/pt privilege.
- If a drug lab is found then report it. If for own use cannot report.

WHEN INFO CAN BE RELEASED WITH PERMISSION

- Organ donor waives rights

- Medical bracelet waives rights.

CRIME SCENE

- Preserve the chain of evidence. Do not remove bullet shells or cases to show ER doctor. If medical care is need it overrides chain of evidence. If possible cut the material of the shirt, pants etc away from the area of the bullet hole(s) or stabbing. Do not put underwear after a rape in plastic bag but rather a paper bag.

DOCUMENT

- If it was not written down it did not happen in the legal systems eyes. Take good notes. Example - did you cut the seatbelt or was it already off when you showed up at the car crash (MVC Motor Vehicle Collision). Who was at the scene when you arrived.

TREATING A COMPETENT REFUSING ADULT

- Only if law enforcement or courts take custody can EMT treat the patient against their own will.
- Note: If patient is psychotic then treat if physical danger to self is present. This will be discussed further in the Behavioral Emergency chapter 26.
- If it is against a person's religion to take blood it is a competent person's right to die even though the blood is lifesaving.

- If a competent adult is refusing care for a child EMT must follow the adults request unless criminal acts are involved. WHAT A GRAY AREA. JUST THINK, CALL THE POLICE TO ASSIST. BUT YOU MAY NOT KIDNAP THE KID UNLESS THE SCENE IS VERY DANGEROUS AT THE PRESENT TIME. EMS DOES NOT RUN INTO THIS SITUATION OFTEN. BELIEVE IT OR NOT.
- If any gray areas present - call medical control for advice immediately.