



# Providing Compassionate, Respectful and Caring Service (Medical Laboratory)

## NTQF Level -III

### Learning Guide #5

Unit of Competence: -	Providing Compassionate, Respectful and Caring Service
Module Title: -	Providing Compassionate, Respectful and Caring Service
LG Code:	HLT MLS3 M01 0919
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## LO 5: Functioning with legal and ethical framework



<b>Instruction Sheet</b>	<b>Learning Guide #5</b>
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This learning guide is developed to provide you the necessary information regarding the following **content coverage** and topics –

- Legislation and common laws relevant to work role are understood
- Policies and procedures are complied appropriately
- Confidentiality of individual's record is ensured.
- Disclosure of patient's information to another person without patient's consent is prevented.
- Ethical issues and ethical dilemma in the workplace are recognized
- Patients who are not able to communicate in case of emergency or other conditions are handled.
- Patient-specific data are released to only authorize users in accordance with organizational policy.
- Ethical standards related to patient privacy rights are publicized according to organizational policy.
- Assessments are conducted and solutions on privacy issues/problems recommended according to organizational procedure.
- Training programs for health care providers and other staff on privacy and confidentiality of patient information are conducted
- Unethical conduct is recognized and reported in accordance with organizational procedure

This guide will also assist you to attain the learning outcome stated in the cover page. Specifically, upon completion of this Learning Guide, **you will be able to –**

- Understood Legislation and common laws relevant to work role
- Comply with policies and procedures

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- Ensured Confidentiality of individual's record.
- Prevented Disclosure of patient's information to another person without patient's consent
- Recognized Ethical issues and ethical dilemma in the workplace
- Handled Patients who are not able to communicate in case of emergency or other conditions.
- Released to only authorize users Patient-specific data.
- Publicized Ethical standards related to patient privacy rights.
- Conducted and solutions on privacy issues/problems recommended assessments.
- Conducted training programs for health care providers and other staff on privacy and confidentiality of patient information.
- Recognized and reported Learning Instructions unethical conduct.

### **Learning Instructions**

1. Read the specific objectives of this Learning Guide.
2. Follow the instructions described below
3. Read the information written in the information "Sheet 1, Sheet 2, and Sheet 3,
4. Accomplish the "Self-check 1, and Self-check 2"
5. If you earned a satisfactory evaluation from the "Self-check" proceed to an other topic



## Information Sheet-1

Legislation and common laws relevant to work role

### 5.1.1. Definition of terms

#### Law

- Is the body of principles that govern conduct and observance of which can be enforced in courts.
- It demarcates what is permissible from what is not.
- It must be obeyed and followed by citizens and is subject to legal citizens sanctions or consequences.
- Is developed in order to ensure that the relationship among persons conform to certain standard

**Legislation:** - is a broad government law such an Act. The following is some of the legislation that an organization would need to comply with:

- ✓ Workplace Health and Safety Act
- ✓ The Environmental Protection (Waste Management) Regulation
  - The Control of Workplace Hazardous Substances code is part of a regulatory package designed to deal with the safe use of hazardous substances in the workplace so as to minimize the risk of disease and injury due to the exposure of hazardous substances in the workplace.

**A policy** is the overall intention and direction of your organization related to a specific issue.

**A procedure** is a specified way to carry out a policy or perform a task, for example, the standard operating procedures (SOP's) to be followed to identify a hazard, assess a risk or report an incident.

**Penalties** apply to breaches of regulations.

**Compliance** means meeting the requirements of government laws and compulsory codes of practice, and also voluntarily meeting workplace standards.





Fig 5.1 Ethics

## 5.2. Important roles of medical laboratory in improving the health care services

### Laboratory investigations increase the accuracy of disease diagnosis

- Many infectious diseases and serious illnesses can only be diagnosed reliably by using the laboratory.
- Misdiagnosis or late diagnosis can lead to:
  - Incorrect treatment with misuse and waste of drugs.
  - Increased morbidity (illness) and mortality (death)
  - Hospitalization and need for specialist care. –
- Patient dissatisfaction leading to negative responses to future health interventions.
- The laboratory has an essential role in **screening** for ill health and **assessing** response to treatment
- Assess a patient's response to drug therapy (treatment) eg. Tuberculosis
- Assist in monitoring the condition of a patient
- Screen pregnant women for anemia, proteinuria, and infection
- Screen the contacts of persons with infectious diseases such as tuberculosis, hepatitis (liver) B & C viruses, and sexually transmitted diseases (HIV,



Gonorrhea...)



### 5.2.2. The laboratory can help to reduce expenditure on drugs

When laboratory is used:

- Drugs can be used more selectively and only when needed.
- Reduce the number of times a patient may need to seek medical care for the same illness.
- Prevent complications arising from advanced untreated disease. – avoid hospitalization and further costly investigations.



**The medical laboratory service includes:**

- ✓ Detecting and identifying the source(s) of infection (human, animal, water...)
- ✓ Participating in epidemiological surveys (inspecting and examining diseases)
- ✓ Application and evaluation of disease control methods.
- ✓ Participating in health education.
- ✓ Participating in health planning

**Group discussion: 5.1**

Discuss different roles of medical laboratory in a health institution

**5.3. Laboratory rules and ethics**

- **Ethics**-moral principle or rules of behavior that govern or influence a person’s behavior



- **Rule**-a statement of what, should or must be done in particular circumstance.
- **Code of conduct** -a set of professional standards agreed on by members of a particular profession
- ✍ **Code of conduct** for medical laboratory personnel should include those practices and attitudes which characterize a professional and responsible lab office.

**Types of law**



Law occurs in a variety of hierarchal forms.

1. **Constitution** -a broad statement of power of government and its branches.
  - It is the highest form of law.
  - All other forms of law must be consistent with this law.
  - It determines the political, economical and socio-cultural rights and obligations of government and citizens.
2. **Treaty/Convention** – agreement between nations or states of the same country or among countries; e.g. Narcotic and Psychotropic substances control convention.
3. **Statues** – written laws passed by legislative body; e.g. parliament.
4. **Regulations** – administrative enactment of the executive branch of government that fulfills statutory policy and procedure; e.g. Drug enforcement administration (DEA).

## Legal System

- ✓ Legal system is process of making, enforcement and interpreting law
- ✓ It includes legislative, executive and judicial system.
  - Legislative system** - is law making process.
  - Who should make a law? E.g. in Ethiopia HPR
  - What should a law include?
- ✓ The content depends on political, economic and socio-cultural development as well as international situation.

**N.B.** There is no one law that can serve every country or there is no one internationally accepted law. However, the laws of different countries share so many principles in common.

### Executive system

- ✓ Is an authorized governmental boy responsible to administer and enforce a law.
- ✓ In Ethiopia – FHACA is responsible to administer and enforce drug administration and control proclamation No. 176/1999.
- ✓ In USA, DEA - to administer and enforce the controlled substance act.
  - Executive body may also authorized to do
  - a. Legislative action
    - Authorized to issue regulation principle draft law.
  - b. Judicial action



- Interpret law; e.g. suspending and revoking license, revoke professional registration certificate.

### **Judicial system**

Judicial process includes

- Interpreting a law
- Holding trials
- Receiving of evidence or testimony
- Taking measures accordingly
- Appeal

#### **5.4. Laboratory policies and Procedures**

**Laboratory policies** are those decisions which are taken in consultation with other medical staff to enable a laboratory to operate reliably and effectively in harmony with other departments.

- These policies usually cover:
  - A. Laboratory hour and emergency work
  - B. Range of tests to be performed and those to be referred to higher level.

Range of tests to be performed depend on

- ✎ The number of material resources
- ✎ The availability of material resources
- ✎ The types of health institution

#### **Referral of specimen**

- C. Collection of Specimen
- D. Work load capacity of the laboratory
- E. Delivery of laboratory reports



<b>Self-check</b>	<b>Written exam</b>
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**Instruction 1:** Attempt the following question listed below

- Which one of the following is not function of laboratory
  - Accurate diagnosis
  - Cost minimization
  - Increase hospitalization
  - Avoids complication
- Laboratory plays important role by checking response of patient to drug therapy; this is
  - Assessing role
  - Diagnosing role
  - Screening role
  - Planning role
- Isolation of pregnant woman for anemia and other infection is
  - Assessing role
  - Diagnosing role
  - Screening role
  - Planning role
- Which one is not included in laboratory policies
  - Laboratory work and emergency hour
  - Range or types of tests to be performed
  - Work load capacity of the laboratory
  - Collection of Specimen
  - none
- Which statement is false about Constitution?
  - Is broad statement of power of government and its branch.
  - It is the highest form of law.
  - All other forms of law must be consistent with this law.
  - It determines the political, economical and socio-cultural rights and obligations of government and citizens.
  - None

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**Instruction 2:- Say true or false for each of the following questions?**

1. Treaty/Convention a broad statement of power of government and its branches.
2. Constitution - is an agreement between nations or states of the same country or among countries
3. Statues is written laws passed by legislative body; e.g. parliament.
4. Code of conduct is a set of professional standards agreed on by members of a particular profession
5. Screening pregnant women for anemia, proteinuria, and infection is a major role of laboratory in health care services

**NB: - Satisfactory point is above five (>5)  
: -Not-satisfactory point is below five (<5)**

**Answer sheet**

**Instruction 1**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Instruction 2**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Score** \_\_\_\_\_

**Remark** \_\_\_\_\_

**Name** \_\_\_\_\_ **Date** \_\_\_\_\_





## Information Sheet-2

Ensuring the confidentiality of individual's record



Fig 5.3 Confidentiality

### 5.5. What does Confidentiality mean?

- Generally, if you have information about patient 'A' then another person 'B' cannot obtain that information without the consent of person 'A'.
- 'Most people consider health information to be highly personal and, therefore, need to be confident that their privacy will be protected whenever they use a health service ... Clear and open communication between the health service provider and health consumer is integral to good privacy'

### Maintaining Confidentiality

#### It is important to:

- Keep all client/patient information private
- Secure all records / logbooks



- Restrict access to testing areas



People often violate ethics not because they mean to, but because they are careless. As a matter of fact, they sometimes act with good intentions.

### Why respect confidentiality?



**Fig 5.5. Maintaining confidentiality**

□ **Trust** is an important aspect between patients and healthcare professionals. Patients without fear of a breach of confidentiality should be able to communicate symptoms that often they may feel are embarrassing, stigmatizing, or indeed trivial



without these trusting relationship patients may not divulge information which may make treating them impossible

Patients may not seek medical attention at all

Has important role in a professional patient relationship establishing a sense of security, freedom of action and self respect for patients

### **What information is confidential?**

• All information supplied by our patients and other information that we use in our daily work must remain confidential.

### **What information is confidential?**

All identifiable patient information whether written, computerized, visual or audio recorded or simply held in the memory of health professionals, is subject to the duty of confidentiality.

### **What information is confidential?**

It covers:

- Any clinical information about an individual's diagnosis or treatment
- A picture, photograph, video, audiotape or other images of the patient
- Who the patient's doctor is and what clinics patients attend and when
- Anything else that may be used to identify patients directly or indirectly.

### **Confidentiality of Results**

Confidentiality of Laboratory results must be maintained at all times

Should a person calls requesting results and there is a question about the person's identity, the requestor is asked for his/her name and phone number where they can be called back.

## **How to maintain confidentiality?**

### **At work:**

- ✓ Handle medical records as confidential documents.
- ✓ Do not leave patient information and laboratory results unattended on printers, desks
- ✓ Protect information on Computer screens by screen saver / time out functionalities
- ✓ Check that fax numbers are correct before sending confidential information and laboratory results.

- ✓ Do not disclose your co-workers private information with staff or patients unless permission has been sought
- ✓ Patient information should never be discussed with friends or relatives in a social setting



Fig 5.6. Maintaining confidentiality

### At home

Do not discuss with family or friends patients details and if asked inform them that you are not permitted to disclose any information. This includes patient names.

- Do not discuss patient information with the media

### Who has a right to know your healthcare information?

- If you are >18
- Are fully competent (or are competent to understand your medical information in order to make a decision)
- And are alive
- Only you and the people you authorize to share your private information with have a right to view your information (relatives of a competent adult do not).



## 5.6. Recognizing ethical issues and ethical dilemma in the workplace

### 5.6.1. Ethics related to the quality and integrity of clinical laboratory services



**Fig. 5.7 Work place ethics**

**ISO 15189:2014**

### 5.6.2. Ensuring quality of examination results

- The laboratory shall ensure the quality of examinations by performing them under defined conditions.
- Appropriate pre and post examination processes shall be implemented
- The laboratory shall not fabricate any results

#### How Do We Apply Ethics laboratory Testing?

- ✓ Using only kits approved for use in country
- ✓ Ensuring quality outputs
- ✓ Following sops as written.
- ✓ If a test procedure calls for 20 minutes incubation or wait time, DON'T take shortcuts.
- ✓ Wait the full time before recording and reporting test results
- ✓ Keeping supplies and kits in safekeeping
- ✓ Handle human tissue organs, tissues, cells, and cellular components) used in research with consent and human dignity
- ✓ If you have questions, ASK.
- ✓ DO NOT falsify results.



Fig. 5.7 Ethics laboratory Testing

#### Duty to the Patient

- ✘  Clinical laboratory professionals are accountable for the quality and integrity of the laboratory services they provide.



- ✘ □ This obligation includes maintaining individual competence in judgment and performance and striving to safeguard the patient from incompetent or illegal practice by others.

### **Duty to the Patient**

- ✘ Clinical laboratory professionals maintain high standards of practice.
- ✘ They exercise sound judgment in establishing, performing and evaluating laboratory testing.
- ✘ Clinical laboratory professionals maintain strict confidentiality of patient information and test results.
- ✘ They safeguard the dignity and privacy of patients and provide accurate information to other health care professionals about the services they provide.

## **5.7. Conducting training programs for health care providers and other staff on privacy and confidentiality of client information**

### **5.7.1.1. General Requirements of Clinical Laboratory Personnel Training Programs**

- ✘ Programs that are nationally accredited or pending national accreditation shall only be required to submit proof of accreditation status with the application.
- ✘ All trainees' names shall be reported to the Board upon acceptance into the clinical laboratory personnel training program and at the time of the program's biennial renewal. The program director shall notify the Board when a trainee withdraws.
- ✘ Each training program shall:
  - ✘ Designate space and laboratory equipment for proper training of students.
  - ✘ Maintain copies of inspection and approval by the fire department or the state fire marshal's office and provide them for inspection upon request.
  - ✘ Maintain a file on each student which shall contain a completed application, evidence of high school graduation or completion of college courses, if applicable, attendance records, grades, instructor evaluations of laboratory practice, the trainee's registration, and a copy of the student's certificate of completion or official transcript.
  - ✘ Maintain current examinations and laboratory evaluation instruments utilized by the program.



- ✍ Provide the student with a certificate or letter of graduation or a transcript indicating the degree granted.
- ✍ Certificates and letters of graduation shall include the program's license number and be signed by the program director.
- ✍ Include instruction in human immunodeficiency virus and acquired immunodeficiency syndrome.
- ✍ Include instruction on the prevention of medical errors, which shall include root -cause analysis, error reduction and prevention, and patient safety and others.

## **5.8. Recognizing and reporting Unethical conduct**

### **5.8.1. Unethical behavior**

Laboratory must be alert to and take appropriate action in instances of incompetent, unethical, illegal, or impaired practice or any actions that place the rights or best interests of the patient in jeopardy.

To function effectively, Laboratory must be knowledgeable about The Code of Ethics of Ethics for Laboratory profession, standards of practice of the profession, relevant federal, state and local laws and regulations, and the employing organization's policies and procedures.

Laboratory must protect the patient, the public, and the profession from potential harm when a colleague's practice appears to be impaired. When another's practice appears to be impaired, their duty is to take action to protect patients and to ensure that the impaired individual receives assistance.

### **5.8.2. Unethical professional conduct**

It is generally accepted that, because of the potential vulnerability of their clientele, professionals have a special obligation to conform to particularly high ethical standards both in their professional and non-professional lives.

## **Definitions**

- ✍ **Unprofessional conduct** (from un – meaning not; opposite of; contrary to), may literally be defined as conduct that is 'contrary to the accepted standards of a profession', or conduct that is 'not belonging to a profession' (Johnstone 1998).

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- ✎ **Professional misconduct** (from mis – meaning wrong, bad or erroneous; a lack of) may be defined literally as ‘conduct or behavior that is morally wrong, bad or erroneous’ (Johnstone 1998).
- ✎ This form of conduct may pertain to behavior that is unbecoming a professional person albeit in a non-professional context.

Taking into account the above definitions, unethical professional conduct may be defined as an umbrella term that incorporates three related although distinct notions:

- ✎ Unethical conduct,
- ✎ Moral incompetence, and
- ✎ Moral impairment.

**Unethical conduct** (a form of immoralism) has been defined as ‘any act involving the deliberate violation of accepted or agreed ethical standards’

The term implies something immoral in itself. **Moral delinquency** refers to any act involving moral negligence or a dereliction of moral duty. In professional contexts, moral delinquency entails a deliberate or careless violation of agreed standards of ethical professional conduct.

**Moral incompetence** (analogous to clinical incompetence) pertains to a person’s lack of requisite moral knowledge, skills, ‘right attitude’ and soundness of moral judgments.

**Moral impairment** is generally distinguished from moral incompetence. Unlike moral incompetence (attributable to a lack of moral knowledge, skills etc.), moral impairment entails a disorder.





<b>Self-check</b>	<b>Written examination</b>
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**Instruction1:- Say true or false for each of the following questions**

2. Professional misconduct may be defined literally as 'conduct or behavior that is morally wrong, bad or erroneous'
3. Confidentiality of Laboratory results must be maintained at all times
4. Any clinical information about an individual's diagnosis or treatment should be confidential
5. People often violate ethics not because they mean to, but because they are careless. As a matter of fact, they sometimes act with good intentions.
6. Unlike moral impairment (attributable to a lack of moral knowledge, skills etc.), moral incompetence entails a disorder.

**Instruction 2:- Write appropriate answer for each of the following questions**

6. List at least 3 general Requirements of Clinical Laboratory Personnel Training Programs
7. Define confidentiality?
8. List at least 3 methods of maintaining confidentiality both at home and at work place?

**NB: - Satisfactory point is above five (>5)**

**: -Not-satisfactory point is below five (<5)**

Answer sheet

**Instruction 1**

6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**Instruction 2**

**Q1**

1. \_\_\_\_\_



2. \_\_\_\_\_
3. \_\_\_\_\_

Q2. \_\_\_\_\_

Q3.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Score \_\_\_\_\_

Rate \_\_\_\_\_

Remark \_\_\_\_\_

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