THE UNIVERSITY OF MONTANA
SCHOOL OF PHYSICAL THERAPY AND REHABILITATION SCIENCE
PT 653 COURSE SYLLABUS

Legal and Ethical Issues for PT’s: Considerations in Risk Management
1 Credit

Faculty:
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I. BROAD PURPOSE OF COURSE

This course provides the physical therapist clinical doctoral learner with foundational information as to legal, ethical and administrative decision-making processes regarding issues often encountered in clinical practice. Specific topics include PT malpractice, legal aspects of documentation, informed consent, sexual harassment and misconduct, professional responsibility, preparation for a deposition, criminal/contract/education law issues, and liability risk management. There is also an optional lecture on managed care issues. Utilizing theoretical frameworks, case-based decision-making situations are presented. The applications presented emphasize the ethical/legal responsibilities of the physical therapist as an autonomous practitioner.

II. COURSE OBJECTIVES

By the end of the course the student will be able to:

1. Compare the nature of health care and physical malpractice, civil and criminal litigation, and administrative processes.
2. Construct effective strategies to simultaneously optimize quality of patient care and minimize the risk of liability exposure in clinical practice.
3. Prepare, if needed, to be an effective expert, fact witnesses and/or consultant in legal and/or administrative cases requiring physical therapist input.
4. Synthesize legal and ethical responsibilities and values into a formal patient informed consent policy statement in clinical physical therapy practice.
5. Demonstrate understanding of the coprimary purposes for patient care documentation, and analyze their hierarchy of importance.
6. Apply clinical risk management principles to special documentation problems, including: adverse incident reporting and reporting of abuse and other mandatory reports.
8. Effectively resolve allegations of sexual harassment or misconduct arising in the work place.
9. Debate or defend with professional and support colleagues in the work place those interpersonal behaviors that are: acceptable, precautionary, and unacceptable to the ordinary reasonable person.
10. Explain the nature of health care business contractual relationships, and synthesize that understanding into an effective personal policy for employment-related contract management in their professional careers.
11. Analyze the key legal and ethical issues in managed care, and discover that the law and professional ethics have not changed substantially in order to accommodate the business of managed health care delivery.
III. TEACHING METHODS

Students will receive a DVD-ROM with slides and voice over by the instructors similar to a lecture presentation. Readings are required and connection to the web allows for students to access relevant abstracts/articles and other materials. Within the DVD-ROM will be relevant articles and other pertinent documents. A “discussion board” and email will allow student and faculty interaction.

IV. ASSESSMENT

The student will complete a multiple choice examination with items based on lecture material from the course. It is expected that the student will **COMPLETE THE ASSIGNMENT INDIVIDUALLY.** The student needs to complete the exam in the allotted time (4 hours) and may use any electronic or published resources needed.

GRADING SCALE

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>90 and above</td>
</tr>
<tr>
<td>B+</td>
<td>87-89</td>
</tr>
<tr>
<td>B</td>
<td>83–86</td>
</tr>
<tr>
<td>B-</td>
<td>80-82</td>
</tr>
<tr>
<td>C+</td>
<td>77-79</td>
</tr>
<tr>
<td>C</td>
<td>73-76</td>
</tr>
</tbody>
</table>

The grading criteria will follow the policy of the School of Physical Therapy and Rehabilitation Science (see student handbook) with a passing grade being a “C” and a 73 percent. All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or disciplinary sanction by the University. Any evidence of cheating or plagiarism will result in failure of the course. All students need to be familiar with the Student Conduct Code. The Code is available for review online at [http://life.umt.edu/vpsa/documents/StudentConductCode1.pdf](http://life.umt.edu/vpsa/documents/StudentConductCode1.pdf)

V. CLASS SCHEDULE

This is a distance education course and therefore there are no regular meeting times. Lecture outline is as follows:

**SECTION 1**  
Introduction  
**Part I. Ethical Issues Challenging Best Practice**
- Segment 1 Introduction  
- Segment 2 Review of Basic Bioethics  
- Segment 3 Health Care Ethical Decision Making  
- Segment 4 Review of APTA Core Values and Code of Ethics  
- Segment 5 More Case Studies/Hypotheticals  
- Segment 6 Conclusion  

**Part II. Informed Consent**
- Segment 1 Introduction  
- Segment 2 Ethical Basis of Informed Consent  
- Segment 3 Legal Basis of Informed Consent  
- Segment 4 Documenting Informed Consent; Assignment and Case Study  
- Segment 5 Informed Consent in Clinical Research Setting
### Part III. Sexual Misconduct and Sexual Harassment

| Segment 1 | Case Study | 5:06 minutes |
| Segment 2 | Sexual Battery and Consensual Relationships | 20:47 minutes |
| Segment 3 | Background; Public and Legislative History | 10:12 minutes |
| Segment 4 | Legal Basis | 13:59 minutes |
| Segment 5 | Selected Cases | 26:15 minutes |
| Segment 6 | Risk Management and Employer/Employee Responsibility | 22:25 minutes |

### Part IV. Being Deposed: Preparing For and Giving a Deposition

| Segment 1 | Introduction | 11:49 minutes |
| Segment 2 | Being Deposed | 12:30 minutes |
| Segment 3 | Being an Expert Witness | 18:53 minutes |
| Segment 4 | Video: Mock Deposition and Instruction | 29:43 minutes |
| Segment 5 | Concluding Comments | 1:10 minutes |

### Part V. Risk Management and the Physical Therapist

| Segment 1 | Introduction | 25:25 minutes |
| Segment 2 | The CNA Claims Study | 29:10 minutes |
| Segment 3 | A Few Specific Comments | 9:05 minutes |
| Segment 4 | Additional Comments | 16:26 minutes |
| Segment 5 | Case Studies | 6:28 minutes |

**Section 1 Total Time: 441 minutes, 49 seconds**

### SECTION 2

**Introduction**

4:35 minutes

**Part I: Introduction to the Law and Legal Systems**

35:17 minutes

**Part II: Health Care Malpractice Issues**

34:15 minutes

**Part III: Negligence and Liability**

18:36 minutes

**Part IV: Contract Law Issues**

18:47 minutes

**Part V: Criminal Law Issues**

20:17 minutes

**Part VI: Insurance Law Issues**

16:23 minutes

**Part VII: HIPAA**

9:35 minutes

**Part VIII: Business Law Issues**

12:10 minutes

**Part IX: Education Law Issues**

7:02 minutes

**Part X: Summary Cases 1 and 2**

4:28 minutes

**Section 2 Total Time: 181 minutes, 25 seconds**

**Total Time:** 623 minutes, 14 seconds
VI. REQUIRED TEXTS


SUPPLEMENTAL (RECOMMENDED) TEXT

VII. AUDIOVISUAL MATERIALS

DVD-ROM as described above. Students are responsible for having a computer with the following capability.

- Platform: Microsoft Windows XP or Mac OS.X v10.4+
- 1GB of RAM
- Flash Player 10
- Pentium-class PC (1.0 GHz or higher recommended),
- 8x DVD-ROM drive or better,
- Microsoft Windows Media Player 8.0 (or higher),
- Microsoft Internet Explorer 8.0 (or higher), or other internet browser
- Acrobat Reader 5.0 or higher.

VIII. Professional Behaviors

Professional behaviors are expected in the course. These include (but are not limited to): responsibility for one's own learning, completion of group and individual assignments in a timely manner, on time attendance unless excused, coming to class prepared, treating fellow students, staff, and faculty with respect, receiving and giving constructive criticism if appropriate. Please refer to the "Generic Abilities" section in your student handbook.

Academic Honesty: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University.

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