

# Legal and Ethical Issues in Healthcare

بسم الله الذي لا يضره  
مع أسسه في رأي  
المرضى ولا في لساني  
وهو السبع على

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2025

# Importance for the healthcare professional to understand legal and ethical issues

قانون + أخلاق

لماذا مهم؟  
لماذا

الدكتور يعرف مسؤولياته

1. Knowledge of legal responsibilities

2. Limitations of practice <sup>محدوده</sup> within Ethical + Legal level

3. Implications of their actions

4. Protection of

a) Healthcare professionals

b) Patients

c) Co-workers الزملاء

d) Facility mainly Financial + claim risk

5. Ethical behavior ensures

a) Quality patient care

b) Positive work relationships

c) Well-managed workplace

أية المنة والثناء  
منهم وما مني  
معلومات عنهم

بالأول  
الأمر الأول  
المستقر

# Examples of current legal and ethical dilemmas

1. Abortion <sup>الإجهاض</sup>
2. Euthanasia (mercy killing) <sup>القتل الرحيم</sup>
3. Organ donation
4. Research and Experimental Treatment (right to try experimental drugs)
5. Patient Confidentiality <sup>سرية المعلومات</sup>
6. Emerging Topics:
  - <sup>اختيار الجنس</sup> Sex Determination
  - Genetic Editing: (e.g., "designer babies") <sup>كما نرى في أفلام الخيال العلمي</sup>
  - Pandemic Ethics: Resource allocation (ventilators, vaccines) during crises. <sup>كيف نوزع الموارد؟</sup>
  - Artificial Intelligence AI <sup>من اختار دواءه؟</sup>

# Medical Law and Ethics

# Law



# Ethics

A **law** is a rule of conduct or action.

Governments enact laws to maintain order and public safety.



**Ethics** is a standard of  
behavior. استواری / استواری

**Moral values** serve as the basis for ethical conduct.

**Criminal and civil laws** apply to **health care** practitioners.



## What's legal but unethical in healthcare?

Family, culture, and society help form individual's moral values.



# 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)).

المرضى

المرضى

موازنة

مرضى

- مثل: المريض يحتاج علاجاً باهظاً  
لكنه لا يستطيع دفع ثمنه  
المستشفى لا يستطيع دفع

حاجة المريض × حاجة المستشفى

...موازنة

# Theoretical base of ethical decisions

واجب  
Duty

واجب و فقه  
واجب و فقه  
واجب و فقه

## 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)

# الدكتور سويدي  
كلية صاوي و  
بالشعبه  
الاجه  
الاجه



الاجه فاسح لمي  
هل ربح ينصح العلاج اولاً  
صلى  
هل واجبي سويدي

منذ / مرفق حالت معبه كليل  
مستعمل فحسب حق لو سمعته  
يكن خا جني ان اسويها بغيره المرفق ان السيكه سويدي

# Theoretical base of ethical decisions

## 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.



– هيرت علاج جيد بما قاله فيرديناند  
الغريفة على وجهه يكون موت لكن فمكن  
ينجح العلاج و اقدر اعيد منه عدد  
كثير عن الناس  
– الفايده بتبرر لو صلاه  
– حسب النتيجة //

– حسب النتيجة حتى لو الغريفة (الوسيلة) خلفه

الفايده بتبرر لو صلاه  
الوسيلة

نتيجة  
الوسيلة  
الغريفة

نتيجة عامة

حسب

صيدة المنفعة

الغريفة  
الوسيلة  
الغريفة

## انتقاد Criticism

## المسألة الثانية

- not universally shared

"أنا لست" في الحقيقة

- ما يهمنا؟ مع الحياض الواقعية لأن فيه مميزات بالهنا
- # Does matter? (real world)
- دورنا فيه جميعها السوق لأن (غير مزيج) وانما الأكلية هي الرزق فن وجود -

needed

1)  $\frac{1}{2} \frac{d}{dt} \left( \frac{1}{2} m v^2 \right)$

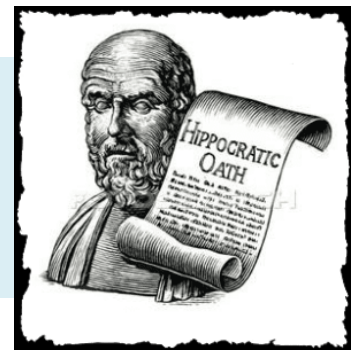
# Ethical Principles

**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.

عبد الله الحويش

# Ethical Principles



الاعتقاد بالآثار الضارة

عدم إلحاق الأذى

**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.

المكبور  
لأنه  
أمر  
بإلحاق الأذى

خريجو الطب في جامعة مؤتة يؤدون القسم الطبي (صورة)

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





# Ethical principles

افيدج

## 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."

لو انت كاس

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

مفاهيم عامة  
شائعة بين  
الثقافات  
والديانات

# 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).

# 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 انك اقول الله وعده فيه

الوفاء  
Fid  
إمانة  
وعدتي  
Promis  
وعدتي



# Organizational ethics

- **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.

# 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

اخیر

رواج ہے؟

تخلی تقسیم امکان  
درستی  
Ethics

کنہ

صراحتاً

اول

لکھنؤ  
تاکمین

لکھنؤ  
تاکمین

تخلی تقسیم امکان  
درستی  
Ethics

# 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)

27% 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)

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  
Defines rights and obligations  
Enforced by the state  
Applies equally within authority

**In Healthcare:**

Protects patients (e.g., consent laws)  
Regulates providers (e.g., licensing)  
Ensures responsibility (e.g., malpractice claims)

قانون كذا عرف عرف

# Laws

جنايات

للعامة

انظمة عامة 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)

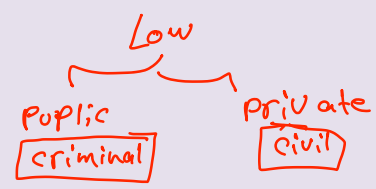
**Misdemeanors** جنحة - Examples: Theft, minor narcotics violations. less serious offenses that carry a punishment of fines or jail for up to a year.

بين الناس

**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

الدائرة  
عن القطاع الطبي



# Laws

- Includes a general category of laws known as

**torts** الأضرار

–Torts are either:

• Intentional (willful)

• Unintentional (accidental)

قصد  
عن قصد  
اربعين  
بجانبه  
مقصود (مقصود)

القانوني من التآكل  
حسب الذي هو  
مقصود  
غير مقصود

مقصود

غير مقصود

# Intentional Torts

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

## Assault

To cause another person to feel threatened.

## Invasion of privacy

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

## Defamation of Character

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

## Battery

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

## Fraud

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

## False Imprisonment

Intentional, unlawful restraint or confinement of a person.

# Unintentional Torts

□ Acts that are committed with no <sup>نية</sup> intent to cause harm but are done with a disregard for the consequences:

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

□ **Malpractice** <sup>ممارسة المهنة</sup> A subset of negligence specific to licensed professionals (doctors, nurses, etc.). Involves gross deviation from accepted medical standards. الممارسة الخاطئة

تخفيف

## • Examples of Negligence:

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

## • Legal Terms used to classify Negligence

- Malfeasance (unlawful act or misconduct)
- Misfeasance (lawful act done incorrectly)
- Nonfeasance (failure to perform an act that is required duty or that is required by law)



# The 4 Ds of Negligence

عشان ننسب  
إني أنا هال  
لازم يكون  
عنده



**D**

**amages** Patients must prove that they suffered injury.

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

**uty** Patients must show that a physician-patient relationship existed.

**irect 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

كفريق العمل

لنفرض  
عقود افكاره

## 4 Elements of a Contract

الشيء

الموافقة

**Agreement**



نقد العقد

**Consideration**

**Contractual Capacity (competency)**

لقد اوصت به  
قانونه  
قانونه

**Legal Subject Matter**

طوكل واحد  
بأنه مواليه

# Contracts

## Types of Contracts

- **Expressed Contracts**

كيفية  
المرجع

- Clearly stated in written or spoken words

عقد اللفظ هو المكتوب

- A payment contract is an example

- **Implied Contracts**

تفهم

- 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.

المرجع يتعلق مع الدكتور  
استاذ به انه لا يهتمون

استاذ به انه لا يهتمون

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

وحول تعريف مصطلح "حالات الضرورة الماسة"، يوضح جهشان أنه يعني "إذا لم يتدخل الطبيب لحظياً لتحصل 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 مستدركاً، 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 محتاجاً إلى الحماية أو الرعاية من كان مريضاً لخطر جسيم إذا بقي في أسرته".

ولفت جهشان إلى أن قانون الأحداث يسمح بإجراء الحماية عاجلاً 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:

Receive considerate, culturally-sensitive care.

Refuse treatment (within legal limits).

## 2. Transparency & Consent:

Access complete, current medical information.

Receive clear explanations for informed consent.

## 3. Privacy & Continuity:

Confidential handling of records (Jordanian IT Law compliance).

Smooth care transitions between providers.

## 4. Financial & Institutional Clarity:

Review detailed bills and request cost explanations.

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

# Responsibilities

## Patient Responsibilities:

### 1. Collaborative Participation

مشاركة

Share accurate medical history and symptoms.

Engage in shared decision-making.

مشاركة  
في  
مقررات  
الطبيب

### 2. Adherence & Communication

الالتزام

Follow agreed treatment plans.

Say concerns about prescribed therapies.

قضايا

العلاج الموصى

### 3. Institutional Awareness

وعلى عو

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 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  
جسدة



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 لكن  
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  
صحيح  
مؤقت  
أخيراً



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

50) One of the following is TRUE about ethics?

Select one:

- 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

51) 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

أستقلالة  
هو حق

57) Regarding Beneficence, one is False?

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?

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بعض؟

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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