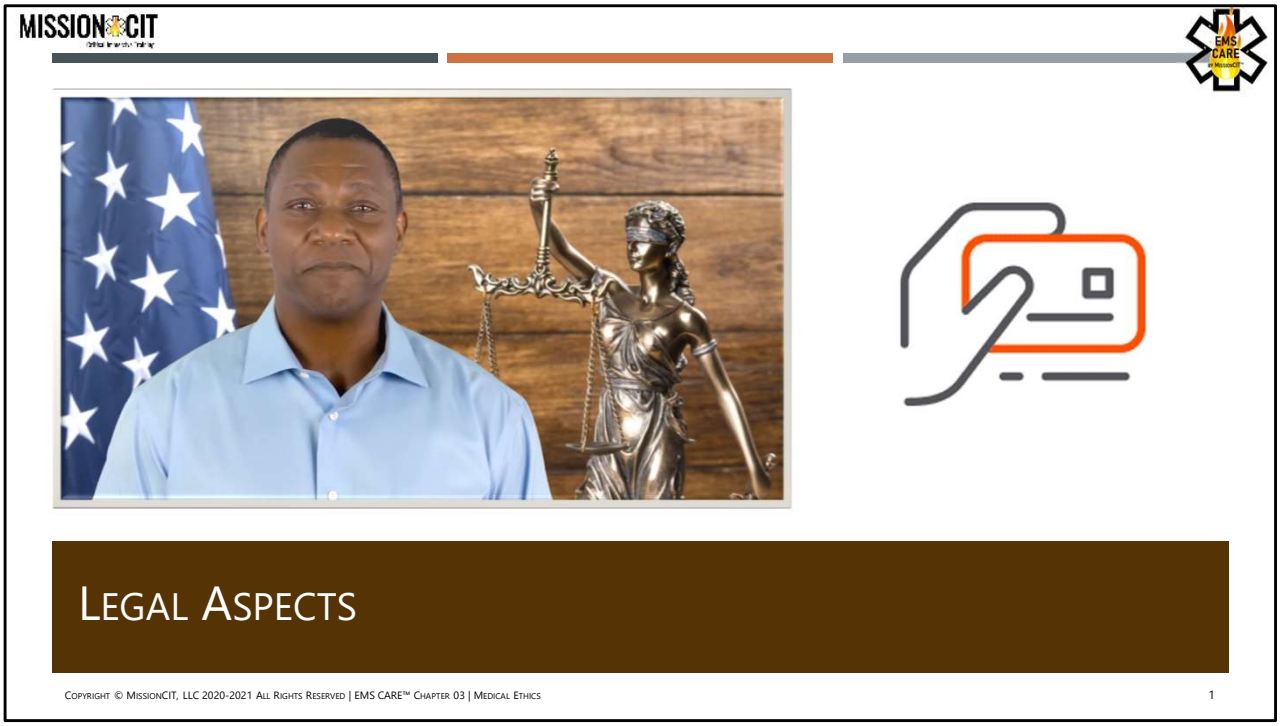


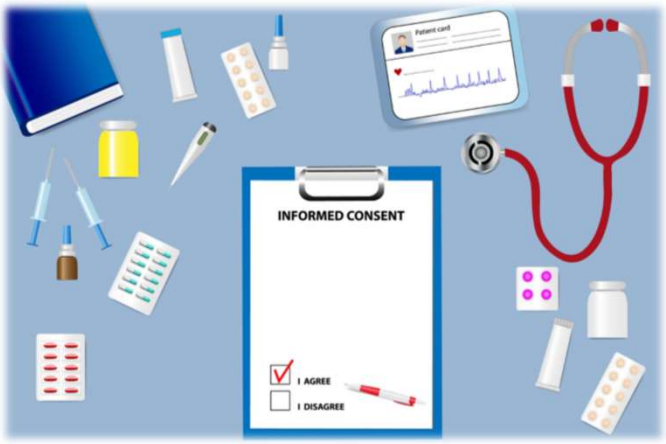
Thank you Missah!

Earlier, we saw the ethical considerations you must keep in mind. While these ethics help you to provide better care, not following them doesn't entail any legal penalties.

In this lesson, we will talk about the legal aspects, and how following them is absolutely essential to ensure that you don't face any penalties or legal charges against you. Let's see what are those legal aspects that you must watch out for.

Consent – Expressed, Implied, and Minors

- Take permission from patient
- Oral or written – expressed consent
- Implied consent as the patient in incapable of expressing consent
- Minors – consent from parents or legal guardians
- Exceptions



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You must take permission from the patient to assess, transport, and provide care. In fact, the patient must express that he or she is aware of the care that is being provided, and that it is accepted with a clear understanding of the possible implications.

This consent can be oral, but most times, patients sign a form accepting it. This is expressed consent.

Sometimes, the patient may not be in a position to understand or decide the treatment being provided, and in that case, you are authorized to go ahead with the care, provided it complies with the local laws and

protocols. Here, you assume consent because the patient is unable to give it, and hence is called implied consent.

When it comes to minors, they cannot agree or refuse treatment. So, consent has to be obtained from a parent or legal guardian before treatment can be provided.

Some possible exceptions to this consent are:

- Life-threatening injury or illness where every second is precious
- Minors who are parents
- Minors serving the armed forces
- Emancipated minors
- Court orders
- A patient who is considered a threat to himself or others, and
- A restrained patient



A patient's refusal of care is a common legal situation, so know what you must do to avoid legal issues.

First off, a patient can refuse care or transport provided,

- The patient is in a position to make an informed decision and is deemed to be capable in the legal parlance.
- Is awake, oriented, and fully informed of the situation.
- The patient signs a refusal of care form.

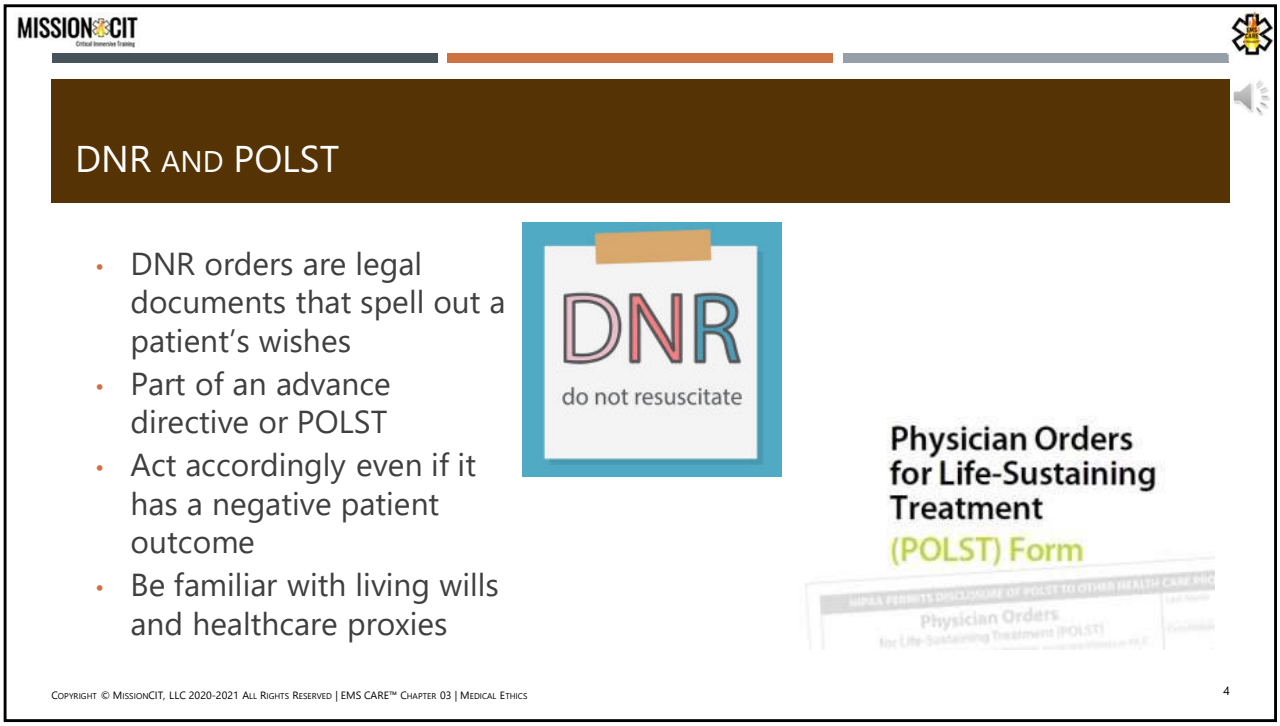
Despite the patient's choice, you could get into legal

liabilities, so you must take all possible steps to convince the patient of the need to accept care and transportation when needed.

Make sure you spend some time talking to the patient and explaining the importance of it. Also, understand why the patient is refusing care and if you can assuage the fear or apprehension, do everything you can. Above everything, explain the consequences of not going to the hospital.

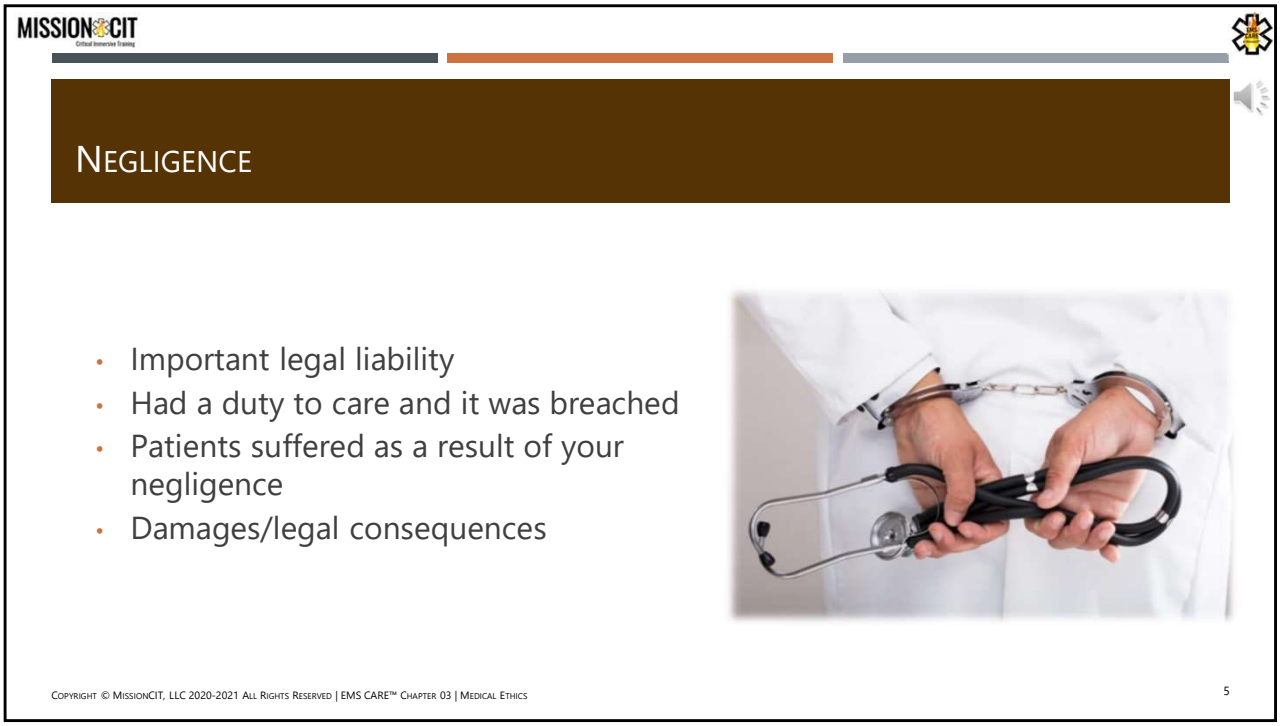
Besides these, consult medical direction when needed and suggest that the patient can talk to a family member or a primary caregiver before making this decision.

Finally, call law enforcement if needed.



Do Not Resuscitate or DNR orders are legal documents that spell out a patient's wishes, especially when the patient is unable to speak up for himself or herself. It can be a part of an advance directive or it can be a part of the Physician Order for Life-Sustaining Treatment, also called POLST.

If a patient has this order, you must act accordingly even if it has a negative patient outcome. It also helps to be familiar with living wills and healthcare proxies.



Negligence is another important legal liability, and it occurs when you have done something that you must not do, or you have done it incorrectly.

To prove that you were negligent, the other party must prove that you had a duty to care, and you had breached it. In other words, you had failed to provide an expected and established standard of care. Also, the patient must have suffered as a result of not acting appropriately or not acting at all.

If the other party can prove it, you'll have to pay damages or even face legal consequences, as the case

may be.

Duty to Act

- It means you had an obligation to provide care to a patient
- Does not include care provided off-duty or on-duty but out of the jurisdiction
- Expected to follow local laws and protocols



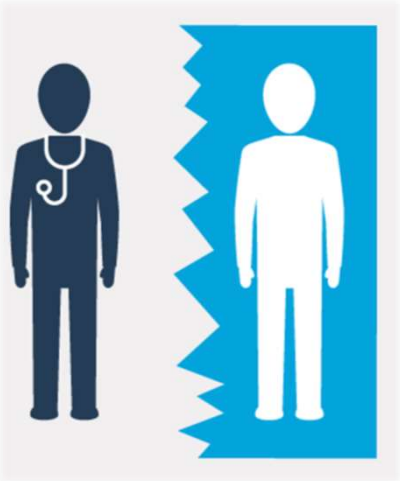
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Since negligence is a serious legal liability, let's talk a bit more about what constitutes the duty to act. In simple terms, it means you had an obligation to provide care to a patient. This does not include care provided off-duty or on-duty but out of the jurisdiction.

Also, the EMT is expected if you followed local laws and protocols and followed your conscience. In other words, you did what you thought was best for the patient and this act was in tune with the local protocols and laws.

ABANDONMENT

- Cannot abandon the patient
- Care is handed over to another healthcare professional of equal or superior training
- Can attract severe penalties

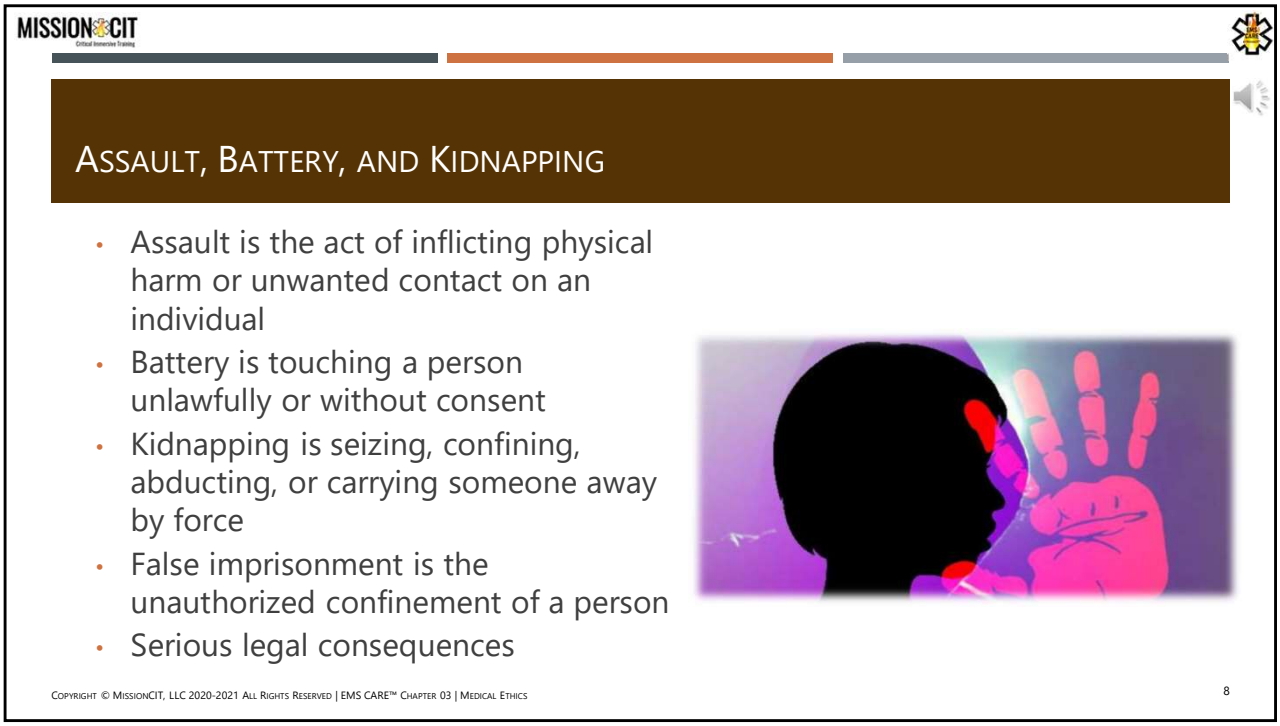


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After you have initiated care, you can't abandon the patient until the care is handed over to another healthcare provider a paramedic, doctor, or any of equal or greater training. The patient is your responsibility until you hand over this care, so if you stop care or leave, it is considered to be abandonment.

This abandonment can attract severe penalties.



Assault is the act of inflicting physical harm or unwanted contact on an individual. From an EMT standpoint, it also includes unlawfully placing a person in fear of bodily harm. An example of such an assault is restraint.

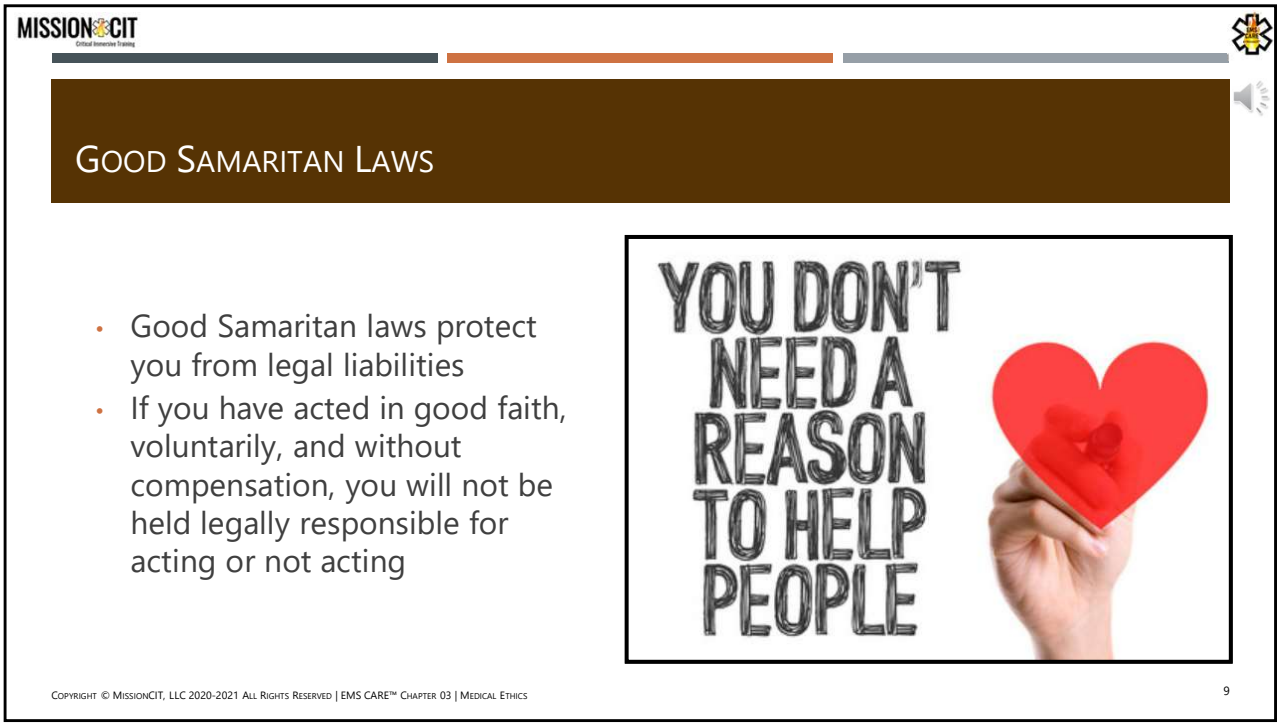
Battery is touching a person unlawfully or without consent. Often, when you provide care by touching a person, it's considered a battery.

Kidnapping, on the other hand, is seizing, confining, abducting, or carrying someone away by force. An example of kidnapping would be transporting a patient

without his or her will.

False imprisonment is the unauthorized confinement of a person such as when you don’t allow a patient to leave the ambulance.

All the above are serious offenses and can lead to legal consequences.



Good Samaritan laws protect you from legal liabilities. If you have acted in good faith, voluntarily, and without compensation, you will not be held legally responsible for acting or not acting. This is because you were a passer-by and not someone obligated to provide care. So, Good Samaritan laws apply to you.

Let's take an example. You are off duty and having dinner with your family at a restaurant. There is a vehicle crash just outside the restaurant, and the police and EMS have not yet arrived. You provide care for the patient. Does this make you legally responsible? Think for a second.

The answer is, you are not legally responsible.

DEFAMATION

- Legal responsibility to communicate authentic information to the patient
- Affects the reputation of the patient
- Libel or written
- Slander





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It is your legal responsibility to communicate authentic information to the patient. If you had communicated false information that had affected the reputation of a patient, it constitutes defamation. This can be libel or written, where you write false information in the report or it can be spoken too. This is called slander and also includes inappropriate comments during conversations.

EMT IN COURT

- Hire legal counsel
- Look for defense
- Compensatory or punitive damages
- May be a witness
- Be neutral and review the report



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If you end up in the unfortunate situation of facing legal consequences, you may have to go to a court of law. You may hire legal counsel and some of your defenses can be governmental immunity, the statute of limitations, and contributory negligence.

Depending on the case, the court may award compensatory and punitive damages. If you're charged with a criminal offense, secure the services of a highly experienced criminal attorney right away.

Even if you're not legally implicated, you may be asked to come in as a witness when needed. If that's the case,

notify your service director.

As a witness, you’re expected to remain neutral and review the run report you submitted.

This brings us to the end of this lesson and in the next one, Missah will take you through medical identification devices.