# Legal Issues in Healthcare

# Table of Contents

*[Icebreakers](#_Icebreakers)*

*[Example discussion prompts (in-class or online)](#_Example_discussion_prompts)*

[*Videos and Links*](#_Videos_and_links)

[*Healthcare Laws teach back*](#_Healthcare_Laws_Teach)

[*Legal or Not? Healthcare Edition*](#_Legal_or_Not?)

[*Exploring Communication & Resolution Programs (CRPs)*](#_Exploring_Communication_&)

[*Rights & Responsibilities Roleplay*](#_Rights_&_Responsibilities)

## Icebreakers

\*\* Consider this an initial class discussion\*\*

**Personally identifiable information**. Throughout this course, you’ll be invited to reflect on real-life healthcare experiences, either your own or those of people close to you. These stories help us connect classroom concepts to real-world situations, especially when it comes to legal and ethical issues in healthcare. When sharing, please do not include any personally identifiable information that means no names, job titles, dates of birth, or specific places like clinics or hospitals. We’re practicing how to talk about sensitive topics just like healthcare professionals do respectfully, responsibly, and with privacy in mind. You can say things like ‘a family member,’ ‘someone I know,’ or ‘in a situation I witnessed.’ This helps us all learn while protecting the privacy of others."

Why might not sharing this information be important? What are the potential consequences if friends or family share medical stories that are not their own to share or if they share them with personally identifiable information?

**Personal Health Information.** Imagine you were receiving care for something very personal or sensitive. How would you feel if your private health information was overheard in a hallway, accidentally emailed to the wrong person, or shared in a group chat—even without your name?

Why do you think laws like HIPAA exist to protect PHI? Why is patient trust so important in healthcare?"

**Informed Consent & Communication.** Ask students to think of a recent experience where they or someone they know received a prescription, shot, or treatment. Have them journal or discuss in pairs. What did the provider explain? Did they talk about risks, benefits, or side effects? Did you feel fully informed? After a few minutes, ask: Why do you think “informed consent” is a legal requirement in healthcare? What could happen if it's not done correctly? If students are unfamiliar with the term “informed consent,” define it, or ask them to if they know what it means and have them define it in their own words, then review the definition together.

**Healthcare Laws & Myths: Law or Nah**

Read or post a series of quick statements. Students respond with thumbs up/down, stand up/sit down, or use signs/cards for “Law” or “Nah.”

Sample statements:

* A nurse can share your health info with a friend if they ask nicely.
* You can refuse treatment, even if it puts your life at risk.
* Doctors are never allowed to treat you without your permission.
* Your health info is private—even if you’re under 18.
* If a provider makes a mistake, they’re automatically sued.

Debrief: Talk through the true legal rules vs. common misconceptions.

**Scenario Discussion:** Imagine a situation where a patient’s privacy is accidentally breached. What are the immediate legal concerns and possible consequences for the healthcare provider?

**Medical Malpractice:** Ask students to brainstorm individually or in pairs. What do you think are common causes of medical malpractice claims? After a few minutes, invite volunteers to share examples aloud or write them on a board or shared document. Then, provide the list below to reinforce and expand their thinking. Students can check off which ones they think of and add new ideas.

Examples of Common Causes of Medical Malpractice Claims:

* Diagnostic errors or misdiagnosis (e.g., missing signs of a heart attack)
* Surgical mistakes (e.g., wrong-site surgery, leaving tools inside the body)
* Medication errors (e.g., prescribing the wrong dosage or drug)
* Failure to obtain informed consent (e.g., not explaining risks before a procedure)
* Poor documentation or communication breakdowns
* Delayed treatment or failure to act quickly
* Breach of confidentiality or privacy
* Inadequate patient monitoring after procedures
* Improper use of medical devices or technology

What steps can healthcare providers take to reduce these risks? Encourage ideas like:

* Double-checking patient information
* Asking clarifying questions
* Using checklists
* Practicing strong communication
* Documenting thoroughly
* Prioritizing continuing education

**Case Study:** Let’s review a recent high-profile legal case in healthcare. What lessons can we learn from it about managing risks and ensuring compliance?

## Example discussion prompts (in-class or online)

Patient Consent: What are the key components of obtaining informed consent, and why is it crucial in preventing legal disputes?

Privacy and Confidentiality: How do regulations like HIPAA impact the way healthcare professionals handle patient information, and what are the consequences of non-compliance?

End-of-Life Decisions: What legal and ethical issues arise in making end-of-life decisions, and how can healthcare teams navigate these challenges?

Discrimination: How can healthcare providers ensure they are complying with anti-discrimination laws, and what are the implications of failing to do so?

**Social Media & Professional Boundaries in Healthcare -** TikTok: [Nurse Fired Over Social Media Post – MorganSanDiego](https://www.tiktok.com/@morgansandiego/video/7396010479912586538?lang=en)

In the video, the poster describes a situation where someone was fired for sending a screenshot of a medical record page to someone they knew. After watching the video, respond to the following: What should a healthcare worker do if they find it hard to maintain boundaries with a patient, for example if someone who you don’t get along with is now your patient? What social media policies or personal guidelines would you recommend for healthcare workers?

## Videos and links

* There are even more video links in the PowerPoint
* [Inappropriate Use of Social Media in a Health Facility](https://www.youtube.com/watch?v=RR61iYe91Dg&ab_channel=ThatClinicalInstructor)
* [Ways Nurses Maintain Privacy Even When It Isn't Required](https://www.youtube.com/watch?v=tJcA9n32RRE&ab_channel=Etactics)
* [5 Scenarios of Maintaining Patient Confidentiality](https://www.youtube.com/watch?v=8kNlqc7H8pY&ab_channel=Etactics)
* [How Gossip Can Cause HIPAA Violations](https://www.youtube.com/watch?v=CXGDq7IHgSQ&ab_channel=Etactics)
* [The 11 MOST Common HIPAA Violations](https://www.youtube.com/watch?v=sN-zLAqYoTo&list=TLPQMTcwNzIwMjUKERNGb1z6Jw&index=3&ab_channel=Etactics)
* [Nurse who posted coronavirus video fired from Sinai-Grace Hospital](https://www.youtube.com/watch?v=AVCe1BCNhHg&ab_channel=ClickOnDetroit%7CLocal4%7CWDIV)
* [Nurse fired over social media post. Tik Tock](https://www.tiktok.com/@morgansandiego/video/7396010479912586538?lang=en)
* In this video the poster mentions that sometimes patients will come in and you might not be able to maintain a professional boundary with. What should you do when that happens?

## Healthcare Laws teach back

45–60 minutes, In-person (small groups or pairs)

Comptencies 1,3 and others depending on the law the students choose

**Instructions:**

You will become the “teacher” on a key U.S. healthcare law. In this assignment, you will research a law, analyze how it impacts healthcare, and teach the class about it through a short presentation, creative project, or written report.

Choose ONE law from the list provided below (or propose a different one with instructor approval).

Research the law using credible sources (e.g., .gov, .edu, healthcare organizations).

Prepare a short teachback in one of the following formats:

* A presentation (PowerPoint, Google Slides, Canva, etc.)
* A creative project (infographic, short video, skit, poster)
* A written paper (1–2 pages)

Your Teachback Must Include:

1. Why you chose this law
2. Name and year the law was passed.
3. Who it affects (patients, providers, institutions, etc.).
4. A brief summary of what the law does.
5. Why the law was needed or what problem it solved.
6. One or two real-life examples of how the law affects healthcare today.
7. One scenario where following or not following this law would make a difference.
8. One interesting fact or myth about the law.

Choose from These Laws:

* Social Security Act (1935)
* Discrimination Acts (1964–2008)
* Omnibus Budget Reconciliation Act (OBRA) (1987)
* Emergency Medical Treatment and Labor Act (EMTALA) (1986)
* Americans with Disabilities Act (ADA) (1990)
* Patient Self-Determination Act (PSDA) (1991)
* Equal Pay Act (1993)
* Health Insurance Portability and Accountability Act (HIPAA) (1996)
* Medicare Modernization Act (MMA) (2003)
* Mental Health Parity and Addiction Equity Act (MHPAEA) (2008)
* Affordable Care Act (ACA) (2010)
* Patient Protection and Affordable Care Act (PPACA) (2010)
* 21st Century Cures Act (2016)

Optional Extension or Reflection Prompt (for discussion or writing):

How do laws like these impact how you would want to be treated as a patient—or how you might act as a future healthcare professional?

## Legal or Not? Healthcare Edition

45–60 minutes**,** In-person (small group or whole class), or online (discussion board or breakout rooms)  
**Competencies:** 5, 6,8,

**Materials:**

* Legal/Not Legal scenario cards or slide deck (create 8–12 scenarios)
* Whiteboard, chart paper, or shared digital document

**Instructions:**

1. **Warm-Up:** Ask students, “What do you think are some actions that could get a healthcare worker fired or disciplined?” Discuss.
2. **Scenario Sorting:** In small groups or pairs, students are given 8–12 short workplace scenarios. For each, they must decide:
   * *Legal and appropriate?*
   * *Unethical but not illegal?*
   * *Illegal?*
   * *Needs more information?*
3. **Debrief:** Go through each scenario together and clarify any misconceptions.
4. **Optional Extension:** Students create one original scenario and quiz the class with it.

**Example Scenarios:**

* A nurse posts a funny meme about a patient on their private Instagram.
* A CNA tells a friend that a neighbor is being treated at the clinic for an STD.
* A staff member reports unsafe working conditions to HR and is fired the next day
* A doctor flirts with a patient during a check-up

## **Exploring Communication & Resolution Programs (CRPs)**

45–60 minutes, in-person or online, individual, discussion or written reflection  
Competencies, 4 and 9

**Materials:**

* NPR audio clip [The Sunday Story: When Hospitals Don't Say Sorry](https://www.npr.org/transcripts/1198910354)
* Quick overview on CRPs from Johns Hopkins Armstrong Institute: [“Communication and Resolution Program (CRP)”](https://www.hopkinsmedicine.org/armstrong-institute/clinical-operations/communication-resolution)
* [Introduction to Communication and Optimal Resolution (CANDOR): Video](https://www.ahrq.gov/patient-safety/settings/hospital/candor/videos/introduction.html)

**Activity Instructions**

**1. Prepare**

* Share the [Johns Hopkins article](https://www.hopkinsmedicine.org/armstrong-institute/clinical-operations/communication-resolution) about CRPs, which explain how some hospitals support communication, apology, and resolution after adverse events such as a medical error
* Other hospitals actively discourage communication about the error, apologizing, and seeking resolution
* Ask students to listen to the NPR clip focusing on the provider’s reaction to the error and how the provider chooses to address it or not address it

**2. Compare & Contrast**  
Students should reflect on these questions (choose discussion or written format):

* **How did the provider feel** when they *did not* acknowledge the error? How did the **family respond**?
* **How was the situation different** in the situation where the provider *apologized and took accountability*?
* **What were the emotional and trust-related impacts** on both sides?
* Why do you think some hospitals choose not to have a CRP process?
* Why do some hospitals have a CRP process?

**3. Reflect**

What might **happen if errors aren’t acknowledged** through programs like CRP?

* Write or share:
  + A short reflection (1–2 paragraphs)
  + OR a guided discussion post

## Rights & Responsibilities Roleplay

45–60 minutes, In-person (small groups or pairs)  
**Competencies:** 3,7

**Materials:**

* Client Rights & Responsibilities slides (or simplified summary)
* Situation prompt cards (5–6 case examples)
* Note-taking sheet or script template

**Instructions:**

1. **Introduction:** Briefly review major client rights (e.g., informed consent, access to records, respectful care) and provider responsibilities.
2. **Roleplay Setup:** In pairs, students draw a prompt card describing a healthcare situation (e.g., a confused patient, a language barrier, a patient refusing treatment).
3. **Practice:** Each pair prepares a short skit or script showing how a healthcare provider can protect the client’s rights while fulfilling their legal responsibilities.
4. **Presentation:** Pairs act out or explain their scene to the class.
5. **Debrief Questions:**
   * What rights were involved?
   * How did the provider protect those rights?
   * What could have gone wrong if the provider didn’t act responsibly?

**Example Prompts:**

* A teen patient doesn’t want their parent in the room during a sexual health appointment.
* A patient doesn’t speak English and is about to sign a consent form they haven’t read.
* A family disagrees with a patient’s end-of-life directive.