

Discission

[Economics](#), [Tax](#)



" Consent for Treatment" Please respond to the following: * Ms. Davis, a patient at XYZ facility, had a difficult time sleeping and was given something to put her sleep at approximately 3: 00 a. m. A form was given to Ms. Davis to sign for surgery while going in and out of sleep at approximately 7: 00 a. m. following the sleep medication. Was this an express consent or implied consent? Explain your answer. As the head administrator of the facility, discuss what concerns you have and what would you do with the person who presented Ms. Davis with the consent. A minor with a gunshot wound was rushed to the emergency room. The parents had not arrived yet. After rushing the minor to surgery, the medical team realized consent for surgery had not been signed. Explain what kind of consent should be obtained. Speculate on how often this kind of consent is applied and discuss your thoughts. According to our lectures in week 6, lecture 1, an express consent is done in words, written or oral. An implied consent is apparent by the actions that demonstrate the patient has agreed to the treatment.

Either way both types of consent require the person to know all the facts about their treatment. This would include what they were being treated for, what types of procedures they are doing or would like to do and the risks and benefits for the treatment. They must be completely aware of what they are consenting to. In the above situation I would say that the type of consent they are seeking is the implied consent because they are trying to get the patient to sign a consent form for surgery.

However she is, in my opinion not able to comprehend the facts of what she is consenting to because she is dosing off and on because of a sleeping aid she was given. She is under the influence of a medication that can have an

affect of not also the obvious, sleepiness, but not really being able to comprehend their surroundings. People have a different reaction to medication therefore I cannot even fathom that even if they were able to get her to sign the consent form it should not hold up or be considered legal and standing because of the fact she was under the influence of a medication.

It does not state that the surgery was an emergency in which if a surgery was a life-or-death situation where the consent was not needed. If I was the head Administrator of this facility, I would not allow this. The staff member who presented the patient with the consent under such circumstances would be reprimanded if not suspended for the lack of good judgment and lack of following policies and procedures of what is acceptable and legal for a consent to do surgery.

I would not allow the patient to be put through the surgery because she, in my observation was not able to fully comprehend and understand what she was being asked to sign. According to our text it states " that an emergency eliminates the need to obtain consent because the law values the preservation of life and prevention of permanent impairment. However, this rule applies only when the patient is incapable of expressing consent and the healthcare surrogate is unavailable.

The above situation states that the parents have not arrived therefore they do not know what has happened to their child and with a gun shot wound the medical faculty made a choice to put the minor in an emergency surgery due to a gun shot wound Showalter, J. S. (2012). *The Law of Healthcare Administration*, 6th edition. Chicago, Illinois. HealthAdministration Press " A Tax-Free Health Care Organization" Please respond to the following: *

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Memorial Today Hospital is a teaching institution that provides community benefits and charity services to a large population of indigents in exchange for a tax-exemption status.

Explain how the Health Reform Law of 2011 could impact the health care organization and its tax exemption status if it remains law. * Explain under what circumstances Memorial Today Hospital will be subject to income taxation. Discuss what this means to you as the administrator of the facility. The 2011 Health Reform Law can impact the Memorial Today Hospital because it adds new requirements to the tax code and adds new standards regarding the care of the poor (Showalter, 2012).

Now there must be a community health needs assessment conducted once every three years, an adoption and implementation of a strategy to meet health needs identified in the assessment, a written financial assistance policy must be publicized and implemented-essentially a charity care policy for services to indigent patients, adoption of a written policy on nondiscrimination in emergency services, limit the amounts charged for care to indigent patients, and non attempt “ extraordinary collection actions” without first determining whether the patient meets financial assistance criteria.

Memorial Today Hospital may be subject to income taxation if a charity earns revenue from a line of business that does not further its charitable purpose, that income is subject to unrelated business income taxation (UBIT) as though it were earned by a for-profit organization (Showalter, 2012). If I were the administrator of the facility, I would ensure I was working along with other non-profit companies for business that is not provided by the hospital

setting. Showalter, J. S. (2012). *The Law of Healthcare Administration*, 6th edition. Chicago, Illinois. Health Administration Press