

The snow storm essay



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The Snow Storm Lawsuit This case is about a lawsuit that generated from a small community hospital due to a snow storm. During the storm many hospital health care providers were unable to report to work due to the weather, and the Chief Executive Officer was vacationing in the Bahamas. In the meantime, many patients suffered from lack of care and injuries. As a result, many relatives of those patients decided to sue the hospital on their behalf after they died a year later for negligence, duty of care, and wrongful death.

This paper will identify and explain the legal, ethical, professional, and business considerations that the hospital would have to face under the unfortunate circumstances. Identify and explain at least three legal considerations. One matter that the hospital has to legally consider is corporate liability. In corporate negligence, “ the hospital owes a legal duty directly to the patient, and this duty is not delegable to the staff” (Showalter, 2008, p. 136).

Not only is the hospital's responsibility to furnish a physical facility that can accommodate physicians so they are able to treat patients, but it is their responsibility to demonstrate reasonable care in their selection and retention process of employees. This snow storm could have damaged or destroyed valuable equipment that was necessary to provide the proper standard of care, causing injury to a patient. Not, making sure that the staff is qualified or trained correctly for their position makes them liable as well.

Secondly, is the legal consideration during the storm is just plain negligence itself. Negligence is defined as the failure to do what a reasonably careful

and prudent person would do under the same circumstances without the intention of doing harm (Showalter, 2008, p. 35). The law could hold the hospital liable under the principle of respondeat superior, if the nurse failed to notify the proper personnel that several patients sustained injuries by falling out of bed due to improper medication. Falls are among the most common incidents reported in medical institutions, (Lopez, 2011).

They also could be sued for the nurse leaving her patients unattended while she slipped out to get a bite to eat, because they couldn't make sure she was accounted for. A third legal consideration would be a malpractice suit. The scenario made it perfectly clear that the hospital was severely understaffed to accommodate the medical needs of the patients. Malpractice occur when medical professionals act improperly or unethically (Baker, 2006, p. 120). This legal issued can be determined when patients died as a result of wrong medications being administered during their visit. Sometimes the wrong medication is given because the nurse was in a hurry and didn't double check, the medication was shelved wrong, the doctor prescribed the wrong medication, or the patient was given another patient's medication" (Pritzker, 2012). Incidents as such, have a higher possibility of taking place when health care staffs are overworked. According to the scenario, the patient units were understaffed, and health care personnel on day shift had to stay until they were relieved from their duties, and this causes fatigue which causes an increased risk of negligence that leads to malpractice.

Identify and explain at least three ethical considerations Being ethical means knowing right from wrong, and making the right choices. Today ethics play a major role in the responsibilities and duties of health care services. A major

ethical consideration would be patient privacy. " Under the Health Insurance Portability and Accountability Act (HIPAA), they were established to protect the privacy of an individual's identifiable health information" (Baker, 2006, p. 122).

During the patients' visit in the hospital through the storm, keeping their records, communication to outside agencies, and families protected helps to prevent liability. Many of the regulations set by HIPAA allow information sharing of medical information in situations like these, but with precaution while most requirements remain in effect. Therefore, it is vital that the hospital staff follow the guidelines so patients' health information remains confidential to remove the possibility of liability within the organization.

The third ethical consideration would be to the patient that died as a result of being given the wrong medication. Nurses are supposed to be advocates for the patients according to most standard code of ethics, and could have reported any suspicions of overmedications to someone with authority.

According to Messerly, (2012), " the most common medication errors include nurses administering the wrong medications or wrong dose in a intravenous drip, physicians prescribing drugs that could cause dangerous interaction with patients' other medications , and hospitals and long-term care facilities typically do not report medication errors to patients or their family members unless the errors result in injury or death. " It was not right for the scheduled shifts not to come in or not even make an effort; especially knowing that they had an obligation to the job they perform as well as the patients. The nurses put the hospital in a very difficult situation legally. Informed consent is another ethical consideration and duty that needs to be looked at. " This

communication process or a variation thereof, is both an ethical obligation and a legal requirement spelled out in statutes and case law in all 50 states” (“ Informed Consent,” 2012).

This is a process where the patient that has been completely informed about their health, then make decisions about the health care they prefer. It began from the legal and ethical right the patient has to decide what can be done to their body and from the physician’s ethical duty to involve the patient in their health care treatment. Being as busy as the hospital was with the lack of staff, not much time may have been given to the patient to explain their diagnosis and treatment options. This process of communicating relevant information to the patient has always been a physician’s ethical obligation.

Identify and explain at least three professional considerations. Being a professional in the health care field gives cause to be careful and aware of all of the going-ons surrounding the job. One important professional consideration the CEO should have thought about is making sure that there were procedures in place in case an event such as this took place. A contingency plan should have been in place for employee shortage along with policies to remind the staff of their obligations to the hospital and the public as a health care professional.

There has to be an adequate number of nursing staff members to provide safe patient care. The second professional consideration is abandonment, whether it is expressed or implied. A professional should never abandon their post while on duty, and the nurse did not consider that. It could very well be interpreted in court that she clearly abandon her duty of care by going to

Wendy's to eat, when she should have been monitoring the patients. Under no circumstances may any medical professional abandon their duties on the assumption that someone else would handle it in their absence.

Misrepresentation is the third professional consideration to be aware of in these types of situations. The nurses administering medicine without the knowledge or authority of a physician, and the patients was under the impression that they were so they relied on the treatment given as a solution to their health problem. This is "representation to persuade a patient to submit to treatment" (Showalter, 2008, p. 39), knowing that they lack of qualification under circumstances that was uncontrolled.

Behavior of the sort is probably what lead to the over medication, and eventually death of a patient. The nurse on duty clearly represented herself as a physician by acting in their behalf, and obviously not trained to handle such stressful situations. Identify and explain at least three business and reputational considerations. Making sure business is conducted in a professional way is a crucial factor in determining the reputation of a hospital. Reputations are used as a gauge to predict its behavior based on past experiences or characteristics.

One reputational consideration is defamation of those characteristics. Cheng (2009) states that "defamation of character consists of oral or written communication to someone other than the person defamed that tends to hold that person's reputation up to scorn and ridicule in the eyes of a substantial number of respectable people in the community." When the snow storm hit causing so much chaos among the staff, and families sued on

behalf of deceased relatives, health care professionals begin to place blame through statements against co-workers many times where it is not due.

If these libel statements regarding the deaths lawsuits are published in magazines against the hospital or staff, then business can go bad and any funding may be lost. The second business or reputational consideration involves the quality of the staff that is hired to represent the hospital. It is important to make sure that the physicians are certified to practice in the area, and if any are qualified specialist to address specific needs that patients might have. The nursing staff should consist of registered nurses with bachelors or master's degree.

Hospitals are responsible for making sure there's enough staff to care for the patients, and keep them motivated enough to come to work by any means necessary to serve its community in times of need such as the snow storm. These are things that make the environment conducive to healing. Finally, it is important to a community to know that their local health care provider can handle and manage almost any crisis situation, expected or unexpected. It is should always be a factor of what the public perception will be when speaking about the reputation of someone making medical decision about their ealth. " Crisis management has to do with the manner in which the hospital responded to unexpected events over which they have little or no control" (Baker, 2006, P. 20). With the CEO on vacation, there should always be someone in the management position that is able to pick up the slack in their absence. Not having a crisis management plan in place as part of the safety and emergency strategy could cause the hospital to lose valuable much needed business to a larger more prepared competitor.

Being able to plan for public perception will provide the credibility protection needed and the ability to recover after crisis like the snow storm disaster. In this scenario, keeping an acceptable reputation is challenging for the small not-for-profit community hospital, which may one day try to expand beyond its local market. It is a crucial factor to check the reputation of any hospital along with the type of services they offer. In the end, future preparedness in crisis management will help the hospital weather any disaster, and keep its reputation in tack. Reference

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