

Consent, duty of care, and standard of care

Business



Question 1 Standard of care refers to the diagnostic form of formal treatment process which a doctor or an expert should follow.

This is applicable while treating a patient who has a certain form of symptoms or illness of any kind (Sharpe, Carter, & EBooks Corporation, 2006). The standards in this case follow up a set of guidelines as well as protocols that are agreed upon by these experts with the most appropriate or better practice. Any diagnostic, as well as treatment process performed by clinician patient ought to follow. In a legal perspective, a standard care is used as a form of benchmark in against a doctor's actual work. For example, lawsuit in malpractice, which is a situation where a doctor's lawyer would want to prove that the doctor's actions were in line with the care standards. On the other hand, the plaintiff lawyers would be used to show how a certain doctor went against the accepted standard, which was a form of negligence.

These care standards are developed in a number of ways such as, development over the duration of time in other cases, are results of clinical trial in terms of findings (Julia, 2003). It is clear that standard care in the one that the community differs from another. Furthermore, standards between doctors also have extreme distinctions. One ultra clear relationship between the two factors of standard of care governs the level of an average cautious provided in a certain society and practice. It also governs how qualified practitioners manage the patients under the care in the similar circumstances.

In a medical malpractice case, plaintiff has an obligation of establishing an appropriate standard of care to show how the standard of care has been

breached. These standards of care are aimed at providing health experts, patients, researchers as well as other interested parties with any disease component. These standard care practices are aimed at ensuring that health care practices on treatment goals, as well as tools, are based on quality of care. Preferences of individuals, as well as other factors affecting patients, may call on modification targets, goals that are desired by most patients (Annas, 1993). These standards intention is not to preclude clinical judgment or management evaluation of the patient by other specialist. In the definition of standard of care, it is ensured that the right and expected legal standards in the treatment process are followed accordingly.

The applicability of these care standards in health care are aimed at benefiting both patients and experts. It is clear that according to some cases the health care standards are different (Annas, 1993). This standard gives the involved party a way forward in case their health care rights are violated. This involves matters on how to file a case against the violating parties. Question 2 Duty of care, in any setting, refers to the level of overhaul that is predictable, as a minimum, to be provided.

This may include the following; acting to the best interest of other people, there is no failure in the actions that cause no harm to the people. Duty care may also be based on acting within the competence of oneself and never being involved in activities that are hard to perform safely (Julia, 2003). According to a duty of care, it is the obligation of a health care management to disregard actions that may cause harm. While working in a healthcare system, it is crucial to be on the alert to both risks and possible hazards, which can arise in the work place. It is clear that if these hazards are not a <https://assignbuster.com/consent-duty-of-care-and-standard-of-care/>

remedy they may cause serious damage or lead to death occurrence. Duty of care, especially in the healthcare set up, aims at ensuring that only clear measures are taken at working environment.

This move is aimed at ensuring that the patients in this case are not prone to risk because of person's negligence (Rosdahl, 2012). Such alertness should be made mandatory. It is clear that possible careful observations in the healthcare working environment may spot a hazard, which can be eliminated. In the health care system, a safe work place is crucial. The case of duty of care for patients depending on staff treatment makes that safety vital. People may forget duty care workers in the work place.

Some of these factors include the redundancy due to heavy workload in the work place. It is evident that, in the health care environment, the workers are overloaded and are forced to work overnight especially in case of emergencies. The short cuts may cause serious injuries leading to loss of life and job. For example, staff over fill the laundry bags and bed making process in the mornings. People should ensure that they take their job descriptions keenly to ensure a safe health care system free from negligence and free from injuries (Julia, 2003). In the medical context, the duty of care clearly suggests that the policy guidelines on the duty of care has an obligation to state health professionals, duty of care that extends to the public health care.

According to research experts, it is clear that healthcare employers have a set of responsibilities towards their staffs. These duties include such actions as to inform and offer the support. Doctors and nurses have the obligation

specified to a group of people who are the patients. The term duty of care refers to these obligations. This term drives health workers into working circumstances that are considered morally upright.

Therefore, from an ethical perspective the phrase duty of care can be dangerous by creating the illusion of legitimacy in the moral justification (McKenzie, 1990). In the context of a duty of care employers should take care of their employees on a reasonable manner in ensuring their health. In a legal context, employers should abide to employment laws (Annas, 1993). Duty of care has both a moral and ethical duty in order to avoid physical and psychological injury (Annas, 1993). They must also fulfill their responsibilities based on negligence claims as well as personal injury.

In a health care environment, duty of care aims at ensuring that the work environment is safe, there is adequate training as well as feedback of performance. Question 3 Consent in the treatment perspective refers to the situation when a person must receive the medical treatment. Consent is required from a patient irrespective of treatment. Medical ethics, as well as International Human Rights are decisive factors in consent. It is clear that to reach the consent the patient should be informed about procedure of treatment.

Moreover, the person has an obligation to make a certain decision. Consent can fall under three categories, voluntary, informed and on the category. Voluntary consent is treatment which is done without any medical pressure from the staff (Tingle, 2002). Informed consent means that the patient is informed about risks and benefits of treatment. Another category of consent

is on the category, in this case, a person needs understand and evaluate the decisions before making them. Therefore, a person should be able to make upright decisions when it comes to refusing a certain type of treatment.

However, sometimes there are serious outcomes of the treatment so the patients have a right to decide themselves. Consent rights these are based on the fact of individuals are able to turn down the procedure of treatment in case of religion beliefs or threat of fatal consequences (Association, 1960). A healthcare provider should seek a decision on whether to give or refuse any consent to healthcare on the basis the consent action. Health care consent has a number of elements, which are based on different areas. These areas relate to the proposed or voluntary offered healthcare.

The other relationship between consent and health care arises where the health provider gives an individual an understanding of the proposed healthcare as well as the information on a number of issues (Tingle, 2002). These issues are based on conditions of offered healthcare including risks, and benefits of the healthcare proposals. It is also possible to ask questions that are based on the healthcare. Consent incapability can be determined when an individual refuses the healthcare. In such a case, the care providers must be assured that the individual is familiar with the outcomes. This refers to the situation when the health care provider has proposed treatment.

Communicating in an appropriate manner is another link between consent and healthcare. It is necessary to seek whether an adult, who makes health consent, is capable to do it right. Communication must be made in a manner

that is suitable to the skills and abilities. Consent and scope of consent inferred from a conduct. It may be expressed orally or in a written form.

Besides, inferred health care provider may offer additional health care to an adult in case there is medical necessity in additional or health care to deal with the conditions that were outlined (Rosdahl, & Kowalski, 2012).

Therefore, it is clear that consent is a key factor in a health care. Any decision made by adults undertaking any medical treatment should be respected by the medical staff as well as experts.