

## Following Our Duty of Care

The principle of "Duty of Care" is a pivotal framework that governs the conduct and responsibilities of healthcare providers. This obligation extends beyond ethics, constituting a legal mandate that obliges healthcare professionals to deliver safe, efficacious, and compassionate care. While traditionally linked to clinical roles such as doctors, nurses, and pharmacists, it is increasingly relevant to non-clinical staff, including those in administrative and information technology roles. These individuals are instrumental in upholding the integrity of healthcare systems, protecting patient information, and facilitating a high-level patient experience.

Duty of Care lays the groundwork for establishing trust between patients and healthcare providers by integrating legal, ethical, and professional elements. Each of these facets contributes to the overarching quality of healthcare services. By comprehensively examining the Duty of Care from multiple vantage points, healthcare providers and administrators gain insights needed to ensure the welfare of patients remains the central focus of all healthcare-related activities and decisions.

### Legal Framework

Tort law is a legal mechanism to address civil wrongs, including negligence. In healthcare, negligence occurs when a healthcare provider fails to meet the standard of care expected in their profession, leading to harm or injury to the patient. The "Four Ds" of negligence—Duty, Dereliction, Damages, and Direct Cause—provide a framework for evaluating whether negligence has occurred. Duty refers to the healthcare provider's obligation to the patient. Dereliction is the failure to fulfill that duty. Damages pertain to the harm caused, and Direct Cause establishes the link between the dereliction and the damages.

### Duty of Care as a Legal Obligation

Duty of Care is often codified in legal statutes and professional guidelines. This duty obliges healthcare providers to act in the best interests of their patients, adhering to established medical practices and ethical norms. Failure to meet this duty can result in legal consequences, including malpractice lawsuits, disciplinary actions, and even criminal charges in extreme cases. The legal obligation to provide a duty of care extends to both clinical and non-clinical staff, emphasizing the collective responsibility to ensure patient well-being.

### Case Laws and Precedents Relevant to Healthcare

Several landmark legal cases have shaped our understanding of the Duty of Care in healthcare. For instance, the case of *Donoghue v Stevenson* in the United Kingdom established the principle of the "neighbor test," which has been adapted in healthcare to mean that professionals must take reasonable care to avoid acts or omissions that they can reasonably



#### Barry P Chaiken, MD

Dr. Chaiken has over 25 years' experience in healthcare information technology, clinical transformation, and business intelligence. He provides thought leadership and strategic and analytics assessments in healthcare information technology, quality of care, clinical change management, and business development.

Chaiken has worked with the NIH, Tableau/Salesforce, Infor, McKesson, UK National Health Service, Boston University, and others.

## Navigating the Code

The healthcare industry, unlike many others, runs on time-tested ways to practice excellence in medicine. But does that mean adherence to practices and processes that are fifty, seventy, even a hundred years old?

Dr. Barry P. Chaiken thinks not. His 25+ years of experience as a physician and an informaticist, he believes information technology is healthcare's greatest problem-solving tool for resolving the greatest medical and business problems of the 21<sup>st</sup> century.

[Navigating the Code: How Revolutionary Transforms the Patient-Physician Journey](#)—Available on Amazon (Kindle and Audible) and at [navigatingthecode.com](http://navigatingthecode.com)

foresee would injure their "neighbors," who in this context are their patients. In the United States, cases like *Tarasoff v. Regents of the University of California* have expanded the Duty of Care to include the patient and third parties whom a patient could harm.

These cases and others have significant implications for healthcare providers. They underscore the necessity for continuous professional development, adherence to guidelines, and a proactive approach to patient safety to fulfill the legal requirements of the Duty of Care.

The legal framework surrounding healthcare's Duty of Care is intricate and dynamic, reflecting the evolving nature of medical practice and societal expectations. Understanding this legal context is crucial for healthcare providers and administrators alike, as it informs the standards and practices that govern healthcare delivery, ensuring that patient welfare remains paramount.

## Duty of Care in Clinical Staff

### Physicians and Surgeons

Ethical obligations bind physicians and surgeons, often encapsulated in oaths like the Hippocratic Oath, emphasizing the duty to "do no harm." Adherence to clinical guidelines and evidence-based practices is essential in fulfilling this duty. Maintaining patient confidentiality and obtaining informed consent are crucial aspects of the physician-patient relationship that uphold the Duty of Care.

### Nurses and Allied Health Professionals

Nurses and allied health professionals are vital in patient safety and advocacy. Effective communication within the healthcare team and adherence to safety protocols are essential. Ethical considerations such as respecting patient autonomy and practicing beneficence fulfill the Duty of Care.

### Pharmacists

Pharmacists are responsible for medication management and patient education. Ethical considerations in pharmaceutical care include avoiding conflicts of interest and ensuring that patients are well-informed about their medications. Legal responsibilities concerning prescription medications are also paramount.

## Duty of Care in Non-Clinical Staff

### Administrative Staff

Administrative staff are responsible for data protection and confidentiality, critical components of healthcare delivery. They also play a role in ensuring efficient service delivery, scheduling, and billing. Ethical considerations include fairness, transparency, and respect for patient privacy.

Barry P Chaiken, MD

14 Durham Street  
Boston, MA 02115  
O-646-827-0593  
M-617-304-4487  
bchaiken@docsnetwork.com  
Twitter - @bchaiken

For further information on  
securing Dr. Chaiken as a  
speaker—[drbarryspeaks.com](http://drbarryspeaks.com)

## Facility Management

Facility managers are tasked with maintaining a safe and hygienic environment. This responsibility includes compliance with healthcare regulations and standards and implementing risk management strategies to mitigate potential hazards.

## Information Technology Staff

IT staff are crucial for ensuring data security and patient privacy. Regular system maintenance, updates, and ethical considerations such as data integrity are essential to fulfilling the Duty of Care. Healthcare IT leadership that fails to adequately protect against data breaches by implementing robust cybersecurity applications and procedures violates the Duty of Care standard.

## Duty of Care in the Age of Artificial Intelligence

### Clinical Operations

The advent of AI in healthcare brings new dimensions to diagnostics and treatment planning. Ethical considerations include algorithmic bias and the need for human oversight. Improperly designed clinical workflows that do not account for the limitations of AI violate the Duty of Care. Legal implications such as accountability and data protection are also critical.

### Non-Clinical Operations

AI applications in administrative tasks like billing and scheduling are becoming more prevalent. Ethical considerations include data privacy and the potential for algorithmic discrimination. Compliance with healthcare regulations concerning AI and data protection is essential.

### Ethical Considerations

Ethical principles like autonomy, beneficence, and non-maleficence guide healthcare providers in their practice. The social contract theory posits that individuals have mutual obligations to each other, making it also relevant to the Duty of Care. Ethical dilemmas, such as resource allocation and end-of-life decisions, require careful consideration and moral reasoning.

### Challenges and Future Directions

Technological advancements, including telemedicine and wearable devices, are changing the healthcare landscape and, consequently, the Duty of Care. Legal reforms and policy updates are needed to keep pace with these changes. Future research should focus on the impact of these advancements on healthcare delivery and ethics.

## Conclusion

In summary, the Duty of Care is integral to healthcare delivery, influencing various roles from clinical to non-clinical staff. Legal, ethical, and professional considerations shape the Duty of Care, each

## What is Hallucination in AI?

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Hallucination in AI refers to the generation of outputs that may sound plausible but are either factually incorrect or unrelated to the given context. These outputs often emerge from the AI model's inherent biases, lack of real-world understanding, or training data limitations. In other words, the AI system

"hallucinates" information that it has not been explicitly trained on, leading to unreliable or misleading responses.

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Source: <https://bernardmarr.com/chatgpt-what-are-hallucinations-and-why-are-they-a-problem-for-ai-systems/>

contributing to the quality of healthcare services. As healthcare continues to evolve, especially in the age of artificial intelligence, the Duty of Care remains a constant guiding principle that ensures the welfare of patients.

## References

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