



# Ethics, Law, Policies & Procedures in Healthcare

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# Why Governance Matters in Healthcare (الحوكمة)



Healthcare organizations are complex systems involving:



Patients



Healthcare professionals



Administrators



Financial pressures



Legal obligations



Ethical responsibilities



Without proper governance, healthcare organizations may experience:



Inconsistent decisions



Patient harm



Legal liability



Ethical conflicts



Poor accountability



Unsafe care





# The Four Pillars of Organizational Governance



## ETHICS

Guides values and fairness.



## LAW

Defines obligations and accountability.



## POLICIES

Standardize organizational expectations.



## PROCEDURES

Standardize daily actions.



Governance helps healthcare organizations provide safe, fair, and accountable care.





# Ethics in Healthcare Organizations



Ethics are standards of behavior based on **moral values** and **professional responsibilities**. Family, culture, and society help form individual's moral values.



It is also the ability to distinguish right from wrong. It involves a commitment to do what is right, good, and proper.



Healthcare administrators' role is to make ethical decisions that balance:

## Healthcare administrators balance





# Ethics vs. Law

Two paths. One decision. What guides you?



## ETHICS



Moral responsibility



Guides what **should** be done



May vary across cultures



Based on **values**



## LAW



Legal obligation



Defines what **must** be done



Enforced by authority (government)



Based on **legislation**



An action may be legal but still **unethical**.



### EXAMPLE:

Prioritizing wealthy patients over others may not always violate the law, but may violate ethical principles of **justice** and **fairness**.



# 1. Autonomy

Respecting the right of individuals to make informed healthcare decisions.

## Includes



Informed consent



Respecting treatment refusal



Privacy and confidentiality



Providing clear information for informed choices



Truth telling and transparency



Protection of vulnerable patients

## Also includes



**Healthcare professionals**

Respecting healthcare professionals' ethical judgment and professional decision-making.



**Vulnerable individuals**

Protecting individuals with impaired or diminished autonomy through appropriate support and safeguards.



## Examples



A competent patient refusing treatment



Protecting patients with cognitive impairment



Supporting clinicians who raise ethical concerns about unsafe care



## 2. Beneficence: *Producing good acts.*

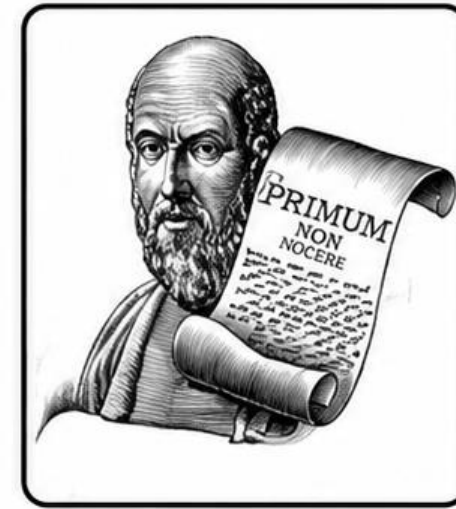
- Acting in the patient's best interest to maximise benefits and minimise harm.
- This is affected by personal definition of what is "good."

## 3. Non-maleficence

- Avoiding harm to patients.
- **Example:**  
Preventing medical errors and unsafe practices.

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

Hippocrates



خريجو الطب في جامعة مؤتة يؤدون القسم الطبي (صور)





## 4. Justice

- Providing fair and equal treatment.
- The right to health care is a basic component of a just society (social justice).
- Examples: fair resource allocation    equal access to care  
avoiding discrimination



## 5. Veracity

- Obligation to tell the truth.



## 6. Fidelity

- Keeping promises and professional commitments.





# Organizational Ethics Issues



Organizational ethics focuses on:



ICU bed allocation



resource shortages



access to care



workplace ethics



staff shortages



confidentiality breaches



financial conflicts of interest



prioritization of profitable services



In healthcare administration, ethics help organizations to:



Make fair decisions



Protect patients



Allocate resources responsibly



Support patient safety



Reduce conflicts



Maintain trust



# Examples from Healthcare Organizations



Reported in Jordanian studies:



## • Staffing & Professional Standards

- ✓ staff shortages and role overload
- ✓ pressure to cover underqualified staff



## • Patient Care & Trust

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



## • Financial & Resource Challenges

- ✓ prioritization of profitable services
- ✓ "Split-fee" commissions and rewards
- ✓ Prioritizing profitable patients/short-term illnesses
- ✓ 15% rise in unnecessary surgeries post-COVID (Al-Qahtani et al., 2021)



## • System & Governance Issues

- ✓ Unclear ethical policies
- ✓ Inconsistent organizational decision-making



Healthcare administrators play a major role in preventing organizational ethical failures.



Sources: Ajlouni et al., 2015; Al Oun & Smadi, 2011; Obeidat & Komesaroff, 2019; JMA Report, 2022.



# Laws: Legal Accountability in Healthcare



## Healthcare Organizations Need Laws:



Healthcare organizations must comply with:



National laws



Professional regulations



Accreditation requirements



Privacy regulations

## Types of Laws in Healthcare



### Criminal Law



Protects society



Punishment may include prison



Examples: fraud, practicing without license



### Civil Law



Protects individual rights



Usually financial compensation



Examples: malpractice, confidentiality breaches



Healthcare organizations are more commonly involved in civil law cases.



# Torts in Healthcare



## Torts (الاضرار)

Wrongful acts causing harm to another person.



## Intentional Torts:

Deliberate acts.

01



## Assault اعتداء

To cause another person to feel threatened.

04



## Fraud احتيال/نصب

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

02



## Invasion of Privacy

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

05



## False Imprisonment

Intentional, unlawful restraint or confinement of a person.

03



## Battery إيذاء جسدي

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

06



## Defamation of Character تشهير

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



Healthcare workers (Administrators) are required to report any signs or symptoms of intentional torts to protect individuals and maintain trust in the healthcare system.



# Unintentional Torts in Healthcare

Acts committed without intent to cause harm but resulting from failure to meet expected standards of care.

## Types:

### Negligence الإهمال والتقصير

Failure to meet expected standards of care.

#### Common examples:

- wet floor without warning sign
- abandonment: stopping care without proper referral
- delayed treatment: ignoring serious symptoms

### Malpractice الممارسة الخاطئة

Professional negligence committed by licensed healthcare professionals.

**Example:** Failure to monitor oxygen during anesthesia.

## Negligence vs Malpractice

Negligence		Malpractice
Can involve any worker	 Who it can involve	Involves licensed professionals
General failure of care	 Nature of the error	Professional negligence
Often accidental	 Severity	Serious deviation from professional standards



# Legal Terms Related to Professional Conduct



These terms describe how duties or actions may fail legally.



## Malfeasance

Unlawful act or misconduct.

### Example:

Falsifying medical records.



## Misfeasance

Lawful act done incorrectly.

### Example:

Administering the wrong medication dose.



## Nonfeasance

Failure to perform a required duty or that is required by law.

### Example:

Failing to report critical laboratory results.





# The 4 Ds of Negligence



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

1

D

Damages



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

2

D

Dereliction



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

3

D

Duty



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

4

D

Direct Cause



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



**In summary:** A malpractice claim is successful only when **all 4 Ds** are proven.



# Contracts



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

## 4 Elements of a Contract



### 1. Agreement

Offer and acceptance between the parties.



### 2. Consideration

Something of value exchanged between the parties.



### 3. Contractual Capacity (competency)

Both parties must have the legal ability to enter into a contract.



### 4. Legal Subject Matter

The contract must involve a legal and possible purpose.

## Types of Contracts



### Expressed Contracts

- ✓ Clearly stated in written or spoken words.
- ✓ A payment contract is an example.



### Implied Contracts

- ✓ 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.



# Policies and Procedures



Policies and procedures translate **ethics** and **laws** into daily organizational practice.



## 1. Standardize Practice

Ensure consistent and reliable care.



## 2. Improve Patient Safety

Promote safe, evidence-based care and prevent harm.



## 3. Reduce Errors and Legal Risk

Minimize mistakes and reduce risk of legal consequences.



## 4. Support Accreditation

Meet regulatory and accreditation standards.



## 5. Improve Communication

Provide clear guidance and expectations for all staff.



Safe organizations depend on systems, not memory alone.



# Policies, Procedures, Protocols & Guidelines

## 1 Policy



- “What and Why?”
- Broad organizational rule
- Guides decisions
- Example: medication authorization policy

## 3 Protocol



- standardized mandatory steps
- Example: WHO surgical safety checklist

## 2 Procedure



- “How, Who, and When?”
- Step-by-step actions
- Describes responsibilities
- Example:  
Medication administration procedure in details

## 4 Guideline



- Recommended actions for specific situations
- Example: hypertension treatment guideline

# Policies, Procedures, Protocols & Guidelines



## 1 Policy



Broad organizational rule



Explains what and why



Usually stable



Supports decisions

Vs

## 2 Procedure



Detailed action steps



Explains how, who, and when



Frequently updated



Supports implementation

## 3 Protocol



Standardized mandatory steps



Less variation allowed



Used for consistency and safety

Vs

## 4 Guideline



Flexible recommendations



Clinical judgment allowed



Used for decision support

# Key Policy Categories with Examples



## Philosophical Policies



### Include:

- Code of ethics
- Mission & vision
- Communication culture



### Example:

*"Avoid conflicts of interest."*

2

## Operational, Administrative & HR Policies



### Include:

- Dress code & workplace behavior
- Hiring & termination procedures
- Leave policies
- Staff training & evaluation
- Security & emergency response
- Quality management policies



### Example:

*"Annual staff competency evaluation."*

3

## Information & Communication Policies



### Include:

- Confidentiality & privacy
- EHR usage
- Cybersecurity & data protection
- Memo policies
- Incident & urgent event reporting



### Example:

*"Urgent incidents must be reported immediately."*



### Purpose of Policies:

Ensure safe, ethical, organized, and efficient healthcare services.





# MEMO

All Nursing Staff

**FROM:** Nursing Administration  
**DATE:** May 15, 2024  
**SUBJECT:** Infection Control Policy Update

To ensure a safe environment for our patients and staff, the Infection Control Policy has been updated.

All staff are required to review the updated policy and follow the procedures effective immediately.

## Key Updates:

- Hand hygiene must be performed before and after patient contact.
- Use of personal protective equipment (PPE) is required as per the updated guidelines.
- Report any infection control breaches to the Infection Control Nurse.
- Annual training on infection control is now mandatory.

Please direct any questions to the Infection Control Nurse.

Thank you for your cooperation.

**Nursing Administration**



## TO

Who the memo is for.



## FROM

Who is sending the memo.



## DATE

When the memo was written.



## SUBJECT

What the memo is about.



## BODY

The main message and key details.



## ACTION / PURPOSE

What the reader should do.



# Summary



Ethics tells us what is right



Law defines obligations and accountability



Policies define organizational rules



Procedures define daily actions

— THANK YOU —



- **Integrated Organizational Case**

- **Case:**

- A patient slips on a wet hospital floor after staff cleaned the area without placing a warning sign.

- **Questions:**

- Which ethical principle is affected?
- Is this negligence or malpractice?
- What organizational policy may be missing?
- What procedure should staff follow?
- How can the organization reduce recurrence (risk management)?