

Law and Legal Issues - Public Policy —

A. Knowledge

Legal Policy regarding pediatric patients (realize that it varies state by state)

Informed Consent (Legal capacity and competency)

Mentally incompetent

Divorced/single parent rights

Emergency treatment authorization

Telephoning requests/telephone consents

HIV testing

Abuse and neglect

Emancipation of minors/the "mature" minor

Pregnancy

Sterilization

Contraception

Abortion (working through the system; consult

Planned Parenthood)

Drug testing/dependency and treatment

Minor as a parent

Issue of parental notification as opposed to consent

Privacy and its invasion

Confidentiality and exceptions thereto/privileged communications

Sharing information with other health professionals, departments of social service and other state agencies

Documentation

Patient records

Verbal contracts

Refusal of treatment

Standards of care, noncompliance

DNR status/orders/decisions

Patient Rights

Autonomy

Restraint/Protection of patient from himself/herself and from others

Commitment to mental institutions

Psychotropic drugs and forcible medication

Due Process

Corporal punishment/child abuse

Involuntary servitude

Child labor laws

Parental Rights

Rules for visitation by noncustodial or abusive family members

Right to free/reduced fee legal services

Guardianship

Corporal punishment

Medical

Immunization requirements/sequelae

AIDS: school exclusion

Death: determination of medical examiner cases/autopsy permission

Transplants/donation of organs/transfusions

Malpractice: Extension of the Good

Samaritan Law to cover delivery of care to the homeless, care within shelters

B. Skills

Integrating clinical practice including clinical interviewing with legal requirements

Ability to get free or reduced rate legal services (consult State Bar Association)

C. Attitudes

Sensitivity to potential legal ramifications of a situation

Diversity/ability to see things from different perspectives

D. Barriers

Disregard of legal constraints to practice

Legal issues are a time-consuming business; cause of much delay

Finances: high cost of legal services

Rapidly changing laws

Inequity of access to services and to fair treatment because of race, color, sex, social class

E. Advocacy

Appear in court when requested

Understanding when to refer issues to an attorney

Protection of and respect for patients' legal rights

Soliciting pro bono legal work

Working with legal aid societies

## References

Southwick AF. The Law of Hospital and Health Care Administration. Health Administration Press, 1988.

Pozgar GD. Legal Aspects of Health Care Administration. Aspen Systems Incorporated, Aspen, 1987.

Hofman A. Legal Issues in Adolescent Medicine. Adolescent Medicine, 2nd edition. Appleton and Lange, 1989.

North RL. Legal Authority for HIV testing in Adolescents. Journal of Adolescent Health Care; 11:2, March 1990.