

PHLEBOTOMY LEGAL ISSUES



Fall 03

LAW

- Statutes / ordinances
- Administrative law
 - Department of Health & Human Services (HHS)
 - Health Care Financing Administration (HCFA)
- Judicial Law
- Tort
- Preventative law



NEGLIGENCE

- Duty
- Breach of duty
- Proximate causation
- Damages




STANDARD OF CARE

- **National community:**
 - National Committee for Clinical Laboratory Standards (NCCLS)
 - American Hospital Association (AHA)
 - Joint Commission for Accreditation of Healthcare Organizations (JACHO)
 - Health Care Financing Administration (HCFA)



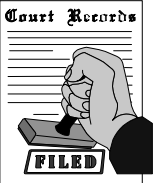
LEGAL TERMINOLOGY...

- **Malpractice**
- **Physician / patient contract**
 - Offer
 - Acceptance
 - Consideration



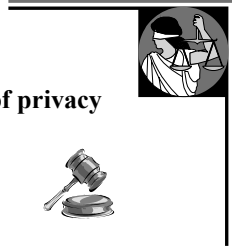
LEGAL TERMINOLOGY

- **Respondeat superior / vicarious liability**
- **Informed consent**
- **Implied consent**
- **Confidentiality**
- **Statute of limitations**



LEGAL TERMINOLOGY...

Assault
Battery
Invasion of privacy
Malice
Slander
Libel



LAWSUIT PREVENTION MINIMIZING THE RISKS

- Documentation
- Reporting of incidence
- Following policies & procedures
- Patient safety
- Reporting significant information
- Equipment management



UNDERSTAND YOUR SCOPE OF PRACTICE & PROTECT YOURSELF!

