

Example of essay on legal aspects of health care module 5

[Health & Medicine](#), [Drugs](#)



The Robert Courtney Case

- Discuss the rights and expectations that a patient has when interacting with an organization or person providing some level of healthcare services.

There are several rights which every patient receiving medical care has and should expect compliance with. These rights are:

The right to be treated with respect, that means that they will not be discriminated against for any reason by the providers, practitioners, or even the payer. The patient has a right to obtain their medical records as enshrined under HIPPA in 1996. HIPPA furthermore enshrines a right to privacy of medical records except where excepted by the act. The right to make a treatment choice, meaning, the right to define the course of medical care and choose alternative treatment plans. The right to informed consent (when practicable,) that is, the diagnosis and treatment plan must be adequately explained to the patient. Furthermore, treatment alternatives and potential side effects and pitfalls must also be explained. The patient maintains a right to refuse treatment when he is of sound mind and properly capable of making medical decisions. And finally, the patient has the right to make decisions about end-of-life care. The patient may record their choices about how they want their life to end and what care they are willing to undergo or not undergo in order to preserve their lives (Torrey, 2012).

- Were those rights and expectations violated in this case? If so, how?

In the present case those rights were violated. By adulterating medicine and using grey market products, the pharmacist violated patients rights to

informed consent (they thought they were getting full doses,) and the right to treatment choice (the pharmacist changed the treatment without notification.)

- What role did the pharmacist have as a patient advocate? Did he uphold that obligation?

A pharmacist has an important role as a patient advocate. He is often the last line of professional quality control on the doctor and can monitor patients drug use, counsel patients, and contact physicians to discuss concerns about the treatment choice. (Brashaw, Doucette, 1998). Robert Courtney did not uphold his obligation as a patient advocate by deliberately altering patient care without informing the physician or the patient.

- Using information from the Internet and other sources, evaluate the legal conclusion of the case.

Robert Courtney pled guilty to twenty felony charges related to product tampering causing serious bodily injury and adulterating drugs. He admitted to altering 158 prescriptions for 34 patients. He was sentenced to thirty years in prison, ordered to pay \$10.4 million dollars in restitution, as well as a \$25000 fine (US v. Courtney).

- What were the deciding factors?

The deciding factors of the case were his admission of guilt and his allocution. As part of the initial guilty plea he admitted to the factual basis of tampering with medications that were ultimately used in the FBI sting operation. He further stipulated that he had tampered with 158 instances of drugs (US v. Courtney).

- Did the punishment fit the crime?

The punishment did not fit the crime. Due to his willful deceptive actions he killed an untold number of people who did not receive the proper dosages of medications they were prescribed. Furthermore, he prolonged medically aggressive and uncomfortable treatment for many patients too by making their therapeutic agents less effective. Finally, he lowered confidence and brought the entire medical profession and pharmacists professions in disrepute. Finally, he pled guilty to 20 charges; the sentencing guidelines were departed from in an upward manner, but he also admitted to further tampering with 158 other patients care.

- Was an appeal filed?

An appeal was filed with regards to the sentencing. It was unsuccessful.

- Is he in prison today?

Robert Courtney is inmate #14536-045. He is imprisoned at Rochester FMC and his scheduled released is on 11-20-2027 (BoP)

- Did the case result in any changes in procedures for dispensing drugs to patients?

It has been noted that if someone wants to be a criminal and cheat the system, no matter the systems in place, they'll find a way to subvert it. In response to the Courtney case, several entities changed their procedures to attempt to detect frauds like Courtney's. Pharmaceutical companies more stringently audit the number of drugs sold vs. the number of drugs dispensed by a pharmacy (Jaffe 2001). Companies furthermore changed the type of products they offered and introduced tamper proof packaging as a direct result of this case (Fintor 2002). Pharmacies put into place systems

where multiple people are compounding and filling prescriptions. Finally, state boards began more aggressively testing pharmaceuticals in pharmacies and increasing inspections (Jaffe, 2001).

Works Cited:

- Jaffe, A. (Oct. 14th, 2001). Courtney Case Prompts New Look at Drug Dispensing. *The Business Journals*. Retrieved from <http://www.bizjournals.com/kansascity/stories/2001/10/15/story5.html?page=all>
- Torrey, T. (Jan. 8th, 2012). Patients' Rights. Retrieved from <http://patients.about.com/od/patientempowermentissues/a/patientsrights.htm>
- Bradshaw, S. J., Doucette, W. R. (1998). Community Pharmacists as Patient Advocates: Physician Attitudes. *Journal of the American Pharmaceutical Association*, 38(5), 598-602.
- Fintor, L. (2012) Counterfeit Cases Set Stage for Today's Laws, Safety Mechanisms. *Journal of the National Cancer Institute* 94 (19) 1425 doi: 10.1093/jnci/94. 19. 1425
- Federal Bureau of Prisons. (2013). Inmate Locator [Data file]. Retrieved from <http://www.bop.gov/iloc2/LocateInmate.jsp>
- United States of America v. Robert Ray Courtney, 362 F. 3d 497 (8th Cir. 2004) Retrieved from <http://law.justia.com/cases/federal/appellate-courts/F3/362/497/632829/>