

# Law and healthcare system administration



This paper will discuss the importance of the physician/hospital-patient relationship and how it relates to the Healthcare Administration profession. Also it will discuss the laws of contract principle and breach of warranty and how they affect the healthcare setting. In addition, the paper will list the four elements of negligence; duty of care, breach of duty, Injury and causation will be analyze each and how they affect physician/hospital- patient relationship.

The paper will briefly discuss the functions and responsibilities of the governing board of a healthcare corporation. In the few weeks of researching healthcare administrative law a lot of new information has been discovered which has introduced the idea that the healthcare system is more than what is seen when entering the clinic and emergency rooms. It has helped to understand that there is a lot going on in the background that has to all come together and include the laws, politics, staff and the people that are served.

We, society, must first look into the wows, whys, and what's of things afore taking a stance on them positively or negatively. We all know that without some mutual understanding and active communication in our personal relationships they will definitely go wrong, with the same regard to the physician-patient relationship there is no deference. The article, Patient-physician Communication Barrier: A Pilot Study Evaluating Patient Experiences researchers states that the " Lack of physician-patient understanding was the main reason that results in hindrance in the affective communication.

In addition, the possible reasons for the communication barriers may be the low level of health literacy among the patients and inability of the physician to affectively listen to patients' views and describe the detailed information about the drug and disease. " This article basically states that the patient should be open to being educated about their healthcare and the physician should be open to taking the time to do so. Physician, Hospital and Patient Relationship Patient satisfaction should always be the chosen outcome of any healthcare facility.

Healthy patient relationships require trust and effective communication on the part of the physician, patient and facility. According, Alexander, Herald, Emitter, ; Harvey, 2012 study indicate that, " patient role relationships with their physician are associated with their level of activation. These fledglings... Point to the Importance of the relationship between the physician and patient as a leverage point for changing patient behaviors and attitudes toward their care.

Current policy efforts to promote higher value health care through consumer choice and patient self- management of chronic conditions will achieve greater success if patients are highly activated... Rotational, passive patient role is largely incompatible with strategies to introduce more market-based efficiencies In health care. For such policies to succeed, It may be necessary to promote patient activation and change the traditional patient- between the physician and patient. The doctor-patient relationship is the foundation of the healthcare facility; it is the guiding force when patients are making the decision on which particular healthcare facility they will allow to provide their care. Therefore, it is the physician obligation to fully educate their patients

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about all of their healthcare rights, diagnosis, needs and plan of care. The atmosphere should be one where the patient feels comfortable and apart of the process. The physician should take every opportunity to express empathy and respect for each patient.

A successful physician patient relationship will not only build trust and promote healthier patient outcomes but will increase the physician professional satisfaction. When the current patients tell others how satisfied they are of their particular physician and/or facility this will result in the physician and/or facility gaining respect among their peers, in addition to other patients wanting to receive their care from them. The failure to gain and maintain a strong physician, hospital, patient relationship could result in not only losing patients and respect of peers but could also be the basis of a court case.

Contract Principle and Breach of Warranty " In the case of a physician coming to the aid of another, there is a physician- patient relationship that continues until ended by the parties' mutual consent, revoked by dismissal of the physician, or until the physician determines that the services are no longer beneficial to the patient, and the patient is given a reasonable time to procure other medical attention. Every state in the United States has enacted a so-called Good Samaritan statute...

While the Good Samaritan statutes do not create a duty to act (in contravention of the tort principle of no duty to aid in the absence of a preexisting special relationship), the legislatures sought to provide incentives for physicians (or other medical professionals) to aid by removing

the threat of civil liability. " (Slovenes, R. (2005) In everyday life, things are not properly understood and there is a lack of communication and when this happens things tend to in up negatively.

When this lack of communication occurs it is normally the basis for a patient's cause to file a malpractice case. Most of the time the patient has this inept belief that the physician has the power to heal or more control over the outcome of their illness; and/or the physician improperly expresses treatment outcome to the patient. This is why it is pertinent, as the Healthcare Administrator to set up proper guidelines for the retention of the patient as well as the physician that will remedy the situation before, during and after treatment.

A breach of warranty is when a health care provider makes a promise to their patient about certain results from treatments or procedures but the promised results were not produces. If this happens the patient may be able to present a medical malpractice case to the courts. However, many states have legislation that makes it difficult to succeed in medical malpractice cases and when they do occur the patient has the obligation to prove that there was a promise to cure with treatment.

**The Four Elements of Negligence** The first element that the patient must prove is that the physician has owed them a relationship is presented. According the textbook, " This duty of care is a legal obligation the defendant (the physician) owes to the plaintiff (the patient) to act with due care- to conduct oneself as a reasonably prudent person would do in similar

circumstances. " Proving this element will largely depend on the facts of the case.

After the patient has proven that a legal duty of care existed, then they must prove that this duty was breached. In any medical negligence case the physician's actions re examined based upon a physician of the same specialty to try and determine whether they have acted in the way that resembles that of any physician of that particular profession. If the response is reasonably comparable then the physician has fulfilled their duty of care but if the physician's actions are not comparable then the patient has a case for breached duty.

Next, the patient has to show proof of injury; the patient must prove that they suffered financially, emotionally, and/or through pain and suffering as a result of the physician's breach. Finally, Causation is he most difficult element of negligence because proof must show that the physician's breach of duty directly or indirectly caused the patient's harm. If the patient cannot proof that the harm was a result of the physician's breach than there is no case for negligence. (Saltwater, J. S. 2012) The Governing Board of a Healthcare Corporation The hospital governing board of community leaders, business professionals and hospital physicians and is responsible for the facility overall performance; by establishing policies, appointing the CEO, setting the salaries and compensation, reading and approving annual budgets, and more. According to the there are two types of governing board which are " Active board governance is defined as taking a proactive and visible role in key strategic plans and controls, including those normative

roles that experts consider to be essential for boards of directors (Charka, 2005), including: 1 .

Adopting and reviewing key quality and performance metrics on a continuous basis, 2. Performing succession planning with key hospital executives 3. Ensuring that the direction (vision) and path continue to focus on achieving hospital goals and objectives. A passive board of trustees would allow hospital senior leadership to define and implement strategy and performance objectives on their own, with little assistance or direction.

And whether passive or aggressive the board must ensure the quality of care provided by employing professional staff that are capable of creating strategic policies and procedures in accordance with the facility core values, mission and goals. "