Legal Aspects of U.S. Health Care System Administration

Name

Institution

Date

Introduction

It is important that those working in the United States healthcare sector in the 21st century understand various aspects of health laws while applying to work in this sector. There are various reasons why medical professionals need to have knowledge in these laws. The fact that the United States health care administrators have to interact with various levels of professionals beyond those in the medical sector leads to the need of them being aware of the various local, state and federal laws which might be applicable to their daily operations and running of their organizations.

Body

Articulate your position as the top administrator concerned about the importance of professional conduct within the health care setting. Justify your position.

As a top administrator at the Well Care Hospital, I have the responsibility for the hospital’s daily operations. Therefore, I am responsible for the manner in which health care professionals in the hospital carry out their duties. I fully understand that professional conduct within any health care setting is usually important since it is the obligation of health care providers to adhere to state and federal standards as they go on with their duties. As an administrator, I am therefore, supposed to be in a position to set ethical standards with an aim of modeling them. Modeling these standards will ensure that our employees adhere to them, hence creating an environment where decisions made follow set regulations (Pozgar, Pozgar & Pozgar, 2014). When our culture entails following rules and regulations, we are likely to offer high quality health care services. At the same time, we are likely to avoid various uncomfortable situations such as negligence cases. Therefore, following set rules and regulations is likely to enable us provide the health care services that meet the needs and expectations of our patients.

Ascertain the major ramifications of having professional staff compromise the boundaries of ethics and medical conduct.

In the society, professionals are usually held in a high regard since they are usually expected to be committed to the tasks assigned to them. In the medical professional, medics are usually required to put the interests of their patients first (Pozgar, 2012). Boundaries aim at creating a protective and respectful relationship between the patient and the health care professional. This relationship is to ensure that the professional is highly dedicated to enhancing the best interests and wellbeing of the patients under his or her care. This aspect implies that there are likely to be ramifications when this boundary is compromised.

In the event the boundary between the patient and medic is crossed, then the staff and physician responsible is likely to face criminal proceedings, lawsuits and negligence case. For example, if a staff breaches the patient confidentiality, then he or she is likely to face negligence case or lawsuits. However, the crossing of the boundary harms everyone that is part of the profession and not just the patient involved. This is because it leads to confidence and trust among patients and medics being broken (Goldsteen, Goldsteen, Goldsteen, & Jonas, 2017).

Analyze the four (4) elements required of a plaintiff to prove medical negligence.

Negligence is an unintentional omission or commission of an act which a reasonably prudent individual would not or would have done under the prevailing conditions. Therefore, there are 4 elements which the plaintiff is supposed to prove medical negligence.

* Duty of care: in order to prove this element, there must be an obligation requiring a medic to conform to a standard of care that is recognized.
* Breach of duty: for the plaintiff to prove breach of duty there is supposed to be deviation from the standard of care and failure to follow its requirements.
* Injury: for the plaintiff to prove injury, he or she must establish the actual damages brought about by negligence. In the event there are no injuries, the plaintiff is unlikely to get any monetary damages.
* Causation: here, the plaintiff must be in a position to prove that the defendant departed from the required standard of care and it is the cause of his or her injury. At the same time, the injury must be foreseeable by the jury. Therefore, a plaintiff can only be compensated for negligence when he or she is able to present the aforementioned elements. Once the plaintiff has presented these elements, then he or she is said to have presented a prima facie case, hence able to succeed in the lawsuit (McWay, 1996).

Discuss the overarching duties of the health care governing board in mitigating the effects of medical non-compliance, as they apply to the rules of practice set forth in the Well Care Hospital governing board’s manifesto.

The performance of Well Care Hospital is ultimately in the hands of the governing board. This is because the board is the established governing body of the hospital, thus legally responsible for the obligations, conduct and the quality of healthcare services patients receive. Therefore, the board is fully responsible for ensuring that the hospital complies with local, state and federal laws. The board is tasked with two main functions: ensuring that patients receive high quality health care. In order to fulfill this duty, the governing body oversees the quality of peer review, privileging and credentialing processes. The second duty of the board is appointing the chief executive officer (CEO) whose task is to come up with smart financial and strategic decisions. Through these decisions, the board is able to create unique objective aimed at enhancing the safety of patients as well as improving the quality of health care services patients receive (Pozgar & Santucci, 2016). The board is able to achieve these goals because of being made up of individuals that have the best interests of the community. Here, the board is made up of laypeople from the society around such as business owners. Physicians are also allowed to sit on the board despite being staff members of the hospital, but they serve as community members in the board.

Conclusion

From the paper, we clearly see that Well Care Hospital can only function effectively if its employees follow rules and regulations. Here, employees are required to follow local, state and federal laws as they go on with their duties in order to avoid ethical dilemmas. However, these employees cannot adhere to the laws if they do not understand it well. Therefore, there is need for the professionals in the healthcare sector to understand the laws in their profession in order to carry out their job duties in the appropriate manner.

References

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