

Ethical issues in patient information | case study



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Peeking in the EMR for all the right reasons

- Patrick Bobst

Technology has embedded itself into everyday life and is integrated into everyday human activity. Corporate scandals, violations of intellectual property rights, and violations of customer, patient, employee privacy is uncovering challenging dilemmas and ethical decision-making in every the industry around the globe. Technological advancements not only increase the impact of carelessness, foolishness, recklessness and even malevolence but also enable anyone with access to learn much more and much faster than ever before(Curtain, 2005). Ethics enables individuals with the guidance of rational approaches to make the right justifiable decision. Ethical choices distinguished from other choices involve the continual conflict of fundamental values, as well as incorporating scientific inquiry that may be influential but cannot provide answers(Curtain, 2005). Most notably, ethical choices involve placing one value above another, and because values are of the utmost importance, any decision reached will have profound, multiple and often on anticipated impact on human concern(Curtain, 2005).

Case study

Jessica Parker is a nurse that has the burdening task to solely support her three small children and is in severe financial distress since her divorce. Her ex-husband, Frank Parker has evaded court ordered child support obligations for over a year and has been able to evade authorities with no known address or phone number. Jessica's house is about to be foreclosed upon, and her automobile repossessed. Although Jessica periodically picks up extra

shifts, utilizes friends instead of childcare, and despite making multiple drastic cuts to her budget, she is unable to overcome the perils of increasing debt. One day a friend that informs her that Frank Parker received stitches in her emergency department after a minor motor vehicle accident (MVA). The next day she worked Jessica looked up her ex-husband in the EMR and proceeded to gather his needed contact information. Jessica immediately passes along the phone number, living address and employment information to her attorney which in turn succeeded in the actions of court ordered child support payments being automatically garnished from his wages along with a judgment for past due child support in an amount that will stabilize her current debt.

Ethical dilemma

When a couple chooses the responsibilities of being a parent, it is a commitment for life whether they are living together or separately. Jessica is in a stressful environment where she holds the custody of the children and the other parent is legally obligated to provide financial support to ensure a safe and healthy environment for the children. Jessica is clearly struggling financially and the situation will continue to worsen without the court ordered child support from ex-husband. She solved the dilemma of finding her ex-husband's whereabouts by utilizing the hospital's EMR. By utilizing the EMR in an inappropriate manner, Jessica violated multiple provisions of the American Nurses Association (ANA) code of ethics including provision 3.1, 3.2, and 3.3. These provisions stipulate the patient's right to privacy, the duty to maintain confidentiality of all patient information, and the protection of participants in research (Nursing World website, 2011). A breach of the <https://assignbuster.com/ethical-issues-in-patient-information-case-study/>

Health Insurance Portability and Accountability Act (HIPAA) may have been committed under the privacy rule where “ patients have a right to expect privacy protections that limit the use and disclosure of their health information”(McGonigle & Mastrian, 2012, p. 173). “ However, the privacy rule permits unauthorized disclosures of protected health information to public health authorities for specified public health activities including.... child abuse or neglect”(Lee & Gostin, 2009, p. 82).

Possible Alternatives

At the point when Jessica suspected her husband might have been in the EMR system, an alternate path might be (1) hiring a private investigator. The ex-husbands MVA is a matter of police public record and private investigators are trained and have the resources to find information in ways others might not think about; (2) contact the local child support enforcement agency with the information of the MVA; (3) contact her attorney for a medical record subpoena.

Hypothesize Ethical Arguments

In this scenario, Jessica showed a clear breach to hospital policy, statutory and common-law duties of confidentiality and privacy. However, Jessica’s morals were dealing with the resolution of what is right and wrong in her own situation creating the dilemma of what is morally right and not looking at the evidence that indicates that she is also morally wrong. Depending on the discipline and point of view, the term *value* can have different meanings. Jessica’s objective moral values may include justice, freedom and welfare, which might be her basis for decision-making. The welfarism normative

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ethical approach applies to Jessica situation where morality is viewed and centrally concerned with the welfare or well-being of individuals, and where advancing the best interests of individuals makes the most fundamental sense(Keller, 2009). The ethical theoretical Principlistic approach validates itself with its universally recognized moral principles of autonomy, nonmaleficence, beneficence, and justice(Bulger, 2009). *Autonomy* considers the right of the individual to choose for themselves, *nonmaleficence* asserts an obligation not to inflict harm intentionally, *beneficence* refers to actions performed that contribution to the welfare of others, and *justice* refers to the fair, equitable, and appropriate treatment in light of what is due or owed to a person(McGonigle & Mastrian, 2012). “ Principlism is a unified moral approach in which the addition of each principal strengthens the legitimacy of each of the other principles to the extent that each principal is specified and balanced using independent criteria and yet each principal still supports each of the other principles”(Bulger, 2009, p. 121). In Jessica’s scenario she might consider that it is generally morally right to obtain her ex-husbands contact information in the EMR because this action obeys the role moral rule *what is due or owed* which in turn is derived from the principal *justice* . The crux of the dilemma lies within Jessica’s responsibility of providing her family a safe and healthy environment with financial stability, her utilization of the hospitals EMR balanced with her ex-husband’s medical record confidentiality rights.

Investigate, Compare, and Evaluate Alternatives to him

In Jessica’s case, there is no ambiguity in our nursing code of ethics when it comes to maintaining patient privacy and confidentiality. All the alternative

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methods provided to pursue the coveted contact information are the only acceptable legal pathways. These alternative methods safeguard patient rights, do not violate policy and laws, do not result in bad consequences, nor do they nullify rules and regulations. Each alternative provides expected outcomes that far exceed the risk of harm that include “civil liability, job loss, disciplinary action by state licensing boards, and even criminal investigations and sanctions”(Hader & Brown, 2010, p. 270).

Chosen alternative

Simply from a financial standpoint the alternative chosen for Jessica would be to contact the local child support services agency. Hiring a private investigator or attorney can be cost prohibitive especially with her financial difficulties.

Conclusion

From nursing school until retirement, nurses are taught there is no leeway when it comes to HIPAA's integrity and confidentiality of patient information. A problem with ethics is the logic of reasoning being used in moral deliberation and moral justification(Reidl, Wagner, & Rauhala, 2005).

Jessica's deliberation of moral reasoning resorted from weighting only the positive self-fulfilling gain and omitted possible alternatives in her morally perplexing situation as well as her personal reasons in moral justification. Principlists consider principles to be at the heart of moral life negotiating between the four fundamental principles and the unique nature of specific moral situations on the other(McCarthy, 2003). With the technological advancements in today's society the ethical questions evolve around how

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individuals choose to use or abuse their tools. Healthcare informatics intersects healthcare, ethics and informatics and all practitioners, for the public's good, must be bound by additional ethical, moral, and legal responsibilities(Curtain, 2005). Barrie & Effy (2008), conclude in their study that ethical education in information technology changed attitudes and aided students in affective learning, an important and necessary component in the overall learning process(Barrie & Effy, 2008).

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