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Top Legal Concerns in Health Care: Navigating Common Scenarios

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To earn CNE credit learners should complete the evaluation questions that will assess if nurses have learned the most important recommendations and conclusions from this course. Each LIVE activity consists of the full participation of the learner, and a course evaluation. The evaluation will open after the learning activity is completed.

Process for Completing the Activity:

1. Read the target audience, learning objectives, and financial disclosures.
2. Complete the LIVE educational activity.
3. Complete the activity evaluation form

It is estimated that this activity will take approximately **1 hour** to complete.

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Information Blocking

- Practices that are likely to interfere with the access, exchange, or use of EHI unless an exception applies.
- Effective April 5, 2021.
- Request required.
- Immediately and without undue delay



Divorce Parents



- Mom says treat, Dad says no.
- Dad wants copies of medical records, Mom objects.
- Dad wants teenage daughter tested for STI and HIV.
- Mom and Dad want to know what their teenage son said about drug and alcohol use.

Law Enforcement

- Required by law
- **Court** order, warrant, court issued subpoena, or summons
- Administrative request (written, relevant, limited in scope, de-identified won't work)
- Suspect, fugitive or witness (ID or location)
- off-site emergency care about perp
- Crime at office/hospital
- About Victim of crime(no objection)
- Coroners
- National Security
- Inmates- health/safety: inmate, other inmates, officers and employees



Decedents

- Family member asks how dad died.
- Friend asks what's wrong with patient.
- Don't know if Family/ friend involved in care?
- Need authorization?
- Dad said don't tell my kids.
- Patient dead more than 50 years.



Drug Testing

- Testing Mom
- Testing baby
- Consent
- Privacy
- What if:
 - Baby symptomatic
 - Mom symptomatic
- Testing for HIV/STIs



Illicit Drugs and Weapons

- Posted-no weapons
- Policy in place
- Search permitted?
- Confiscation
- Education
- Process in place for dealing with issue
- Documentation
- Return to patient?
- Reporting



Photography, Video and Audio

- Different rules for different folks
- General right to photo or record anything public
- Health care providers- Duty to have policies and procedures and to actively monitor
- Elements of a photography/recording policy



Impaired Drivers

- Patient comes to office drunk or “stoned”
- Patient wants to drive home after procedure
- Elderly patient no longer has the ability to drive.
- Alzheimer patient wants to drive.





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