

HSCC 330

Legal and Legislative Aspects of Health Care

Criminal Aspects
of Health Care

Objectives

- Upon the completion of this section, the student should be able to:
 - differentiate between felony and misdemeanor
 - differentiate between child abuse and child neglect
 - define Good Faith reporting
 - define criminal negligence

Objectives, cont..

- Upon completion of this section, the student should be able to:
 - recognize falsification of records and its penalties
 - identify the elements of fraud
 - recognize petty theft

Criminal Negligence

- More and more legal disputes moving from civil to criminal realm
- Reckless disregard for the safety of another



Classes of Crimes

- Misdemeanor

- Felony



Illegal Drugs

- Loss of license/credentialing
- Criminal offense

Child Abuse

- Physical or psychological damage
- By parent or other person responsible for care

Child Neglect

- A child who does not receive care, supervision, or discipline from parents, guardian, custodian, or caretaker

States' Responsibility

- Enacted laws
- Mandated reporting
- Good Faith reporting

Guidelines For Reporting

- Child Abuse Reporting Law
- A “juvenile” is a child under 18
- Anyone who suspects abuse or neglect must report it

Police Power

- Having the action to do something under statute



Our Responsibility

- Recognize
- Report

Falsification of Records

- To make false by mutilation, alteration, or addition
- Intentionally or knowingly tampering with records

Fraud

- Willful
- Misrepresentation
- Untrue
- Loss or harm

HIPAA

- Health Insurance Portability and Accountability Act of 1996
 - regulations
 - enforcement tools
 - prevents fraud

Petty Theft

- Theft of supplies and equipment

In conclusion . . .

