**HI135 Unit 2 Assignment: Introductory Legal Concepts**

**Unit outcomes addressed in this Assignment:**

* Differentiate between the concepts of law and the privacy, confidentiality, and security of health information
* Discuss why protecting the privacy and confidentiality of health information is a challenge for health information management and informatics professionals
* Discuss the concepts of ownership and control of the health record, how these concepts relate to the concepts of health record custodianship and stewardship, and the roles and responsibilities of the custodian or steward of health records
* Apply the relevance of law to the health information management and informatics profession and other health professions
* Discuss the role of nonlegal accrediting bodies, such as The Joint Commission, and differentiate their authority from that of the legal system
* Demonstrate the methods of discovery
* Analyze the differences between a court order and a subpoena
* Examine the purposes and limitations of a subpoena

**Course outcomes addressed in this Assignment:**

**HI135-01**: Describe legal aspects of health information management.

**AAS-HIT: V.1** Apply legal processes impacting health information

***Assignment Instructions: Answer the following questions using complete sentences and correct grammar and spelling. Your answer document must include the number for each question, but DO NOT recopy the questions or scenarios in your document. Each response should be no longer than 2-3 sentences. Save your answer document as a MS Word DOCX file, and submit it to the Unit 2 Assignment dropbox.***

**Short Answer Questions**

1. What is health information and why is it important to protect?

2. What federal laws offer protection related to patient information?

3. What is the difference between privacy and confidentiality?

4. How is security related to privacy and confidentiality?

5. Who owns the patient health record and who controls the use of the information within the record?

6. Describe the role of the custodian of health records.

7. Discuss the differences between a subpoena and a court order.

8. Give examples of two questions that a custodian of a health record can answer at deposition or trial. Give examples of two questions that should not be responded to.

**Case Discussion**

***A patient has filed a $3 million medical malpractice lawsuit against St. Patrick Hospital. In light of the patient’s litigious background and the facts of the case, hospital administration is adamant that it is not liable. It has instructed its legal counsel to proceed toward trial, where it may be absolved of liability.***

9. Is the hospital’s decision to proceed toward trial a wise one? Why or why not?

10. What other options does the hospital have?

11. Besides the financial resources required to legally defend itself, identify at least two non-monetary factors that the hospital must take into consideration when deciding to proceed toward trial?

12. What risks does the hospital assume when it takes a case to trial?

**Scenario:**

***During a school field trip to a local orchard, 13-year-old Johnny Chapman fell out of a tree while picking apples. That evening, his parents took him to the emergency room at Woodville Hospital, where he was diagnosed with a fractured ulna. He was admitted and surgery was necessary. Johnny was discharged after a two-day stay. Johnny’s parents subsequently sued the school system and two of the three parent chaperones who had volunteered for failing to safeguard Johnny during the field trip and failing to seek emergency medical care.***

***Three months later, the health information department director at Woodville Hospital, Jay Forshall, was subpoenaed with directions to bring Johnny’s record to a deposition the following day. The deposition was being held in Columbia City, which was 125 miles away. Jay complied with the subpoena by preparing Johnny’s medical record. Woodville Hospital’s health record was hybrid, so Jay printed out the electronic components from the hospital’s electronic health record system and collected the remaining components that existed on paper.***

***Jay drove to Columbia City the following morning. During the deposition, legal counsel for the Chapmans proceeded to ask Jay about Johnny’s medical record. Jay was asked to verify that the record was Johnny’s and that it was prepared in the usual course of business. He was then asked about the contents of the record. One question posed to him was whether Tylenol, which had been administered to Johnny at the hospital, was given to lessen Johnny’s pain. Jay stated that he presumed legal counsel’s statement was true, as that is a common reason for Tylenol to be given. Jay was also asked to read an otherwise illegible note that the physician, Dr. Fogle, had written on the discharge instruction sheet. Dr. Fogle was a visiting physician, and Jay was not familiar with her handwriting. Nonetheless, he tried his best to assist legal counsel in deciphering the note.***

***Jay was not involved in the case any further following the deposition. Several months later, he read in the newspaper that the case had gone to trial. One of the parent chaperones who was initially sued never responded to the complaint and did not participate in any of the proceedings, including the trial. A jury rendered a verdict against the school system and the three parent chaperones, with all being required to pay money damages.***

13. Based on the facts, a motion to quash the subpoena (thus nullifying it) could have been granted based on what two reasons?

14. What questions asked of Jay Forshall during the deposition were inappropriate?

**Submitting your work:**

After completing your answer document, save it to your computer as a MS Word DOCX file and then upload it to the Unit 2 Assignment Dropbox for grading.

**Grading:** This assignment is worth a total of 140 points (10 points per question).See the Unit 2 Assignment Rubric.