**Cognitive Domain**

1. Spell and define the key terms
2. Discuss all levels of governmental legislation and regulation as they apply to medical assisting practice, including the Food and Drug Administration and the Drug Enforcement Agency
3. Compare criminal and civil law as it applies to the practicing medical assistant
4. Provide an example of tort law as it would apply to a medical assistant
5. List the elements and types of contractual agreements and describe the difference in implied and express contracts
6. List four items that must be included in a contract termination or withdrawal letter
7. List six items that must be included in an informed consent form and explain who may sign consent forms
8. List five legally required disclosures that must be reported to specified authorities
9. Describe the four elements that must be proven in a medical legal suit
10. Describe four possible defenses against litigation for the medical professional
11. Explain the theory of respondeat superior, or law of agency, and how it applies to the medical assistant
12. Outline the laws regarding employment and safety issues in the medical office
13. Identify how the Americans with Disabilities Act applies to the medical assisting profession
14. Differentiate between legal, ethical, and moral issues affecting health care
15. Explain how the following impact the medical assistant’s practice and give examples
   a. Negligence
   b. Malpractice
   c. Statute of limitations
   d. Good Samaritan Act
   e. Uniform Anatomical Gift Act
   f. Living will/advanced directives
   g. Medical durable power of attorney
16. List the seven American Medical Association principles of ethics
17. List the five ethical principles of ethical and moral conduct outlined by the American Association of Medical Assistants
18. Recognize the role of patient advocacy in the practice of medical assisting
19. Describe the purpose of the Self-Determination Act
20. Explore issue of confidentiality as it applies to the medical assistant
21. Describe the implications of the Health Insurance Portability and Accountability Act for the medical assistant in various medical settings
22. Summarize the Patients’ Bill of Rights
23. Discuss licensure and certification as it applies to health care providers
24. Describe liability, professional, personal injury, and third party insurance

**Psychomotor Domain**

1. Monitor federal and state health care legislation (Procedure 2-1)
2. Incorporate the Patients’ Bill of Rights into personal practice and medical office policies and procedures
3. Apply local, state, and federal health care legislation and regulation appropriate to the medical assisting practice setting

**Affective Domain**

1. Demonstrate sensitivity to patient rights
2. Recognize the importance of local, state, and federal legislation and regulations in the practice setting
ABHES Competencies

1. Comply with federal, state, and local health laws and regulations
2. Institute federal and state guidelines when releasing medical records or information
3. Follow established policies when initiating or terminating medical treatment
4. Understand the importance of maintaining liability coverage once employed in the industry
MULTIPLE CHOICE

1. The branch of law concerned with issues of citizen welfare and safety is:
   a. private law.
   b. criminal law.
   c. constitutional law.
   d. administrative law.
   e. civil law.

2. Which branch of law covers injuries suffered because of another person’s wrongdoings resulting from a breach of legal duty?
   a. Tort law
   b. Contract law
   c. Property law
   d. Commercial law
   e. Administrative law

3. Choose all of the true statements below regarding the Drug Enforcement Agency (DEA).
   a. The DEA regulates the sale and use of drugs.
   b. The DEA regulates the quality of drugs made in the United States.
   c. Providers who prescribe and/or dispense drugs are required to register with the DEA.
   d. Physicians must report inventory of narcotic medications on hand every month to the DEA.
   e. The DEA is a branch of the Department of Justice.
   f. Drug laws are federal and do not vary from state to state.

4. The Health Insurance Portability and Accountability Act of 1996 deals with the patient’s right to:
   a. privacy.
   b. choose a physician.
   c. get information prior to a treatment.
   d. interrupt a treatment considered disadvantageous.
   e. refuse treatment.

5. Which of the following can lead a patient to file a suit for abandonment against a physician?
   a. The physician verbally asks to end the relationship with the patient.
   b. A suitable substitute is not available for care after termination of the contract.
   c. The patient disagrees with the reasons given by the physician for the termination.
   d. Termination happens 35 days after the physician’s withdrawal letter is received.
   e. The physician transfers the patient’s medical records to another physician of the patient’s choice.

Scenario for questions 6 and 7: A man is found lying unconscious outside the physician’s office. You alert several colleagues, who go outside to assess the man’s condition. It is clear that he will be unable to sign a consent form for treatment.

6. How should the physician handle the unconscious man?
   a. Implied consent should be used until the man can give informed consent.
   b. A health care surrogate should be solicited to provide informed consent.
   c. The hospital administration should evaluate the situation and give consent.
   d. The physician should proceed with no-risk procedures until informed consent is given.
   e. The physician should wait for a friend or family member to give consent on the patient’s behalf.

7. Once the man wakes up and gives his express consent to a treatment, this implies that he:
   a. no longer needs assistance.
   b. verbally agrees in front of witnesses on an emergency treatment.
   c. authorizes the physician to exchange the patient’s information with other physicians.
   d. trusts the physician with emergency procedures that can be deemed necessary at a later time.
   e. is now familiar with the possible risks of the procedure.
8. A diagnosis of cancer must be reported to the Department of Health and Human Services to:
   a. alert the closest family members.
   b. protect the patient's right to treatment.
   c. investigate possible carcinogens in the environment.
   d. check coverage options with the insurance company.
   e. provide research for a national study.

9. What is the difference between licensure and certification?
   a. Licensure is accessible to medical assistants.
   b. Certification standards are recognized nationally.
   c. Licensure indicates education requirements are met.
   d. Certification limits the scope of activity of a physician.
   e. Licensure allows a professional to practice in any state.

10. The Good Samaritan Act covers:
    a. emergency care provided by a medical assistant.
    b. compensated emergency care outside the formal practice.
    c. sensible emergency practice administered outside the office.
    d. emergency practice administered in the hospital to uninsured patients.
    e. emergency care administered in the physician's office before the patient is registered.

11. The term *malfeasance* refers to:
    a. failure to administer treatment in time.
    b. administration of inappropriate treatment.
    c. administration of treatment performed incorrectly.
    d. failure to administer treatment in the best possible conditions.
    e. the physical touching of a patient without consent.

12. Which tort pertains to care administered without the patient's consent?
    a. Duress
    b. Assault
    c. Tort of outrage
    d. Undue influence
    e. Invasion of privacy

13. The statute of limitation indicates:
    a. the privacy rights of a minor receiving care.
    b. the risks that are presented to a patient before treatment.
    c. the responsibilities of a physician toward his or her patients.
    d. the right of a physician to have another physician care for his or her patients while out of the office.
    e. the time span during which a patient can file a suit against a caregiver.

14. The court may assess contributory negligence when a:
    a. team of physicians incorrectly diagnoses the patient.
    b. physician's malpractice is aggravated by the patient.
    c. patient does not follow the physician's prescribed treatment properly.
    d. patient gives inaccurate information that leads to wrong treatment.
    e. physician is entirely responsible for the patient's injury.

15. Which of these best describes the principle of patient advocacy?
    a. A medical assistant must adhere to his or her own code of conduct.
    b. A medical assistant must act first and foremost in the interest of the patient.
    c. A medical assistant must make sure the patient's information remains confidential.
    d. A medical assistant must make sure to act as a mediator between the physician and the patient.
    e. A medical assistant should only perform procedures that agree with his personal ethics.
16. Which of these is the basic principle of bioethics?
   a. All patients are entitled to the best possible treatment.
   b. Moral issues must be evaluated according to the patient’s specific circumstances.
   c. Members of the medical community should never compromise their religious beliefs.
   d. The medical community must agree on a code of moral standards to apply to controversial cases.
   e. Moral issues are guidelines that the medical community is legally bound to follow.

17. What is the American Medical Association’s regulation on artificial insemination?
   a. Both husband and wife must agree to the procedure.
   b. The donor has the right to contact the couple after the child is born.
   c. The procedure can only be performed legally in certain states.
   d. A donor can be selected only after the husband has tried the procedure unsuccessfully.
   e. The couple requesting the procedure has the right to gain information about possible donors.

18. What does the Self-Determination Act of 1991 establish?
   a. The physician has the last word on interruption of treatment.
   b. A person has the right to make end-of-life decisions in advance.
   c. The physician must follow advance directives from a patient verbatim.
   d. Family members cannot make decisions about terminating a patient’s treatment.
   e. If a patient cannot make his or her own decision, a close family member can do so on his or her behalf.

19. Which of these patients would be unable to sign a consent form?
   a. A 17-year-old patient requesting information about a sexually transmitted disease
   b. A pregnant 15-year-old patient
   c. A 16-year-old boy who works full time
   d. A 17-year-old girl who requires knee surgery
   e. A married 21-year-old patient

20. In a comparative negligence case, how are damages awarded?
   a. The plaintiff receives damages based on a percentage of their contribution to the negligence.
   b. The defendant does not have to pay the plaintiff anything.
   c. The plaintiff and defendant share 50% of the court costs and receive no damages.
   d. The plaintiff has to pay damages to the defendant for defamation of character.
   e. The plaintiff receives 100% of the damages awarded.

21. Which of these laws protects you from exposure to bloodborne pathogens and other body fluids in the workplace?
   a. Civil Rights Act of 1964
   b. Self-Determination Act of 1991
   c. Occupational Safety and Health Act
   d. Americans with Disabilities Act
   e. Clinical Laboratory Improvement Act

22. The Food and Drug Administration is:
   a. not affiliated with the federal government.
   b. regulated by the Department of Health, Education and Welfare.
   c. regulates the manufacture, sale and distribution of drugs in the United States.
   d. not charged with assessing quality in the manufacture of drugs.
   e. divided among states.
### Matching

Match the following key terms to their definitions.

<table>
<thead>
<tr>
<th>Key Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. ____ abandonment</td>
<td>a. a deceitful act with the intention to conceal the truth</td>
</tr>
<tr>
<td>24. ____ slander</td>
<td>b. process of filing or contesting a lawsuit</td>
</tr>
<tr>
<td>25. ____ assault</td>
<td>c. traditional laws outlined in the Constitution</td>
</tr>
<tr>
<td>26. ____ battery</td>
<td>d. a theory meaning that the previous decision stands</td>
</tr>
<tr>
<td>27. ____ ethics</td>
<td>e. a person under the age of majority but married or self-supporting</td>
</tr>
<tr>
<td>28. ____ tort law</td>
<td>f. previous court decisions</td>
</tr>
<tr>
<td>29. ____ civil law</td>
<td>g. a branch of law that focuses on issues between private citizens</td>
</tr>
<tr>
<td>30. ____ common law</td>
<td>h. governs the righting of wrongs suffered as a result of another person's wrongdoing</td>
</tr>
<tr>
<td>31. ____ defamation of character</td>
<td>i. a substitute physician</td>
</tr>
<tr>
<td>32. ____ defendant</td>
<td>j. an arrangement that gives the patient's representative the ability to make health care decisions for the patient</td>
</tr>
<tr>
<td>33. ____ deposition</td>
<td>k. sharing fees for the referral of patients to certain colleagues</td>
</tr>
<tr>
<td>34. ____ durable power of attorney</td>
<td>l. the accuser in a lawsuit</td>
</tr>
<tr>
<td>35. ____ emancipated minor</td>
<td>m. failure to take reasonable precautions to prevent harm to a patient</td>
</tr>
<tr>
<td>36. ____ fee splitting</td>
<td>n. the accused party in a lawsuit</td>
</tr>
<tr>
<td>37. ____ fraud</td>
<td>o. a doctrine meaning &quot;the thing speaks for itself&quot;</td>
</tr>
<tr>
<td>38. ____ libel</td>
<td>p. the unauthorized attempt to threaten or touch another person without consent</td>
</tr>
<tr>
<td>39. ____ litigation</td>
<td>q. the physical touching of a patient without consent</td>
</tr>
<tr>
<td>40. ____ locum tenens</td>
<td>r. malicious or false statements about a person's character or reputation</td>
</tr>
<tr>
<td>41. ____ malpractice</td>
<td>s. written statements that damage a person's character or reputation</td>
</tr>
<tr>
<td>42. ____ negligence</td>
<td>t. a process in which one party questions another party under oath</td>
</tr>
<tr>
<td>43. ____ plaintiff</td>
<td>u. an action by a professional health care worker that harms a patient</td>
</tr>
<tr>
<td>44. ____ precedents</td>
<td>v. a doctrine meaning &quot;the thing has been decided&quot;</td>
</tr>
<tr>
<td>45. ____ res ipsa loquitur</td>
<td>w. a doctrine meaning &quot;let the master answer,&quot; also known as the law of agency</td>
</tr>
<tr>
<td>46. ____ res judicata</td>
<td>x. guidelines specifying right or wrong that are enforced by peer review and professional organizations</td>
</tr>
<tr>
<td>47. ____ respondeat superior</td>
<td>y. withdrawal by a physician from a contractual relationship with a patient without proper notification</td>
</tr>
<tr>
<td>48. ____ stare decisis</td>
<td>z. oral statements that damage a person's character or reputation</td>
</tr>
</tbody>
</table>
SHORT ANSWER

49. List six items that must be included in an informed consent form and explain who may sign consent forms.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

50. List five legally required disclosures that must be reported to specified authorities.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

51. List nine principles cited in the American Medical Association’s principles of ethics.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

52. List the five ethical principles of ethical and moral conduct outlined by the American Association of Medical Assistants.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in employment practice. Take a look at the scenarios in this chart and assess whether or not the ADA is being followed correctly. Place a check mark in the appropriate box.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>ADA-Compliance</th>
<th>ADA-Noncompliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>53. A physician’s office extends an offer of employment to a man in a wheelchair but says that due to a shortage of parking, the office cannot offer him a parking space in the garage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54. A 46-year-old woman is refused a position on the basis that she is HIV positive.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55. A mentally ill man with a history of violence is refused a job in a busy office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56. A small office with 10 employees chooses a healthy woman over a disabled woman because the office cannot afford to adapt the facilities in the workplace.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57. A patient’s wheelchair-bound husband cannot accompany her to her physician’s visits because there is no handicap entrance for visitors.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58. A job applicant with a severe speech impediment is rejected for a position as an emergency room receptionist.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Some situations require a report to be filed with the Department of Health with or without the patient’s consent. Read the scenarios in the chart below and decide which ones are legally required disclosures.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Legally Required Disclosure</th>
<th>No Action Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>59. A 35-year-old woman gives birth to a healthy baby girl.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60. A physician diagnoses a patient with meningococcal meningitis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>61. A 43-year-old man falls off a ladder and breaks his leg. He spends 3 weeks in the hospital.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62. A teenager is involved in a hit-and-run accident. He is rushed to the hospital, but dies the next day.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>63. A 2-year-old girl is diagnosed with measles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64. A man is diagnosed with a sexually transmitted disease and asks the physician to keep the information confidential.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>65. A woman visits the physician’s office and tells him she has mumps, but when he examines her, he discovers it is influenza.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
66. Which of the following must be included in a patient consent form? Circle all that apply.

a. Name of the physician performing the procedure
b. Alternatives to the procedure and their risks
c. Date the procedure will take place
d. Probable effect on the patient's condition if the procedure is not performed
e. Potential risks from the procedure
f. Patient's next of kin
g. Any exclusions that the patient requests
h. Success rate of the procedure

67. Dr. Janeway has decided to terminate his patient, Mrs. King. The office manager drafted the following letter to Mrs. King. However, when you review the letter, you find that there are errors. Read the letter below and then explain the three problems with this letter in the space below.

Dear Mrs. King,

Because you have consistently refused to follow the dietary restrictions and to take the medication necessary to control your high blood pressure, I feel I am no longer able to provide your medical care. This termination is effective immediately.

Because you do not seem to take your medical condition seriously, I'm not sure that any other physician would want to treat you either. I will hold on to your medical records for 30 days and then they will be destroyed.

Sincerely,
Anthony Janeway, MD

a. ____________________________
b. ____________________________
c. ____________________________
ACTIVE LEARNING

68. Research two recent medical malpractice cases on the Internet. Write a brief outline of each case and make a record of whether the tort was intentional or unintentional, and what the outcome of the case was. Compare the cases to see if there is a common theme.

69. Visit a physician’s office and make a list of steps that have been taken to comply with the law. For example, if the physician charges for canceling appointments without notice, there is probably a sign by the reception desk to warn patients of the fee. How many other legal requirements can you find? Are there any that are missing?

70. As technology develops, new laws have to be written to protect the rights of patients who use it. Stem cell research is a particularly gray area and has raised many interesting ethical dilemmas. Research some recent legal cases regarding stem cell research, and write a report on some of the ethical issues the cases have raised.

71. You are a medical assistant in a busy office, and the physician has been called away on an emergency. Some of the patients have been waiting for over 2 hours, and one of them urgently needs a physical checkup for a job application. Although you are not officially qualified, you feel confident that you are able to carry out the examination by yourself. Six months later, the patient files a malpractice suit because you failed to notice a lump in her throat that turned out to be cancerous. Describe the law of agency and explain whether it would help you in the lawsuit.

WHAT WOULD YOU DO?

72. A family member calls to inquire about a patient’s condition. You know that the patient has not given written consent for information to be passed on, but you recognize the person’s voice and remember that she came in with the patient the previous day. Explain what you would say and why.
73. Mrs. Stevens visits Dr. Johnson’s office with neck pain. Dr. Johnson examines her and recommends that she see a specialist. Several months later, Mrs. Stevens sues Dr. Johnson for malpractice, claiming that when he examined her, he made her neck pain worse. In court, she provides pictures of her neck that show severe bruising. A specialist confirms that muscle damage has restricted Mrs. Stevens from going about her daily life. Which of the four elements needed in a medical lawsuit has Mrs. Stevens failed to prove? Circle all that apply.

a. Duty
b. Dereliction of duty
c. Direct cause
d. Damage

74. You have a patient who has just been diagnosed with a sexually transmitted disease. After the physician leaves the office, the patient turns to you and begs you to keep the information confidential. It is obvious that the patient is worried and embarrassed. Explain how you would inform the patient about legally required disclosures and what you would say.
Pamela Dorsett is a patient at Highland Oaks Family Practice. She is a 40-year-old woman who has five children and a house full of cats. She brings her children in for immunizations, but otherwise you rarely see them. She walks into the office on a busy Monday morning with all five children. They are surrounded by a pungent smell of cat feces. The children are dirty and it appears are being neglected. All five of them have runny noses. She wants the doctor to see them now because she has transportation problems. You are the receptionist that day. Remember, pick the BEST answer.

75. The doctor is legally obligated to see the children at some point because:
   a. the children look neglected.
   b. there is a legal contract in place.
   c. medical ethics dictate it.
   d. all of the above.

76. If child neglect is suspected, the physician is required by federal law to:
   a. talk to the mother about her care.
   b. try to contact a family member.
   c. do nothing, as mandated by HIPAA.
   d. report the suspicions to authorities.

77. What would your first action be?
   a. Try to work the five children into the busy schedule.
   b. Consult with the providers.
   c. Make future appointments as soon as possible.
   d. Have them wait until the end of the day after all scheduled patients have been seen.
As a medical assistant, you will be involved in some administrative issues. Read the following scenarios and assess whether the American Medical Association standards for office management are being met. Place a check mark in the appropriate box.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Standards Met</th>
<th>Standards Not Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>78. Dr. Benson tells his medical assistant to cancel Mrs. Burke’s tests because she recently lost her job and will be unable to pay for them.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>79. Mr. Grant canceled his appointment with less than 24 hours' notice. He was charged a fee as noted in a sign by the receptionist’s desk.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80. Mrs. O’Malley asks Dr. Jones to help her fill out an insurance form. The form is a four-page document that takes Dr. Jones an hour to fill out. Dr. Jones charges Mrs. O’Malley $15 for filling out the form.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81. Dr. Harris dies suddenly, and his staff tell patients that the office will close and that copies of their medical records will be transferred to another physician.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>82. Mr. Davies owes the physician’s office several thousand dollars. He is moving and asks the office to transfer his medical records to his new physician. The office refuses on the grounds that Mr. Davies has not paid his bill.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>83. Mrs. Jones comes into the office for a vaccination. The physician tells the medical assistant to charge her $10 less than other patients because she is elderly and cannot afford the standard charges.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## PROCEDURE 2-1 Monitoring Federal and State Regulations, Changes, and Updates

Name: __________________________  Date: ___________  Time: ___________  Grade: ___________

**EQUIPMENT:** Computer, Internet connection, search engine or Web site list

**KEY:**

- 4 = Satisfactory
- 0 = Unsatisfactory
- NA = This step is not counted

<table>
<thead>
<tr>
<th>PROCEDURE STEPS</th>
<th>SELF</th>
<th>PARTNER</th>
<th>INSTRUCTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Using a search engine, go to the homepage for your state government (Example: <a href="http://www.nc.gov">http://www.nc.gov</a>) and/or other related sites such as: Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Act (OSHA), your state medical society, and the American Medical Association (AMA).</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>2. Input keywords such as: Health care finances, allied health professionals, outpatient medical care, Medicare, etc.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>3. Create and enforce a policy for timely dissemination of information received by fax or e-mail from outside agencies.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>4. Circulate information gathered to all appropriate employees with an avenue for sharing information. Any information obtained should be shared.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>5. Post changes in policies and procedures in a designated area of the office.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>6. <strong>AFF</strong> Explain what you would say to a fellow employee who responds to a change in a current law with, “I will just keep doing it the old way. Who is going to care?”</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
CALCULATION
Total Possible Points: _______
Total Points Earned: _______ Multiplied by 100 = _______ Divided by Total Possible Points = _______ %

PASS   FAIL   COMMENTS:

☐       ☐

Student's signature ____________________________ Date _______
Partner's signature ____________________________ Date _______
Instructor's signature __________________________ Date _______