

Patient rights versus the practical needs of the medical community essays example...

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There is a growing area of concern between the rights of patients and the often necessary practical needs of the students in the medical field. The debate has majorly focused on whether patient's rights are infringed when a case of negligence or misdiagnosis has happened in a medical facility that has been set up to cater for the needs of the patients and to hone the skills of medical students. Cases of medical malpractice have been on the rise which has led to fatalities and other unplanned costs (Lim, pg. 6). There have been a number of cases whereby patients have lost lives as a result of excessive bleeding and others suffering from high financial costs as a result of negligence. This brings to question what medical ethics is and the agreements that patients enter to with the said medical facilities. Medical ethics involves choices on what is right or wrong and in the best interest of the patient. Problems arising from this topic are usually dissected by the considerations of actions taken, duties and obligations of the medical professionals and application of principles among others.

In the case of *Tunkl v. Regents of University of California*, the case was about the validity of a release from liability for future negligence imposed as a condition for admission to a charitable hospital. The judgment was reversed. Hugo Tunkl had filed a suit in order to recover damages he alleged to have suffered as a result of negligence of two physicians employed at the University of California Los Angeles medical center. The hospital operated and maintained by Regents of the University as a nonprofit charitable institution. The hospital is maintained by the regents for the primary purpose of aiding and developing a program of research and education in the medical field hence patients are admitted and selected if the treatment of their

condition would achieve this purpose. Upon admission, Tunkl signed the conditions of admission that placed him in the control of the hospital and subject to the risk of its carelessness. The crucial condition six stated that the regents and the hospital would be released from liability for any negligence, wrongful acts, or omissions of its personnel if the hospital used due care in selecting its employees. This contract as it can be seen exempted the hospital from any negligent or wrongful acts. This agreement on the other hand falls into the category of agreements affecting public interest and hence the clause becomes invalid. The hospital is selective on their patients but it also holds itself as an institution offering services to members of the public who can qualify for them. The immunization of the hospital from negligence just because Tunkl does not pay is abhorrent to both medical ethics and legal practice.

In another case, *Shorter v. Drury*, the appeal was from a wrongful death resulting from medical malpractice that occurred when a hospital patient bled to death as a result of refusing blood transfusion on religious grounds. The defendant doctor appealed the judgment by alleging that the plaintiff had signed the hospital release form that completely barred the wrongful death action. A special verdict by the jury found the defendant negligent. Doreen Shorter, a Jehovah Witness, is prohibited from blood transfusion. When she became pregnant, Dr. Robert Drury diagnosed her with a missed abortion and used curette method as a means of evacuating the fetus. This resulted in excessive bleeding that demanded blood transfusion to the patient, Mrs. Shorter. Shorter signed a contract refusing to be administered to with blood and releasing the hospital and its personnel from any

responsibility. Unfortunately the procedure did not go well and Mrs. Shorter bled to death. Pleas to allow blood transfusion to her were refused by the Mr. Shorter, the husband. It was concluded that blood transfusion could have saved her life. This was a case of negligence by Dr. Drury which in turn led to the death of Mrs. Shorter.

The current society is highly integrated and specialized and demands mutual dependency among individuals. The healthcare and life of patients mainly depend on the responsibility of the medical staff present in medical facilities. It should be noted that any acts of negligence and malpractice is against the ethics of the medical profession and should warrant serious legal implications. Hospital research institutions are also part of the social fabric and hence they should act in ways that protect the patient's best interests. Charitable hospitals should not be immune to malpractices by their medical staff that may lead to damages or even death of some of the patients. The patient's rights should always reign supreme and medical staff should always act in a manner to protect their rights in matters that regard the public interest (Lim, pg. 4). The public interest should be highly regarded in matters regarding the rights of patients and medical practice. In as much as hospitals need to continue carrying out research and education in the medical profession, they should also respect and uphold the rights of patients at all times.

References

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