

***Phlebotomy Simplified, 3e (Garza/Becan-McBride)***  
**Chapter 2 Ethical, Legal, and Regulatory Issues**

2.1 Multiple Choice Questions

1) Which term means a set of principles or values based on religious or moral teachings that guide a person's actions?

- A) Standards
- B) Maxims
- C) Laws
- D) Ethics

Answer: D

2) Which of the following seemingly innocent activities can lead to a lawsuit?

- A) Discussing patient information with a patient's family member with the patient's permission
- B) Discussing a 17-year-old patient's information with the patient's father without the patient's permission
- C) Sending a patient's lab test request to print and forgetting to take it off the printer
- D) Logging off the computer after entering blood collection updates

Answer: C

3) A 4-year-old girl who refused to have her blood collected was locked in a room by a health care worker and was forced to have her blood collected. This is an example of:

- A) informed consent.
- B) invasion of privacy.
- C) misdemeanor.
- D) assault and battery.

Answer: D

4) Which term refers to the conduct of the average health care worker in the community?

- A) Discovery
- B) Standard of care
- C) Informed consent
- D) Implied consent

Answer: B

5) What is defined as "failure to provide proper care, resulting in injury to others"?

- A) Criminal action
- B) Slander
- C) Negligence
- D) Assault

Answer: C

6) Before a patient's laboratory test results can legally be released, the patient must:

- A) express verbal consent over the telephone or in person.
- B) tell his/her physician or nurse practitioner that it is okay.
- C) provide written consent.
- D) provide his/her attorney's consent.

Answer: C

7) The legal term for improper care of a patient by a member of the health care team resulting in injury to the patient is:

- A) litigation.
- B) assault.
- C) battery.
- D) malpractice.

Answer: D

8) What is a nonmedical reason for which medical records are used?

- A) Quality improvement
- B) Record of illness and treatment
- C) Communication between physician and the health care team
- D) Monitor continuous patient care

Answer: A

9) All of the following are ways to avoid malpractice litigation EXCEPT:

- A) properly handling all HIPAA communications without violation.
- B) disposing of laboratory tests in the regular trash.
- C) obtaining consent for the collection of blood specimens.
- D) regularly participating in continuing education programs.

Answer: B

10) Daria is a phlebotomist who became infected with HIV due to a needlestick that happened at work during a patient blood draw. She will probably be covered by workers' compensation benefits as long as she can demonstrate:

- A) that she was properly trained.
- B) that no malpractice has occurred.
- C) a causal connection between her infection and her employment.
- D) an ethical basis for her claim.

Answer: C

11) Professional negligence in blood collection is:

- A) malice.
- B) malpractice.
- C) informed consent.
- D) implied consent.

Answer: B

12) Nasir is a 15-year-old patient at the hospital. Who has the right to release his laboratory results?

- A) Only the patient
- B) The laboratory supervisor
- C) The patient's parent/guardian
- D) The physician

Answer: C

13) Which statement about medical malpractice insurance is TRUE?

- A) All health care workers should examine the possibility of malpractice suits and the need for malpractice insurance from a personal standpoint.
- B) Health care staff in the hospital or clinical laboratory is always covered by a blanket malpractice insurance policy.
- C) Only physicians can be sued for medical malpractice; other health care workers are considered "legally immune."
- D) As a hospital employee, phlebotomists are represented by the hospital's attorney in malpractice cases.

Answer: A

14) Which of the following might result in a negligence law suit for a health care worker such as a phlebotomist?

- A) HIPAA training and signed agreement
- B) Emotional distress
- C) Providing lab results to the patient
- D) Discontinuing blood draw when patient faints

Answer: B

15) Which common issues in lawsuits against health care providers could be avoided by returning the patient's bed rails to the raised position after blood collection?

- A) Failure to monitor training and education
- B) Documenting and reporting of incidents
- C) Failure to ensure patient safety
- D) Improper treatment and performance of treatment

Answer: C

16) The federal regulations that are enforced to ensure the quality and accuracy of clinical laboratory testing is covered by:

- A) HIPAA.
- B) CLIA.
- C) Environmental Protection Agency (EPA).
- D) Food and Drug Administration (FDA).

Answer: B

17) Which of the following covers the privacy and confidentiality of every patient's medical information?

- A) HIPAA
- B) CLIA
- C) FDA
- D) EPA

Answer: A

18) What percentage of laboratory errors occur during the preanalytical (specimen collection and handling) phase?

- A) 33%
- B) 45%
- C) 63%
- D) 75%

Answer: D

19) CLIA essentially applies to:

- A) every clinical laboratory testing facility in the United States.
- B) those clinical laboratories in hospitals with more than 200 beds.
- C) those clinical laboratories in health care institutions with more than 500 beds.
- D) every clinical laboratory testing facility in the United States that has molecular diagnostic procedures.

Answer: A

20) A phlebotomist let her friend use her institutional ID password to log on to the laboratory computer to check her mother's laboratory test results. This is:

- A) a violation of FDA.
- B) a violation of HIPAA.
- C) okay because it is her mother.
- D) okay because her friend is also a phlebotomist in the clinical laboratory and an employee of the health care institution.

Answer: B

## 2.2 Matching Questions

Match each lettered word or phrase to the most appropriate numbered word or phrase. The letters may be used more than once.

- A) battery
- B) negligence
- C) CLIA
- D) standard of care
- E) HIPAA
- F) malpractice
- G) implied consent
- H) informed consent
- I) ethics
- J) malpractice insurance

- 1) average health care worker in the community
- 2) violation of confidentiality
- 3) touching a person without consent
- 4) patient's voluntary written permission for treatment
- 5) set of principles or values
- 6) professional negligence
- 7) verbal consent to a procedure
- 8) coverage limitations
- 9) accuracy of clinical laboratory testing
- 10) federal act to protect privacy of medical information

Answers: 1) D 2) B 3) A 4) H 5) I 6) F 7) G 8) J 9) C 10) E

### 2.3 Fill in the Blank Questions

1) All health care workers must conform to a specific standard of \_\_\_\_\_ to protect patients.

Answer: care

2) \_\_\_\_\_ is failure to provide proper care, resulting in injury to others.

Answer: Negligence

3) \_\_\_\_\_ consent is voluntary written permission by a patient to allow touching, examination, and/or treatment by health care providers.

Answer: Informed

4) Health care workers and their supervisors have a legal duty to keep records, documentation, and laboratory test results \_\_\_\_\_.

Answer: confidential

5) To help determine if your decision or action is \_\_\_\_\_, consider whether you can live with yourself after making the decision and if it is right?

Answer: ethical

6) \_\_\_\_\_ records provide a written description of the patient's illness and treatment.

Answer: Medical

7) Medical records are used for nonmedical reasons such as quality improvement, utilization review, and \_\_\_\_\_.

Answer: billing

8) Many states do not allow health care workers to have information about a patient's \_\_\_\_\_ status.

Answer: HIV

9) The federal Health \_\_\_\_\_ Portability and Accountability Act was created in 1996.

Answer: Insurance

10) \_\_\_\_\_ are a set of principles or values based on religious and moral teachings.

Answer: Ethics