

# GLOSSARY

## A

- Abandonment** The suspension of treatment of a patient without justification and proper notification.
- Acceptance** Agreement to an offer as stated in a contract.
- Accessory** One who contributes to or aids in the commission of a crime, either by a direct or an indirect act.
- Accomplice** One who directly participates in the commission of a crime.
- Accreditation** Official authorization or approval for conforming to a specified standard.
- Active Euthanasia** A conscious act that results in death.
- Administer** To instill a drug into the body of a patient.
- Administrative Law** Enabling statutes enacted to define powers and procedures when an agency is created.
- Advance Directive** A document that makes one's wishes known concerning medical life-support measures in the event that one is unable to speak for oneself.
- Adverse Event** Any patient-involving, unforeseen, damaging event occurring within a medical facility.
- Affidavit** A sworn, written statement made under oath or an affirmation before an authorized magistrate or officer of the court.
- Affirmative Action** Programs that use goals and quotas to provide preferential treatment for minority persons determined to have been underutilized in the past.
- Affirmative Defenses** Defenses used by defendants in medical professional liability suits that allow the accused to present factual evidence that the patient's condition was caused by some factor other than the defendant's negligence.
- Age Discrimination in Employment Act** A federal act passed in 1967 making it illegal for employers with 20 or more employees working at least 20 weeks a year to discriminate against workers aged 40 years or older.
- Age of Majority** The age at which full civil rights are accorded.
- Agency** The relationship between a principal and his or her agent.
- Agent** One who acts for or represents another, as when an employee acts on behalf of his or her employer.
- Alternative Dispute Resolution (ADR)** Methods of settling civil disputes between parties using neutral mediators or arbitrators without going to court.
- Ambulatory-Care Setting** Medical care provided in a facility such as a medical office, clinic, or outpatient surgical center for patients who can walk and are not bedridden.
- Amendments to the Older Americans Act** A 1987 federal act that defines elder abuse, neglect, and exploitation but does not deal with enforcement.
- American Medical Association Principles** A code of ethics for members of the American Medical Association written in 1847.
- Americans With Disabilities Act** Applying to employers with 15 or more employees who work at least 20 weeks a year, Titles I and III of this act took effect in January 1992 and lessened discrimination toward the disabled in the workplace and mandated full access in all public places.
- Amniocentesis** A test whereby the physician withdraws a sample of amniotic fluid (the fluid surrounding the developing fetus inside the mother's womb) from a woman's pregnant uterus. The fluid is then tested for genetic or other conditions that may lead to abnormal development of the fetus.
- Anesthesiologist Assistant** Assists the anesthesiologist in developing and implementing an anesthesia care plan. Duties can include preoperative and postoperative tasks, as well as operating room assistance.

**Appeals Phase** The phase of a trial, after the verdict, during which appeals may be submitted.

**Arbitration** The hearing and determination of a case in controversy by a third party, chosen by the parties concerned or appointed under statutory authority.

**Arraigned** The process by which a person charged with a crime is allowed to answer the indictment in court by pleading guilty, not guilty, or *nolo contendere*.

**Artificial Insemination** The mechanical injection of viable semen into the vagina.

**Assault** The open threat of bodily harm to someone.

**Associate Practice** A medical management system in which two or more physicians share office space and employees but practice individually.

**Assumption of Risk** A legal defense that holds the defendant is not guilty of a negligent act, since the plaintiff knew of and accepted beforehand any risks involved.

**Athletic Trainer** Works with attending and/or consulting physicians as an integral part of the health care team associated with physical training and sports.

**Audiologist** A health care practitioner who is educated in the science of hearing and is qualified to test patients' hearing and to prescribe some types of therapy for hearing problems.

**Autopsy** A postmortem examination to determine the cause of death or to obtain physiological evidence, as in the case of a suspicious death.

## B

**Battery** Any bodily contact without permission.

**Bilateral Agreement** An agreement between two parties that is mutually acceptable.

**Bioethics** A discipline dealing with the ethical implications of biological research methods and results, especially in medicine.

**Bioethicist** Specialist who consults with physicians, researchers, and others to help them make difficult decisions regarding patient care.

**Biotechnology** Applied biological science.

**Bloodborne Pathogen Standard** The authority by which OSHA can levy fines, based upon guidelines of the Centers for Disease Control.

**Brain Death** Final cessation of bodily activity, used to determine when death actually occurs; circulatory and respiratory functions have irreversibly ceased, and the entire brain

(including the brain stem) has irreversibly ceased to function.

**Breach of Confidentiality** Failure to keep private information entrusted to a health care professional by a patient.

**Breach of Contract** Failure of either party to comply with the terms of a legally valid contract.

**Burden of Proof** The task of presenting testimony to prove guilt or innocence in a trial.

## C

**Capital Punishment** Government-sanctioned death by execution of those convicted of certain crimes.

**Capitation** A uniform per capita payment or fee that a managed care plan pays to physicians.

**Cardiovascular Technologist** Works under the supervision of physicians to perform diagnostic and therapeutic examinations in the cardiology (heart) and vascular (circulation) areas.

**Case Law** Law established through common law and legal precedent.

**Case Manager** A health practitioner affiliated with a managed-care health plan who is responsible for coordinating the medical care of individuals enrolled in the plan.

**Certification** A voluntary credentialing process whereby applicants who meet specific requirements may receive a certificate.

**Checks and Balances** The system established by the U.S. Constitution that keeps any one branch of government from assuming too much power over the other branches.

**Chemical Hygiene Plan** The Standard for Occupational Exposures to Hazardous Chemicals in Laboratories, which clarifies the handling of hazardous chemicals in medical laboratories.

**Child Abuse Prevention and Treatment Act** A federal law passed in 1974 requiring physicians to report cases of child abuse and to try to prevent future cases.

**Chiropractor** One who is trained to provide a system of manipulative treatments for diseases caused by impingement on spinal nerves.

**Chromosome** Microscopic structures found within the nucleus of plant and animal cells that carry genes responsible for the organism's characteristics.

**Civil Law** Law that involves wrongful acts against persons.

**Civil Rights Act of 1964** Title VII of the act makes discrimination in the workplace illegal, for

reasons of race, color, religion, sex, or national origin; applies to businesses with 15 or more employees who work at least 20 weeks a year.

**Claims-Made Insurance** A type of liability insurance that covers the insured only for those claims made (not for any injury occurring) while the policy is in force.

**Clinical Exercise Specialist** One who specializes in exercise testing, prescription, leadership, emergency procedures, and health education.

**Clinical Investigation** The process by which research is conducted to produce data that are scientifically valid and significant.

**Clinical Laboratory Improvement Acts (CLIA)** Federal statutes passed in 1988 that established minimum quality standards for all laboratory testing.

**Cloning** The process by which organisms are created asexually, usually from a single cell of the parent organism.

**Code of Ethics** A system of principles intended to govern the behavior of those entrusted with providing care to the sick.

**Code Set** Under HIPAA, terms that provide for uniformity and simplification of health care billing and record-keeping.

**Comatose** A condition of deep stupor.

**Commission on Accreditation of Allied Health Education Programs (CAAHEP)** Accredits programs in 18 allied health professions and provides information concerning duties, education requirements, and sources for further information about the profession and the location of schools offering the accredited programs.

**Common Law** The body of unwritten law developed in England, primarily from judicial decisions based on custom and tradition.

**Comparative Negligence** An affirmative defense claimed by the defendant, alleging that the plaintiff contributed to the injury by only a certain degree.

**Compensatory Damages** Monetary damages awarded to the plaintiff in a civil suit. May be general—to compensate for injuries or losses due to a violation of the plaintiff's rights—or special—to compensate for losses not directly caused by the wrong.

**Competency** The state of having requisite or adequate ability, skills, or qualities.

**Confidentiality** The act of holding information in confidence, not to be released to unauthorized individuals.

**Confidentiality of Alcohol and Drug Abuse, Patient Records** A federal statute that protects patients with histories of substance abuse regarding the release of information about treatment.

**Conflict of Interest** A situation in which a person is faced with choosing between financial gain and his or her duty to provide the best possible medical care to patients.

**Consent** Permission from a patient, either expressed or implied, for something to be done by another. For example, consent is required for a physician to examine a patient, to perform tests that aid in diagnosis, and/or to treat for a medical condition.

**Consequential Damages** Monetary award to a plaintiff based on losses caused indirectly by a product defect.

**Consideration** Something of value bargained for as part of a contractual agreement.

**Contingent** Dependent on or conditioned by something else.

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

**Contributory Negligence** An affirmative defense that alleges that the plaintiff, through a lack of care, caused or contributed to his or her own injury.

**Controlled Substances Act** The federal law giving authority to the Drug Enforcement Administration to regulate the sale and use of drugs.

**Coroner** A public official who investigates and holds inquests over those who die from unknown or violent causes; he or she may or may not be a physician, depending upon state law.

**Corporation** A body formed and authorized by law to act as a single person.

**Counteroffer** An alternative offer made by one who has rejected an earlier, unsatisfactory offer.

**Covered Entity** Health care providers who must comply with HIPAA standards and rules.

**Covered Transactions** Health care-related electronic exchanges of information as defined under HIPAA.

**Crime** An offense against the state or sovereignty, committed or omitted, in violation of a public law forbidding or commanding it.

**Criminal Law** Law that involves crimes against the state.

**Curative Care** Treatment directed toward curing a patient's disease.

**Cybermedicine** A form of telemedicine that involves direct contact between patients and physicians over the Internet, usually for a fee.

**Cytology** The study of the structure and function of cells.

**Cytotechnologist** Works with pathologists to microscopically examine body cells, in order to detect changes that may help to diagnose cancer and other diseases.

## D

**Damages** Monetary awards sought by plaintiffs in lawsuits.

**Defamation of Character** Damaging a person's reputation by making public statements that are both false and malicious.

**Defendant** The person or party against whom criminal or civil charges are brought in a lawsuit.

**Defensive Medicine** The practice of ordering and/or performing medical tests and procedures simply to protect against future liability and to construct for patients a medical record that documents the health care provider's judgment.

**De-identify** To remove all information (that identifies patients) from health care transactions.

**Denial** A defense that claims innocence of the charges or that one or more of the four Ds of negligence are lacking.

**Dental Assistant** One who serves as a chair-side assistant to a dentist/employer within a dental office.

**Dental Hygienist** A health care practitioner who performs clinical and educational duties related to hygiene of the mouth and teeth, usually for dentist/employers within a dental office. A dental hygienist may work for one dentist or for several dentists at varying locations.

**Deposition** Sworn testimony given and recorded outside the courtroom during the pretrial phase of a case.

**Designated Record Set** Records maintained by or for a HIPAA covered entity.

**Diagnostic Medical Sonographer** Administers ultrasound examinations under the supervision of a physician responsible for the use and interpretation of ultrasound procedures.

**Dietician** One who works closely with physicians and other medical practitioners to educate and assist patients with special dietary and nutritional needs.

**Discrimination** Prejudiced or prejudicial outlook, action, or treatment.

**Dispense** To deliver controlled substances in some type of bottle, box, or other container to a patient.

**DNA** Deoxyribonucleic acid; a complex protein that carries genetic information for all organisms except some viruses.

**Doctrine of Common Knowledge** Literally, "the thing speaks for itself"; also known as the doctrine of *res ipsa loquitur*. Under this principle, an act of negligence was obviously under the control of the defendant, the patient did not contribute to the accident, and it is apparent the patient would not have been injured if reasonable care had been used.

**Doctrine of Informed Consent** The legal basis for informed consent, usually outlined in a state's medical practice acts.

**Doctrine of Mature Minors** A principle that allows minors to make their own decisions regarding medical treatment if they are mature enough to comprehend a physician's recommendations and give informed consent.

**Doctrine of Professional Discretion** A principle under which a physician can exercise judgment as to whether to show patients who are being treated for mental or emotional conditions their records. Disclosure depends on whether, in the physician's judgment, such patients would be harmed by viewing the records.

**Do-Not-Resuscitate Orders (DNR)** Orders written at the request of patients or their authorized representatives that cardiopulmonary resuscitation not be used to sustain life in a medical crisis.

**Drug Enforcement Administration** A branch of the U.S. Department of Justice that regulates the sale and use of drugs.

**Durable Power of Attorney** An advance directive that confers upon a designee the authority to make a variety of legal decisions on behalf of the grantor, usually including health care decisions.

**Duty of Care** The obligation of health care professionals to patients and, in some cases, nonpatients.

## E

**E-Health** Term used for the use of the Internet as a source of consumer information about health and medicine.

**Electrocardiogram (ECG)** The recording made by an instrument that measures the electrical activity of the heart.

**Electrocardiogram (ECG) Technician** A health care practitioner who, under the direct supervision of physicians, operates electrocardiogram equipment to measure and record the electrical activity of the heart.

**Electroencephalogram (EEG)** The recording made by an instrument that measures the electrical activity of the brain.

**Electroencephalogram Technician and Technologist** A health care practitioner who works under the supervision of physicians to operate EEG equipment used to perform patient diagnostic tests.

**Electroneurodiagnostic Technologist** Involves the study and recording of the electrical activity of the brain and nervous system. Electroneurodiagnostic technologists work in collaboration with EEG technicians and technologists.

**Electronic Data Interchange (EDI)** The use of uniform electronic protocols to transfer business information via networks.

**Electronic Transmission** The sending of information from one network-connected computer to another.

**Emancipated Minor** An individual in his or her mid- to late teens who legally lives outside of his or her parents' or guardian's control.

**Emergency** A type of affirmative defense in which the person who comes to the aid of a victim in an emergency is not held liable under certain circumstances.

**Emergency Medical Technician (EMT)** A paramedic who most often works from an ambulance or in a hospital emergency room to provide life-support care to critically ill and injured patients.

**Employment-at-Will** A concept of employment whereby either the employer or the employee can end the employment at any time, for any reason.

**Encryption** Scrambling or encoding information before sending it electronically.

**Endorsement** The process by which a license may be awarded based on individual credentials judged to meet licensing requirements in a new state.

**Equal Employment Opportunity Commission (EEOC)** A federal agency that enforces provisions of the Civil Rights Act, the Age Discrimination in Employment Act, the Equal Pay Act, and the Rehabilitation Act.

**Ethics** Standards of behavior, developed as a result of one's concept of right and wrong.

**Ethics Committee** Made up of individuals involved in a patient's care, including health care practitioners, family members, clergy, and others.

**Etiquette** Standards of behavior considered good manners among members of a profession as they function as individuals in society.

**Euthanasia** The practice of willfully ending life in an individual with an incurable disease or condition.

**Executive Branch** That branch of government responsible for administering the law. The President is the chief executive of the executive branch at the federal level; governors preside at the state level.

**Executive Order** A rule, or regulation, issued by the President of the United States that becomes law without the prior approval of Congress.

**Expert Testimony** Trial testimony provided by recognized authorities in a particular field.

**Expressed Contract** A written or oral agreement in which all terms are explicitly stated.

## F

**Fair Debt Collection Practices Act** A federal statute prohibiting certain unfair and illegal practices by debt collectors and creditors.

**False Imprisonment** The unlawful violation of the personal liberty of another.

**Federal False Claims Act** A law that allows for individuals to bring civil actions on behalf of the United States government for false claims made to the federal government, under a provision of the law called *qui tam* (from Latin meaning to bring an action for the king and for one's self).

**Federal Register** A U.S. government publication that contains all administrative laws.

**Federal Trade Commission Act** A federal statute that established the Federal Trade Commission (FTC), which prohibits unfair or deceptive acts in advertising and other trade areas.

**Federal Unemployment Tax Act (FUTA)** The act that requires employers to contribute to a fund that is paid out to eligible unemployed workers.

**Fee Splitting** Payment by one physician to another solely for the referral of a patient, or payment from a source for using its services or supplies.

**Felony** An offense punishable by death or by imprisonment in a state or federal prison for more than one year.

**Fiduciary Duty** A physician's obligation to his or her patient, based upon trust and confidence.

**Firewall** Hardware, software, or both designed to prevent unauthorized persons from accessing electronic information.

**Food and Drug Administration (FDA)** A federal agency within the Department of Health and Human Services that oversees drug quality and standardization and must approve drugs before they are released for public use.

**Forensics** A division of medicine that incorporates law and medicine and involves medical issues or medical proof at trials having to do with malpractice, crimes, and accidents.

**Four Cs of Medical Malpractice Prevention** Caring, Communication, Competence, and Charting.

**Four Ds of Negligence** Elements necessary to prove negligence: duty, derelict, direct cause, and damages.

**Fraud** Dishonest or deceitful practices in depriving, or attempting to deprive, another of his or her rights.

## G

**Gatekeeper Physician** The primary-care physician who directs the medical care of HMO members.

**Gene** A tiny segment of DNA found on a cell's chromosomes. Each gene holds the formula for making a specific molecule.

**Gene Therapy** The insertion of a normally functioning gene into cells in which an abnormal or absent element of the gene has caused disease.

**General Duty Clause** A section of the Hazard Communication Standard which states that any equipment that may pose a health risk must be specified as a hazard.

**General Liability** The legal responsibility for personal acts borne by all competent adults, both on the job and in their private lives.

**Genetic Counseling** The process by which prospective parents at risk for passing on genetic disorders to their offspring are screened.

**Genetic Discrimination** Differential treatment of individuals based on their actual or presumed genetic differences.

**Genetic Engineering** The synthesis, alteration, or repair of hereditary material.

**Genetics** The science that accounts for natural differences and resemblances among organisms related by descent.

**Genome** All the DNA in an organism, including its genes.

**Germ Line Therapy** A procedure in which a replacement gene is put into human gametes, resulting in expression of the new gene in the patient's offspring.

**Good Samaritan Acts** State laws protecting physicians and sometimes other health care practitioners and laypersons from charges of negligence or abandonment if they stop to help the victim of an accident or other emergency.

**Group Model HMO** A type of HMO that contracts with independent groups of physicians to provide coordinated care for large numbers of HMO patients for a fixed, per-member fee.

**Group Practice** A medical management system in which a group of three or more licensed physicians share their collective income, expenses, facilities, equipment, records, and personnel.

## H

**Hazard Communication Standard (HCS)** An OSHA standard intended to increase health care practitioners' awareness of risks, to improve work practices and appropriate use of personal protective equipment, and to reduce injuries and illnesses in the workplace.

**Health and Fitness Specialist** Professionals qualified to assess, design, and implement exercise and fitness programs.

**Healthcare Integrity and Protection Data Bank (HCIPDB)** A national health care fraud and abuse data collection program for the reporting and disclosure of certain adverse actions taken against health care providers, suppliers, or practitioners.

**Health Care Practitioners** Those who are trained to administer medical or health care to patients.

**Health Care Proxy** A durable power of attorney issued for purposes of health care decisions only.

**Health Care Quality Improvement Act of 1986** A federal statute passed to improve the quality of medical care nationwide. One provision established the National Practitioner Data Bank.

**Health Information Administrator** Manages health information and systems used to collect, store, process, retrieve, analyze, disseminate, and communicate health information.

**Health Information Technician** A health care practitioner who may have full responsibility for the records department of a medical office, clinic, hospital, or other health care institution. Duties include organizing, analyzing, and preparing health information about patients,

usually for use by patients, patients' physicians, and the health care facility.

**Health Insurance Portability and Accountability Act (HIPAA) of 1996** Helps workers keep continuous health insurance coverage for themselves and their dependents when they change jobs, protects confidential medical information from unauthorized disclosure and/or use, and helps curb the rising cost of fraud and abuse.

**Health Maintenance Organization (HMO)** A health plan that combines coverage of health care costs and delivery of health care for a prepaid premium.

**Heredity** The process by which organisms pass genetic traits on to their offspring.

**Heterologous Artificial Insemination** Donor sperm is mechanically injected into a woman's vagina to fertilize her eggs.

**Hippocratic Oath** A pledge for physicians, developed by the Greek physician Hippocrates circa 400 B.C.

**Homologous Artificial Insemination** The husband's sperm is mechanically injected into his wife's vagina to fertilize her eggs.

**Hospice** A facility or program (often carried out in a patient's home) in which teams of health care practitioners and volunteers provide a continuing environment that focuses on the emotional and psychological needs of the dying patient.

**Hostile Environment** An antagonistic work environment that has been created by, among other things, sexual harassment.

**Human Genome Project** A scientific project funded by the U.S. government. It was begun in 1990 for the purpose of mapping all of a human's genes and was successfully completed in 2000.

## I

**Implied Contract** An unwritten and unspoken agreement whose terms result from the actions of the parties involved.

**Implied Limited Contract** A contract created when a physician or other health care worker treats a patient in an emergency situation. The agreement does not extend to the relationship after the emergency ends.

**In Vitro Fertilization (IVF)** Fertilization that takes place outside a woman's body, literally, "in glass," as in a test tube.

**Incapacity** A lack of physical or intellectual power, or of natural or legal qualifications.

**Incompetent** Lacking the qualities or skills necessary for effective action.

**Indemnity** A traditional form of health insurance that covers the insured against a potential loss of money from medical expenses for an illness or accident.

**Indicted** Charged with a crime.

**Individual (or independent) Practice**

**Association (IPA)** A type of HMO that contracts with groups of physicians who practice in their own offices and receive a per-member payment (capitation) from participating HMOs to provide a full range of health services for HMO members.

**Informed Consent** The patient's right to receive all information relative to his or her condition and then to make a decision regarding treatment based upon that knowledge.

**Intentional Tort** See "Tort."

**Interrogatory** A written set of questions requiring written answers from a plaintiff or defendant under oath.

**Invasion of Privacy** Intrusion into a person's seclusion or into his or her private affairs.

**Involuntary Euthanasia** The act of ending a terminal patient's life by medical means without his or her permission.

## J

**Judicial Branch** That branch of government responsible for interpreting laws; the court system and judges.

**Judicial Council Opinions** A publication of the American Medical Association, issued for the purpose of defining ethics for physicians in all situations common to the practice of medicine.

**Jurisdiction** The power and authority given to a court to hear a case and to make a judgment.

**Just Cause** An employer's legal reason for firing an employee.

## K

**Kinesiology** The study of muscles and muscle movement.

**Kinesiotherapist** Works under a physician's supervision, using therapeutic exercise and education to treat the effects of disease, injury, and congenital disorders on body movement.

## L

**Law** Rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority.

**Law of Agency** The law that governs the relationship between a principal and his or her agent.

**Legal Precedents** Decisions made by judges in the various courts that become rule of law and apply to future cases, even though they were not enacted by legislation.

**Legislative Branch** The Senate and the House of Representatives, responsible for creating laws.

**Liability Insurance** Contract coverage for potential damages incurred as a result of a negligent act.

**Liable** Accountable under the law.

**Libel** Expressing through publication in print, writing, pictures, or signed statements that injure the reputation of another.

**Licensed Practical Nurse (LPN)** A health care practitioner who performs many of the same duties as a registered nurse.

**Licensure** A mandatory credentialing process established by law, usually at the state level, that grants the right to practice certain skills and endeavors.

**Lien** A charge upon real or personal property for the satisfaction of a debt or duty owed by law.

**Limited Data Set** Protected health information from which certain specified, direct identifiers of individuals have been removed.

**Limited Practitioner** A provider licensed to provide specific treatment or treatments specific to certain body parts.

**Litigious** Prone to engage in lawsuits.

**Living Will** An advance directive that specifies an individual's end-of-life wishes.

## M

**Malfeasance** The performance of a totally wrongful and unlawful act.

**Managed Care** A system in which financing, administration, and delivery of health care are combined to provide medical services to subscribers for a prepaid fee.

**Material Safety Data Sheet (MSDS)** A sheet that identifies each hazardous chemical used in the workplace and lists safety precautions necessary for its use, storage, and disposal; manufacturers must supply an MSDS upon request for each hazardous chemical used.

**Mature Minor** An individual in his or her mid- to late teens, who, for health care purposes, is considered mature enough to comprehend a physician's recommendations and give informed consent.

**Medical Assistant** One who performs administrative and clinical duties for a physician/employer within a medical office.

**Medical Boards** Bodies established by the authority of each state's medical practice acts for the purpose of protecting the health, safety, and welfare of health care consumers through proper licensing and regulation of physicians and other health care practitioners.

**Medical Ethicist** A specialist in medical ethics.

**Medical Examiner** A physician who investigates suspicious or unexplained deaths.

**Medical Illustrator** Creates illustrations for science and medical texts and other publications, and may also function in administrative, consultative, and advisory capacities.

**Medical Laboratory Technician (MLT)** A health care practitioner who performs simple tests in hematology, serology, blood banking, urinalysis, microbiology, and clinical chemistry.

**Medical Massage Therapist** One who uses massage to relieve pain and help patients with recovery and rehabilitation.

**Medical Practice Acts** State laws written for the express purpose of governing the practice of medicine.

**Medical Record** A collection of data recorded when a patient seeks medical treatment.

**Medical Technologist (MT)** A health care provider who supervises technicians and assistants and performs more complicated, analytical laboratory tests than a medical laboratory technician.

**Medical Transcriptionist** One who keys material dictated by physicians, to be placed with patients' medical records.

**Medical Waste Tracking Act** The federal law that authorizes OSHA to inspect hazardous medical wastes and to cite offices for unsafe or unhealthy practices regarding these wastes.

**Mentally Incompetent** Unable to fully understand all the terms and conditions of a transaction.

**Minimum Necessary** Refers to the limited amount of patient data that may be disclosed.

**Minor** Anyone under the age of majority—18 in most states—21 in some jurisdictions.

**Misdemeanor** A crime punishable by fine or by imprisonment in a facility other than a prison for less than one year.

**Misfeasance** The performance of a lawful act in an illegal or improper manner.



**Moral Values** One's personal concept of right and wrong, formed through the influence of the family, culture, and society.

**Mutual Assent** An understanding and consent to the terms of an agreement by both parties in order for the contract to be legally valid.

## N

**National Childhood Vaccine Injury Act** A federal law passed in 1986 that created a no-fault compensation program for citizens injured or killed by vaccines, as an alternative to suing vaccine manufacturers and providers.

**National Vaccine Injury Compensation Program** A no-fault federal system of compensation for individuals or families of individuals injured by childhood vaccination.

**National Organ Transplant Act** Passed in 1984, a statute that provides grants to qualified organ procurement organizations and established an Organ Procurement and Transplantation Network.

**National Practitioner Data Bank** A repository of information about health care practitioners, established by the Health Care Quality Improvement Act of 1986.

**Negligence** An unintentional tort alleged when one may have performed or failed to perform an act that a reasonable person would or would not have done in similar circumstances.

**Nominal Damages** A token court-awarded payment, usually one dollar, which recognizes that the legal rights of the plaintiff were violated but that no actual loss was proved.

**Nonfeasance** The failure to act when one should.

**Notice of Privacy Practices** A written document detailing a health care provider's privacy practices.

**Nurse Practitioner** A registered nurse who has completed a graduate degree program and is skilled in physical diagnosis, psychosocial assessment, and primary health care management. He or she may work independently.

**Nursing Assistant** A health care practitioner who provides routine patient care under the direct supervision of registered nurses.

## O

### Occupational Exposure to Bloodborne

**Pathogen Standard** An OSHA regulation designed to protect health care workers from the risk of exposure to bloodborne pathogens.

### Occupational Safety and Health Act (OSHA)

Established by the Occupational Safety and Health Act of 1970, it enforces compulsory standards for health and safety in the workplace.

### Occupational Safety and Health Administration

Established by the Occupational Safety and Health Act, the organization that is charged with writing and enforcing compulsory standards for health and safety in the workplace.

**Occupational Therapist** One who works with clients who are mentally, physically, developmentally, and/or emotionally disabled to help these individuals become more independent and productive.

**Occupational Therapy Assistant** Works under the supervision of licensed occupational therapists.

**Occurrence Insurance** A type of liability insurance that covers the insured for any claims arising from an incident that occurred, or is alleged to have occurred, during the time the policy is in force, regardless of when the claim is made.

**Officers of the Court** Those individuals charged with specific responsibilities in the conduct of court cases.

### Ophthalmic Medical Technician/Technologist

Assists ophthalmologists by performing such tasks as collecting data, administering diagnostic tests, and administering some treatments ordered by the supervising ophthalmologist.

**Ophthalmologist** A physician who specializes in the treatment of disorders and diseases of the eye.

**Optician** One who is licensed to sell or make optical materials.

**Optometrist** One who is trained and licensed to examine the eyes in order to determine the presence of vision problems and to prescribe and adapt lenses to preserve or restore maximum efficiency of vision. The optometrist's professional degree is doctor of optometry (O.D.).

**Organ Transplantation** The process by which a patient (recipient) surgically receives a body organ from a living or dead donor.

**Orthotist and Prosthetist** Works directly with physicians and others to rehabilitate people with disabilities. The orthotist designs and fits devices (orthoses) for patients with disabling conditions of the limbs and spine. The prosthetist designs and fits devices (prostheses) for patients who have partial or total absence of a limb.

## P

- Palliative Care** Treatment of a terminally ill patient's symptoms in order to make dying more comfortable; also called comfort care.
- Parens Patriae** A legal doctrine that gives the state the authority to act in a child's best interest.
- Partnership** A form of medical practice management system whereby two or more parties practice together under a written agreement specifying the rights, obligations, and responsibilities of each partner.
- Passive Euthanasia** The act of allowing a patient to die naturally, without medical interference.
- Pathogen** Disease-causing organism.
- Patient Self-Determination Act** A federal law passed in 1990 that requires hospitals and other health care providers to provide written information to patients regarding their rights under state law to make medical decisions and execute advance directives.
- Patient's Bill of Rights** A statement approved by the American Hospital Association in 1973, guaranteeing an individual's rights to certain courtesies and considerations while a hospital patient.
- Peer Review** The process by which professional colleagues may review and judge one another's actions.
- Perfusionist** Operates transfusion equipment when necessary and consults with physicians in selecting the appropriate equipment, techniques, and transfusion media to be used, depending upon the patient's condition.
- Permissions** Reasons under HIPAA for disclosing patient information.
- Persistent Vegetative State (PVS)** Severe mental impairment characterized by irreversible cessation of the higher functions of the brain, most often caused by damage to the cerebral cortex.
- Phlebotomist** One who draws blood from patients or donors for diagnostic testing or other medical purposes.
- Physical Therapist (PT)** A health care practitioner who helps patients restore function to muscles, nerves, joints, and bones after impairment due to illness or injury.
- Physical Therapy Assistant** Works under the supervision of licensed physical therapists.
- Physician-Hospital Organization (PHO)** A health care plan in which physicians join with hospitals to provide a medical care delivery system and then contract for insurance with a commercial carrier or an HMO.
- Physician Assistant (PA)** One who performs routine diagnostic and treatment procedures for the physician/employer.
- Plaintiff** The person bringing charges in a lawsuit.
- Pleadings Phase** That time before a trial when a complaint is filed, a summons is issued, an answer filed, and a counter-complaint made.
- Point of Service (POS) Plan** A type of HMO that allows members to seek care from non-HMO physicians, but at higher premiums, co-payments, and deductibles than for traditional HMOs.
- Polysomnographic Technologist** Performs sleep diagnostics and clinical evaluation for patients with sleep disorders.
- Precedent** Decisions made by judges in the various courts that become rule of law and apply to future cases, even though they were not enacted by a legislature; also known as case law.
- Preferred Provider Organization (PPO)** A network of independent physicians, hospitals, and other health care providers who contract with an insurance carrier to provide medical care at a discount rate to patients who are part of the insurer's plan.
- Prepaid Group Practice (PGP)** A group model HMO in which physicians are salaried employees, usually practice in facilities provided by the HMO, and share in profits at the end of the year.
- Prescribe** To issue a medical prescription for a patient.
- Pretrial Discovery Phase** That period before a trial begins when a trial date is set by the court and pretrial motions are made and decided. Discovery procedures may be used to uncover evidence that will support the charges when the case comes to court, subpoenas are issued, depositions are taken, and pretrial conferences are called by the judge to discuss the issues in the case.
- Primary-Care Physician (PCP)** The physician responsible for directing all of a patient's medical care and determining whether the patient should be referred for specialty care.
- Privacy** Freedom from unauthorized intrusion.
- Prior Acts Insurance Coverage** A supplement to a claims-made policy that can be purchased when health care practitioners change insurance carriers.
- Privileged Communication** Information held confidential within a protected relationship.

**Professional Courtesy** The practice of treating other physicians and their families free of charge or at a reduced fee.

**Professional Liability** One's legal accountability regarding all actions performed as a member of a certain profession.

**Proposed Guidelines for Universal Precautions**

A list of general precautions issued by the Centers for Disease Control to promote safety and prevent contamination in the workplace.

**Prosecution** The government as plaintiff in a criminal case.

**Protected Health Information (PHI)** Refers to information that contains one or more patient identifiers.

**Protocol** A code prescribing "correct" behavior in specific situations, such as in a medical office.

**Public Policy** The common law concept of wrongful discharge.

**Punitive Damages** Monetary award to the plaintiff in a lawsuit by the court, intended to serve as punishment for the defendant's act.

## Q

**Quality Improvement (or Quality Assurance)**

Measures taken by health care providers and practitioners to uphold the quality of patient care.

**Quid Pro Quo** Literally, "something for something"; a concept in the commission for sexual harassment in which an employee is expected to exchange sexual favors for workplace advantages.

## R

**Radiologic, or Medical Imaging, Technologist** A health care practitioner who positions patients for X rays, operates the X-ray equipment, develops exposed X-ray film, and maintains records and films.

**Reasonable Person Standard** That standard of behavior that judges a person's actions in a situation according to what a reasonable person would or would not do under similar circumstances.

**Reciprocity** The process by which a professional license obtained in one state may be accepted as valid in other states by prior agreement without reexamination.

**Referral** The act of recommending to a patient the diagnostic or therapeutic services of another physician.

**Registered Nurse (RN)** A nurse who has completed a university or associate degree program.

**Registration** A credentialing procedure whereby one's name is listed on a register as having paid a fee and/or met certain criteria within a profession.

**Rehabilitation Act of 1973** An act that requires federal contractors to take affirmative action to hire the disabled, requires federal contractors to implement affirmative action plans in hiring and promoting disabled employees, and prohibits discrimination against the disabled in programs that receive federal funds.

**Release of Tortfeasor** A technical defense to a lawsuit that prohibits a lawsuit against the person who caused an injury (the tortfeasor) if he or she was expressly released from further liability in the settlement of a suit.

**Res Ipsa Loquitur** "The thing speaks for itself"; also known as the doctrine of common knowledge. Under this doctrine no expert witnesses need to be called.

**Res Judicata** "The thing has been decided." A claim cannot be retried between the same parties if it has already been legally resolved.

**Respiratory Technician or Therapist** A health care practitioner who works under a physician's supervision to assist patients with breathing disorders.

**Respondeat Superior** Literally, "Let the master answer," a doctrine under which an employer is legally liable for the acts of his or her employees, if such acts were performed within the scope of the employee's duties.

**Revocation** The cancellation of a professional license.

**Right-to-Know Laws** State laws that allow employees access to information about toxic or hazardous substances, employer duties, employee rights, and other workplace health and safety issues.

**Risk Contract** An arrangement in which a health provider agrees to provide medical services to a set population of patients for a prepaid fee. The physician is responsible for managing the care of these patients and risks losing money if total expenses exceed prepaid fees.

**Risk Management** Steps taken to minimize danger, hazard, and liability.

**Rule** Requirement under HIPAA.

## S

**Safe Haven Laws** State laws that allow mothers to abandon newborns to designated safe facilities without penalty.

**Security** Protecting electronic information from unauthorized intrusion.

**Self-Insurance Coverage** Insured parties contribute to a trust fund up to the dollar limit of an insurance policy.

**Sexual Harassment** A form of sexual discrimination in the workplace, in which an employee is expected to exchange sexual favors for employment advantages or must work in a hostile environment.

**Sexual Misconduct** An unethical sexual relationship between medical supervisors and trainees or between health care providers and patients.

**Slander** The speaking of defamatory words intended to prejudice others against an individual in a manner that jeopardizes his or her reputation or means of livelihood.

**Sole Proprietorship** A form of medical practice management in which a physician practices alone, assuming all benefits and liabilities for the business.

**Somatic Cell Therapy** A procedure in which human cells other than germ cells (eggs and sperm) are genetically altered.

**Specialist in Blood Bank Technology** Performs both routine and specialized tests in blood bank immunohematology and performs transfusion services. Must have a bachelor's degree and certification in medical technology and must have completed the required course of study in blood bank technology.

**Staff Model HMO** A type of HMO that employs salaried physicians and other health practitioners who provide care solely for members of one HMO.

**Staff Privileges** The right to practice at a particular hospital.

**Standard** Requirement under HIPAA.

**Standard of Care** A level of performance expected of a health care worker in carrying out his or her professional duties.

**State Preemption** If a state's privacy laws are stricter than HIPAA privacy standards, state laws take precedence.

**Statute of Frauds** State legislation governing written contracts.

**Statute of Limitations** That period of time established by state law during which a lawsuit may be filed.

**Statutes** Laws enacted by state or federal legislatures.

**Statutory Law** Law passed by the U.S. Congress or state legislatures.

**Stem Cells** Early embryonic cells that have the potential to become any type of body cell.

**Subpoena** A legal document requiring the recipient to appear as a witness in court or to give a deposition.

**Subpoena Duces Tecum** A legal document requiring the recipient to bring certain written records to court to be used as evidence in a lawsuit.

**Summary Judgment** A decision made by a court in a lawsuit in response to a motion that pleads there is no basis for a trial.

**Summons** A written notification issued by the clerk of the court and delivered with a copy of the complaint to the defendant in a lawsuit, directing him or her to respond to the charges brought in a court of law.

**Surety Bond** A type of insurance that allows employers, if covered, to collect up to the specified amount of the bond if an employee embezzles or otherwise absconds with business funds.

**Surgical Technologist** Works closely with surgeons, anesthesiologists, nurses, and other surgical personnel before, during, and after surgery.

**Surrogate Mother** A woman who becomes pregnant, usually by artificial insemination or surgical implantation of a fertilized egg, and bears a child for another woman.

**Suspension** The temporary withdrawal of a professional license.

## T

**Tail Coverage** An insurance option available when a claims-made policy is discontinued.

**Technical Defenses** Defenses used in a lawsuit that are based upon legal technicalities.

**Telemedicine** Remote consultation by patients with physicians or other health professionals via telephone, closed-circuit television, or the Internet.

**Terminally Ill** Referring to patients who are expected to die within six months.

**Termination** The ending of a contract between a physician and a patient, usually because all treatment has been completed and the bill has been paid.

**Testimony** Statements sworn to under oath by witnesses testifying in court and giving depositions.

**Thanatology** The study of death and of the psychological methods of coping with it.

**Therapeutic Abortion** A medical termination of pregnancy performed to save the life of the mother.

**Third Party Payor Contracts** A written agreement signed by a party other than the patient who promises to pay the patient's bill.

**Title VII of the Civil Rights Act of 1964** A law that makes discrimination in the workplace illegal.

**Tort** A civil wrong committed against a person or property, excluding breach of contract.

**Tortfeasor** The person guilty of committing a tort.

**Transmission** Sending information electronically.

### **Treatment, Payment, and Healthcare**

**Operations (TPO)** HIPAA term for qualified providers, disclosure of PHI to obtain reimbursement, and activities and transactions among entities.

**Trial Phase** That point in a lawsuit when the actual court trial begins, wherein evidence is heard and a verdict reached.

**Truth-in-Lending Act** A law that specifies those collection agreements that must be in writing and lists items that must be included in such contracts; also known as Regulation Z of the Consumer Protection Act of 1968.

## **U**

**Unborn Victims of Violence Act** Also called Laci and Conner's Act, a federal law passed in 2004 that provides for the prosecution of anyone who causes injury to or the death of a fetus in utero.

**Unemployment (or Reemployment) Insurance** Under the Federal Unemployment Tax Act (FUTA), employers contribute to a fund that is paid out to eligible unemployed workers. Each state also provides for unemployment insurance.

**Uniform Anatomical Gift Act** A national statute allowing individuals to donate their bodies or body parts, after death, for use in transplant surgery, tissue banks, or medical research or education.

**Uniform Determination of Death Act** A proposal that established uniform guidelines for determining when death has occurred.

**Uniform Rights of the Terminally Ill Act** A federal statute passed in 1989 to guide state legislatures in constructing laws to address advance directives.

**Unintentional Tort** *See* "Tort."

**Universal Precautions** Guidelines of the Centers for Disease Control and Prevention (CDC) that deal with handling body fluids.

## **V**

**Verification** Necessary under HIPAA before releasing protected health information.

**Vital Statistics** Numbers collected for the population of live births, deaths, fetal deaths, marriages, divorces, induced terminations of pregnancy, and any change in civil status that occurs during an individual's lifetime.

**Void** Without legal force or effect.

**Voidable** Able to be set aside or to be revalidated at a later date.

**Voluntary Euthanasia** The act of ending a patient's life by medical means with his or her permission.

## **W**

**Waiver** The act of intentionally relinquishing a known right, claim, or privilege.

**Withholding** Deductions made from an employee's paycheck.

**Workers' Compensation** A form of insurance established by federal and state statutes that provides reimbursement for workers who are injured on the job.

**Wrongful Death Statutes** State statutes that allow a person's beneficiaries to collect for loss to the estate of the deceased for future earnings when a death is judged to have been due to negligence.

**Wrongful Discharge** A concept established by precedent that says an employer risks litigation if he or she does not have just cause for firing an employee.

## **X**

**Xenotransplantation** Transplanting animal tissues and organs into humans.