

Legal and Ethical Issues in Healthcare

سبح الله الذي لا يخسر
مع أسسه في لاغين
الارضين ولا في لساني
وهو السميع العليم

Dr. Israa Al-Rawashdeh MD, MPH, PhD
Faculty of Medicine
Mutah University
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Importance for the healthcare professional to understand legal and ethical issues

قانون + أخلاق

لماذا هم مهمين؟

الدكتور يعرف مسؤولياته

1. Knowledge of legal responsibilities

2. Limitations of practice ^{كحدوده} within Ethical + Legal level

3. Implications of their actions level

4. Protection of ^{لصحة}

a) Healthcare professionals

b) Patients

c) Co-workers الزملاء

d) Facility ^{mainly Financial claim risk} ^{لصحة}

5. Ethical behavior ensures

a) Quality patient care <sup>إتقان العمل والالتزام
بمنهجية وآمنة
معلوماتية عندهم</sup>

b) Positive work relationships <sup>إلتزام
الأطباء بالطريقة
بالمستشفى</sup>

c) Well-managed workplace

Examples of current legal and ethical dilemmas

1. Abortion ^{الإجهاض}
2. Euthanasia (mercy killing) ^{القتل الرحيم}
3. Organ donation
4. Research and Experimental Treatment (right to try experimental drugs)
5. Patient Confidentiality ^{السرية الطبية}
6. Emerging Topics:
 - Sex Determination ^{اختيار الجنس}
 - Genetic Editing: (e.g., "designer babies") ^{كما نرى في فيلم "جنت الأهل" من اختيار دكتور}
 - Pandemic Ethics: Resource allocation (ventilators, vaccines) during crises.
 - Artificial Intelligence AI

Ethical concepts

- **Ethics:** Standards of behavior developed as a result of your moral values
- The ability to distinguish right from wrong
Involves a commitment to do what is right, good, and proper
- Role of HA: Making decision of the right behaviour! Difficult in some cases (Balancing competing priorities (e.g., patient needs vs. hospital policies)).

القيم
المعنوية

الالتزام

موازنة

صراع بين

- مثل/ المرفق يحتاج عناية باهظة لكنه
منه اقله ما يترك نقلا لكن
المستفد وايضا لا

... صراع بين

صراع المرفق @ حاجة المستفد

Theoretical base of ethical decisions

واجب
Duty

واجب و غرض
واجب
واجب

1. Deontological decisions (**Deon = duty**):

- Based on a duty or moral obligation motivated by oath or other circumstance.
- Considers that it is the professional's duty to do everything possible for the patient, **regardless** of the possible outcomes.
- Actions determined by rightness or wrongness (virtue ethics)

واجب

واجب

بغضه كل كلول

الدكتور بسوي طلي
كلية طاهو دل
بالتبني
واجب
واجب



الرجوع فاسح لى
هل ربح منتج العلاج اول
لكن لسان

هل واجب سوبي

عندما عرفتم حالتكم معكم كليل
مستعمل جيتو من لوه رت العلية
لكن عا جين ان اسو يها بؤفة المتفرعن الشبكة سوي

نتيجة
الهدف
النتيجة

Theoretical base of ethical decisions

نتيجة عامة

حسب النتيجة حتى لو الطريقة (الوسيلة) خلفا

2. Teleological decisions (Telos = goal/end):

- Based on the considerations for the outcome of the action
- "The end justifies the means."
- Actions will vary depending on the situation (situational ethics)
- The principle of utility, which states that an act must result in the greatest amount of good for the greatest number of people involved in a situation.
- Views the consequences of the action as valuable as the ability to perform the procedure.

الوسيلة
الغاية تبرر الوسيلة

حسب

صيرت المنفعة

لا تهتم
بالنتيجة
الغاية



هبرت علاج غيره بما قاله فيكون منها
الطريقة على وجهه يكون يكون لكن فمكن
ينجح العلاج واقدر افيد منه عدد
كبير عن الناس
= الغاية تبرر الوسيلة
= حسب النتيجة

Theoretical base of ethical decisions

انتقادات Criticism

• Deontology

السلوك < النتيجة

– Values are not universally shared (different cultures)

كل واحد بهواه عنده اخلاقه مختلفة

– Do not consequences matter? (real world?)

• Teleology

مستفيدة عن انتم بنتيجة

من وجود

غالب من يوافق

– Greatest good for the greatest number does not protect minority rights

– Not always possible to predict consequences accurately

– Your values may conflict with the action

needed

مع قيمك ما تستعملك

تسبون لسلط حتى لو فيه فائدة

كفها عمره به سنة ولا مصالحة
لكن الشكر في كل وقت عليه اسويها
بذوقه A
كل واحد عنده اخلاقه مختلفة حسب
خلفيته

مهمون

يجب ان نقول

ما يقاس به

الاعلى

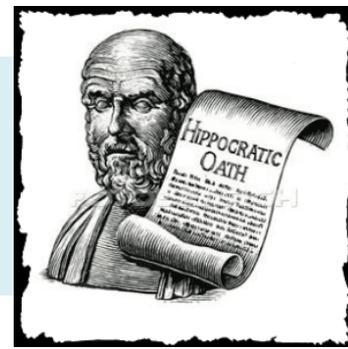
Ethical Principles

1. Autonomy: Respecting an individual's right to self-govern their healthcare decisions. It is more than a patient's constitutional right to refuse treatment.

- Includes respect for the patients' privacy and confidentiality.
- It includes each staff member's right to decide what is the right thing for him or her to do.
- Needs to provide enough information for them to make informed choices.
- Truth telling.
- Protection of persons with diminished or impaired autonomy.

عبادتنا خويبة

Ethical Principles



كالقفل لا تأخره

عدم إي إيذاء

2. Non-maleficence: The absence of harm attributed to the physician's oath to "do no harm." Maleficence is a Deliberate action that is considered harmful or evil.

الركن الثاني
لا يات فيه
أذى

خريجو الطب في جامعة مؤتة يؤدون القسم الطبي (صورة)



"Primum non nocere"
First, do no harm!
Hippocrates



Ethical principles

افئدة

3. **Beneficence:** *Producing good acts.*

Acting always in the patients' best interest to maximise benefits and minimise harm.

This is affected by personal definition of what is "good."

However, there are general aspects of this principle that are common to most cultures and religions.

لو انبى كاس

مترى من كاس
مترى من كاس
مترى من كاس

Ethical principles

4. **Justice:** *all people are treated fairly and equally.*

• It also means:

- **Duty** to help others in serious need

- The right to health care is a basic component of a just society (social justice).

العدالة

العدالة الاجتماعية

Ethical principles

5. **Veracity**, the obligation to tell the truth.

الصدق



الإمانة / الأمانة

6. **Fidelity**, the duty to do what one has promised.

واجب

- واجب انه اموى الله وعرفه فيه

الوفاء
Fid
إمانة
وعد
Promis
وعد أمثورتنا



Organizational ethics

المنظمة

اخلاقيات

مجالنا

- **Organizational ethics** is an emerging area in health care management.
- Health care organizations have focussed on the ethical issues faced by clinicians in the direct delivery of clinical care (i.e. clinical ethics) or by researchers in the conduct of clinical research (i.e. research ethics).
- Organizational ethics is more concerned with the ethical issues faced by managers and board members and the ethical consequences of organizational decisions and practices on patients, staff, and the community.

هو اكثر واحدا
الطبيب

وعلى

مركز

الاخلاقيات التي يواجها

توقع

What organizational ethics issues are health care administrators facing?

1. Resource allocation

2. Business development

3. Disagreement over treatment decisions

4. Access to care for the uninsured

5. Workplace ethics

توزيع الموارد

المسؤولية

بموجبها؟

توزيع الموارد
والمسؤولية
ادري

كند

صراعات

اوائل

للمسؤولية
تأمين

للمسؤولية
تأمين

توزيع الموارد
والمسؤولية
ادري

Unethical practices reported in Jordan (Evidence from 2011-2022 Studies)



Examples of unethical practices reported by studies done in Jordan. Clinicians and Administrators highlighted the following concerns:

1. Staffing & Professional Standards

- Hiring unqualified workers for complex cases (Ajlouni et al., 2015)
- Health professionals risk standards to please owners (Al Oun & Smadi, 2011)
- 22% of nurses report pressure to cover for underqualified staff (Jordan Medical Association [JMA], 2022)

2. Financial Misconduct

- "Split-fee" commissions and rewards (Al Oun & Smadi, 2011)
- Prioritizing profitable patients/short-term illnesses (Obeidat & Komesaroff, 2019)
- Rise in unnecessary surgeries post-COVID (Al-Qahtani et al., 2021)

3. Patient Care Issues

- Discrimination against low-income patients (Ajlouni et al., 2015)
- Father-only consent in pediatrics (Obeidat & Komesaroff, 2019)
- cases of telemedicine privacy breaches (JMA, 2022)

4. Systemic Challenges

- Lack of clear ethical strategies (Ajlouni et al., 2015)
- ICU bed allocation favoring VIPs during COVID (Al-Qahtani et al., 2021)

Handwritten notes in Arabic: 'بالقطيع' (by the flock), 'أناي الممرضة يبيع خبر' (my nurse sells news), 'سعيه بالميرحى لو كانت عياله' (his effort for the patient if his family was), 'المشرفين اسي حوهمهم صغر في المنزل والغالين' (the supervisors are deceived in the house and the others), 'هذا السلوك الهادي' (this is the right behavior), 'دكتور صعبان' (Dr. Saeban), 'بيقولون لي' (they tell me), 'على فضول بال' (out of curiosity), 'فان' (then), 'تقسيم الروم' (room division), 'الزمم' (the room), 'المرضى' (the patients), 'الاولى' (the first), 'عشان نخطوا الصياح ابي جندرت' (so that we can catch the birds, my father), 'الاصغر' (the youngest), 'لما نتمنا ان لا يكونوا' (when we want that they are not), 'حسب وفضل العادي اعطاهم سرر' (according to the ordinary merit, they were given beds).

Ajlouni, M. T., Dawani, H., & Diab, S. M. (2015). Home health-care (HHC) managers' perceptions about challenges and obstacles that hinder HHC services in Jordan. *Global Journal of Health Science*, *7*(4), 121–129. <https://doi.org/10.5539/gjhs.v7n4p121>

Al Oun, S. S., & Smadi, Z. (2011). Healthcare commercialisation in Jordan's private hospitals: Ethics versus profit. *International Journal of Behavioural and Healthcare Research*, *2*(4), 362. <https://doi.org/10.1504/IJBHR.2011.043417>

Obeidat, A., & Komesaroff, P. A. (2019). The struggle for clinical ethics in Jordanian hospitals. *Bioethical Inquiry*, *16*, 309–321. <https://doi.org/10.1007/s11673-019-09928-y>

Al-Qahtani, J. M., Al-Zamanan, M. Y., & Al-Hussein, F. A. (2021). Ethical dilemmas in ICU resource allocation during the COVID-19 pandemic: A Jordanian perspective. *Journal of Medical Ethics*, *47*(12), e45. <https://doi.org/10.1136/medethics-2020-107103>

Jordan Medical Association. (2022). *Annual report on medical ethics violations in Jordan (2021–2022)*. <https://www.jma.org.jo/reports>

Legal concepts

A **binding framework** of rules that:

- Guides human conduct ^{توجيه}
- Defines rights and obligations ^{التزامات}
- Enforced by the state ^{الدولة}
- Applies equally within authority ^{سلطة}

In Healthcare: ^{العقد القانوني بالمرحلة المهنية}

- Protects patients (e.g., consent laws) ^{حقوقهم}
- Regulates providers (e.g., licensing) ^{ترخيصه}
- Ensures responsibility (e.g., malpractice claims)

قانونها كلها عرف عرف

Laws

جنايات

لعلاج

انظمة عمية عليها ارساها

1. Public (Criminal) Law: Protect the public as a whole from the harmful acts of others. Crimes against a person, property or society.

Felonies جنائي - Examples: murder, rape, robbery, tax evasion, practicing medicine w/o license. Prison (>1 year-death)

اقطر

اعتقالات / سرقة / قتل

تهريب عشرين

Misdemeanors جنحة - Examples: Theft, minor narcotics violations. less serious offenses that carry a punishment of fines or jail for up to a year.

حقق

جدران

عزاه / سجن اقل عن سنة

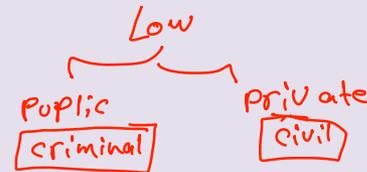
مدني بين الناس

تفهم

2. Civil (Private) Laws: Concerns relationships between individuals and the protection of a person's rights. Medical malpractice claims, Patient confidentiality breaches. Outcome: Financial compensation (not jail). Healthcare employees are most frequently involved in cases of civil law.

لوحده لجرم

الدكتور عن القضاة الكبر
عمره من النوع



Laws

- Includes a general category of laws known as

torts الأضرار

– Torts are either:

• Intentional (willful)

• Unintentional (accidental)

بما لا يخلو من سوء (مقصود)

صحة
عن قصد
النية
الضرر

القانوني من التآكل
صحة التي حاد
عقوبة
عقوبة

مقصود

غير مقصود

مخبر

Intentional Torts



Health care workers (Administrators) are required to report any signs or symptoms of intentional torts.

Assault

تهدید

١

To cause another person to feel threatened.

مرفقت بعد الصبر لهوا عطا
المداد تفتك

مرفقت بيهم

Battery

اعتداء جسدي

٢

An action that causes bodily harm to another. Even touching without permission (consent). to harm (death)

Invasion of privacy

٣

The intrusion into the personal life of another. Public disclosure of private information. Inappropriate exposure. Violating confidentiality.

دخول

كشف على

عنه غير اذاعي بدون موافقة

سر

Fraud

احتيال

٤

Intentional misrepresentation that may cause harm, loss, or collection of monies not legitimately due.

تكريف

اموال

Defamation of Character

شهر

شهر

٥

Damaging a person's reputation by making a public statement.

تشهير

بيان عام علني

مقصود ما قالته

False Imprisonment

حبس كاذب

Intentional, unlawful restraint or confinement of a person.

مقصود

تقييد

Unintentional Torts

□ Acts that are committed with no ^{نية} intent to cause harm but are done with a disregard for the consequences:

□ **Negligence** Failure to meet care standards or Unintentional mistakes. الإهمال والتقصير أوسع

□ **Malpractice** ^{ممارسة المهن} A subset of negligence specific to licensed professionals (doctors, nurses, etc.). Involves gross deviation from accepted medical standards. الممارسة الخاطئة

تخالف

• Examples of Negligence:

- Abandonment: Terminating care without proper notice/referral (e.g., discharging a patient mid-treatment).
ترک کرنا
- Delayed treatment: (e.g., ignoring chest pain symptoms → heart attack).
بی جا ہوں

• Legal Terms used to classify Negligence

- Malfeasance (unlawful act or misconduct) *mal* → *مالت* → *کسی کا*
قانونی طریقہ سے
- Misfeasance (lawful act done incorrectly)
قانونی
- Nonfeasance (failure to perform an act that is required duty or that is required by law)
قانونی

عشان نثبت
اننا الاطباء
لازم نكون
عنده

The 4 Ds of Negligence



D

Damages Patients must prove that they suffered injury.

Derelict Patients must show that the physician failed to comply with the standards of the profession.

مقابلة
← اننا عايننا من يكون كيتور

Duty Patients must show that a physician-patient relationship existed.

انه فواينا لازم يكون الدكتور هو اللي كان
مسؤول عنه " لازم اثبتت هذا الشيء "

انه العنصر الاول من سبب انك هتعال عيالكه من سبب عيب تمانين

Direct Cause Patients must show that any damages were a direct cause of a physician's **breach of duty**.

Patients must be able to prove all 4 Ds in order to move forward with a malpractice suit.

عقد **Contracts**

A **contract** is a voluntary agreement between two parties in which specific promises are made for a consideration.

وجود --- كقد قبل عليه

للتقديم
عقود افائده

الشيء

4 Elements of a Contract

الموافقة
Agreement



شئ الاجتهاد
Consideration

Contractual Capacity (competency)

لغير اذونه عنده
قانونه عليه
قانونه

Legal Subject Matter

طوكل واحد
بشئ موصو

Contracts

Types of Contracts

- **Expressed Contracts**

كقوله
+ صريح

- Clearly stated in written or spoken words

عقد اللفظ هو المكتوب

- A payment contract is an example

- **Implied Contracts**

تفهمه

- Actions or conduct of the parties, rather than words, create the contract

- Examples: A patient rolling up his/her sleeve to receive an injection, A patient filling in a questionnaire.

المرئيه تتعامل مع الزمور
استجابته الى الامور

عقد الضماني

Other legal health documents

Living Wills

(Advance Directives)

A legal document stating types of treatment the patient does and does not want in an event of terminal illness, unconsciousness, or comatose state.

Patients with living wills are asked to name someone that will make decisions on their behalf (durable power of attorney) if they are unable to do so.

A legal document that states a person's wish to donate one or more organs as a donation. Even total body anatomical donations are made.

Uniform Donor Card



A case from Jordan

- (September 2017)
- **Patient:** Newborn with life-threatening congenital malformations.
- **Requirement:** Father's consent for surgery (per Jordanian hospital policy).
- **Conflict:** Father refused consent due to marital disputes with the mother.
- **Outcome:** Surgery delayed (administrators decision) → newborn died.

ولفت جهشان أيضا إلى المادة 62 من قانون العقوبات والتي تنص على أنه "لا يعد الفعل الذي يجيزه القانون جريمة. ويجيز القانون العمليات الجراحية والعلاجات الطبية المنطبقة على أصول الفن، شرط أن تجرى برضا العليل أو رضا ممثليه الشرعيين أو في حالات الضرورة الماسة".

وحول تعريف مصطلح "حالات الضرورة الماسة"، يوضح جهشان أنه يعني "إذا لم يتدخل الطبيب لحظيا تحصل الوفاة" مثل النزف الدموي الحاد بسبب طعن سكين بالصدر أو حادث سير أو تمزق الرحم إثر ولادة منزلية متعسرة إلخ...".

وبحسب جهشان، فإن "حالات الضرورة الماسة" غير متوفرة في حالة الرضيع (قيس)، لأن الخطر الكامن "المتوقع خلال أيام وليس خلال اللحظة".

وأكد أنه في حالة (قيس) كانت موافقة ولي الأمر حتمية لأنها تتعلق بنقل الطفل إلى مستشفى آخر تتوفر لديه إمكانيات إجراء العملية.

لكنه أضاف مستدركا، بالقول "كان من المفروض أن تقوم جهة حكومية بذلك بالنيابة عن ولي الأمر (الأب) الذي تخلى عن ابنه"، بحيث يكون لهذه الجهة مرجعية قانونية بالحماية الاجتماعية للأطفال"، والمقصود هنا "وزارة التنمية الاجتماعية" بتطبيق المادة 31 من قانون الأحداث التي نص البند التاسع منها على "يعتبر محتاجا إلى الحماية أو الرعاية من كان معرضاً لخطر جسيم إذا بقي في أسرته".

ولفت جهشان إلى أن قانون الأحداث يسمح بإجراء الحماية عاجلا وعلى مدار الساعة عن طريق مكاتب الخدمة الاجتماعية في إدارة حماية الأسرة أو مديريات التنمية الاجتماعية، "وعقب هذا الإجراء تصبح وزارة التنمية الاجتماعية المسؤولة المباشرة عن إجراءات علاج الطفل وتقديم الرعاية الطبية له".

ودعا جهشان إلى التعامل مع حالات "الإهمال بتقديم الرعاية الطبية" للطفل، عن طريق إيجاد مرجعية تشاركية للقطاعات الطبية والاجتماعية والقانونية، لتحديد جذور المشكلة، بالاستناد لمبادئ المصلحة الفضلى للطفل.

The Telemedicine Privacy Breach (2022)

- **Issue:** Doctor shared postpartum depression patient consultations on TikTok as "case studies."

Ethical Conflict: Medical education vs. confidentiality.

Outcome: Medical license suspended; 10K JOD compensation.

- **Impact:** New MOH digital ethics training (2023).

RIGHTS

حقوق المريض

A patient has the right to:

1. Respect & Autonomy:

احترامه، ثقافته

Receive considerate, culturally-sensitive care.

Refuse treatment (within legal limits).

2. Transparency & Consent:

شفافية، موافقة

Access complete, current medical information.

Receive clear explanations for informed consent.

شفافية المعلومات الطبية

3. Privacy & Continuity:

خصوصية، استمرارية

Confidential handling of records (Jordanian IT Law compliance).

Smooth care transitions between providers.

4. Financial & Institutional Clarity:

وضوح مالي، ووضوح مؤسسي

Review detailed bills and request cost explanations.

Disclose hospital affiliations (e.g. teaching/research ties).

معلومات المستشفى، معلومات المريض

Responsibilities

Patient Responsibilities:

1. Collaborative Participation

معاون

Share accurate medical history and symptoms.

Engage in shared decision-making.

وتنسيق
مطلوبات
مع المريض

2. Adherence & Communication

الالتزام

Follow agreed treatment plans.

Say concerns about prescribed therapies.

مخاوف

العلاج الموصى

3. Institutional Awareness

وعى مؤسسي

Respect hospital policies and staff.

Report safety concerns quickly.

الإبلاغ عن المخاوف بسرعة

56) One of the following applies for 'Less serious offenses that carry a punishment of fines or imprisonment jail for up to a year'?

Select one:

- a. Felonies
- b. Practicing medicine without a license
- c. Misuse of narcotics
- d. Part of the criminal laws ✓
- e. Involving healthcare employees frequently

خفيف
جناية



25) A pharmacist sells the patient a medication and writes an incorrect dosage on the box without realizing that it would harm the patient, this would be a case of?

Select one:

- a. Misfeasance ✓
- b. Malfeasance
- c. Nonfeasance
- d. Delayed treatment
- e. Fraud

قانوني الكون
غير صحيح

54) The following are true about Laws. EXCEPT?

- a. Felonies and Misdemeanors are related to public laws
- b. Practicing medicine without a license is a felony
- c. Misdemeanors carry a punishment of fines or imprisonment in jail for up to 20 years ✓
- d. Civil laws are concerned with relationships between individuals and the protection of a person's rights
- e. Healthcare employees are most frequently involved in cases of civil law

19) You are a hospital administrator in hospital X. a patient with burn is admitted. You instruct the doctors that treatment of burn patients is based on the availability of time and resources such as beds and specialists. One of the doctors tell you that continuing the patient's treatment and protecting his right to survival could only happen if he stays in the hospital regardless of stay time. ONE of the following is FALSE?

Select one:

- a. Your decision is determined by virtue ethics. ✓
- b. Your decision can vary depending on the situation
- c. You decided based on the greatest amount of good for the greatest number of people involved in a situation
- d. You followed the principle of "The end justifies the means"
- e. The doctor does not share the same values with you

قانوني
مستقل
مؤثر
مؤثر



53) Elements of a Contract includes the following. EXCEPT?

Select one:

- a. Agreement
- b. Photos ✓
- c. consideration
- d. Contractual Capacity
- e. Legal Subject Matter

عناصر العقد

50) One of the following is TRUE about ethics?

Select one:

- a. Ethics can be either civil or criminal

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- a. Ethics can be either civil or criminal
- b. Ethics include a system of rights and obligations
- c. Laws should get affected by a person's culture
- d. Ethics represent social expectations about what is right and wrong ✓
- e. Making ethical decisions is a clear process in health organisations

21) You are a hospital administrator in hospital X. a patient with an end stage cancer is admitted and his clinical condition is worsening each day. His family discuss With you that they need to take him back home because they think there is nothing more to do for him and they cannot cover the high financial costs to keep him in hospital. You tell them that continuing the patients treatment and protecting his right to survival could only happen with the patient remaining in hospital care. ONE of the following is TRUE?

Select one:

- a. Your decision is motivated by values of rightness and wrongness. ✓
- b. Your decision can vary depending on the situation
- c. You decided based on the greatest amount of good for the greatest number of people involved in a situation
- d. You followed the principle of "The end justifies the means"
- e. The patient's family share the same values with you

59) Ahmad is having a medical condition. He heard his neighbour who is a doctor giving advice at a social gathering. He followed that advice and his condition became worse. He decided to make a malpractice suit against that doctor. Which of the following is TRUE?

Select one:

- a. A physician-patient relationship existed
- b. The damages were a direct cause of a physician's breach of duty
- c. This is a Negligence case
- d. Ahmed fails to prove Duty ✓
- e. Ahmad can prove Battery

45) When an adult person refuses vaccination, this is? Select one:

- a. Harmful
- b. Self-governance ✓
- c. Against autonomy
- d. Justice
- e. Non-maleficence

استقلاله
هو حق

57) Regarding Beneficence, one is False?

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بزرگی؟

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Autonomy

57) Regarding Beneficence, one is False?

Select one:

- a. Good acts ✓
- b. Definition differ from one person to another ✓
- c. In the patients' best interest all the time ✓
- d. Minimizing harm
- e. No harm with least benefit