

# HEALTH LEGISLATION

## Degree in Occupational Therapy

**Code: 804147**

**Module 2**

**Subject: Law**

**Subject type: Basic**

**Course: Second**

**Semester: second semester**

**Department: Legal Medicine, Psychiatry and Pathology**

**Credits: 6 ECTS**

### FACULTY

**Coordinator:**

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### SHORT DESCRIPTION

The student must become familiar with the historical background, theoretical foundations and methodological principles of Occupational Therapy. Understanding the theories of functioning, personal autonomy, and functional adaptation of and to the environment. It is important that they acquire training to promote health and prevent disability, to achieve independence and autonomy for those who suffer from risk situations, organic deficits, limitation in activity and participation and/or social marginalization.

The training will include learning the appropriate treatments through Occupational Therapy and its interventions, evaluating their effectiveness. You will know the application of ergonomics, new technologies and assistive technology in Occupational Therapy that allow you to participate in education and health promotion programs; Being able to manage an Occupational Therapy Service. You will acquire the skills to participate in multidisciplinary teams acting as a Therapist, being able to apply ethical reasoning in different situations, appreciating and respecting individual differences, cultural beliefs, and customs. In addition, you will learn to manage the clinical documentation of the Occupational Therapy processes.

### COMPETENCES

They are those corresponding to the Module and Subject to which this subject belongs.

#### General Competences:

CG.01, CG.02., CG.03, CG.05., CG.06., CG.07, GC.08, CG.09, CG.10, CG.11, CG.12, CG.13, CG.14, CG.15,

CG.16, CG.17, CG.18, CG.19, CG.20, CG.21, CG.22, CG.23, CG.24, CG.25

#### Specific competences:

CE.M1.7, CE.M1.8, CE.M2.1, CE.M2.1, CE.M2.2, CE.M2.3, CE.M2.4, CE.M2.5, CE.M2.6., CE.M2.7, CE.M2.8, CE.M2.9, CE.M2.10, CE.M2.11, CE.M2.12, CE.M2.13, CE.M2.14, CE.M2.15, CE.M2.16, CE.M2.17, CE.M2.18, CE.M2.19, CE.M2.20, CE.M2.21, CE.M2.22, CE.M2.23, CE.M2.24, CE.M2.25, CE.M2.26, CE.M2.27, CE.M2.28, CE.M2.29

### OBJECTIVES

**Fundamental elements of the subject are both the legal bases of the practice of the profession and the organization and structure of Occupational Therapy. It is intended to delve into the most relevant aspects of Health Law, as well as to develop knowledge so that the professional knows the specific framework that health legislation confers on their professional practice, and whose non-compliance may give rise to punishable professional liability.**

### THEORETICAL TOPICS

#### BLOCK I: SOURCES OF LAW

Topic 1.- Concept of law, health law and health legislation. Legal norms and their classes. sources of law. Custom.

Topic 2.- Purposes of the law. The Constitution. The codified law. Autonomous legislation. The judicial power. Organization of the ordinary jurisdiction.

Topic 3.- Other jurisdictions. Advisory bodies of the administration of justice. The expert test. The method in the elaboration of the expert evidence. The oral trial.

Topic 4.- The crime. Constituent elements of the same. Faults. Intent and recklessness. Guilt and imputability. Aggravating, mitigating and exempting circumstances. Types of crimes against people.

#### BLOCK II: PROFESSIONAL DEONTOLOGY

Topic 5.- Ethics, deontology and law. Relations and differences. Basic principles of bioethics.

Topic 6.- Objectives of Occupational Therapy. Requirements for professional practice and delimitation thereof. Forms of professional practice in the private sector and in the public sector. Remuneration. Taxation. Fee claim.

Topic 7.- Colleges and other professional organizations. Statutes and regulations. deontological codes. Occupational therapy practice in the EU. Illegal exercise of occupational therapy and medicine: intrusion. Quackery. Quackery. Award of diploma. Professional Services Law. Topic 8.- Deontological issues derived from professional practice. Relations with patients and relatives. Relations with colleagues and other health professionals. The duty to inform.

#### BLOCK III: PROFESSIONAL LEGISLATION

Topic 9. The right to health protection. General Health Law. Purposes. Structure and organization of the Spanish health system. Organization of Occupational Therapy.

Topic 10. The hospital. Legislation. Organization. Service operation. QA. Health costs. The university hospital, teaching and research.

Topic 11. Basic law of patient autonomy. The rights of the patient and the health professional. Dependency law.

Topic 12. Law for the regulation of health professions. Occupational therapy in the field of health professions. Professional practice in private and public health.

Topic 13.- Urgent assistance. Legal issues. The omission of duty relief. The psychiatric patient. Urgent psychiatric hospitalization. Attitude towards the chronically and terminally ill.

Topic 14.- The professional secret. Legal issues. Particular cases. Secret and informatics.

Topic 15.- Professional responsibility. Constituent elements of the same. Legal aspects. Bad professional practice in occupational therapy. Liability insurance.

Topic 16.- Clinical information. Documentation and clinical history. Ethical and legal aspects. Administrative documents: instances, reports, trades, etc. Judicial documents: complaints, statements, reports of injuries, court report, etc.

Topic 17. Clinical trials in humans. Ethical and legal problems. The informed consent. Ethical committees.

#### BLOCK IV: LABOR LEGISLATION

Topic 18.- The Statute of Workers. The Statute of non-medical health personnel of the Social Security. Contract

types. The labor process. The right to strike and its peculiarities in health.

Topic 19. Occupational diseases. Concept and bases of its classification. Occupational diseases.

Topic 20. Work accidents: Concept and legal delimitation. Prevention, health care and economic benefits. Life insurance.

Topic 21. Professional risks and their classes. The law of prevention of occupational risks. Risks in hospital and extrahospital exercise.

#### BLOCK V: LEGISLATION AND LIFE CYCLE

Subject 22. The birth, the personality, the sex and the age in the legislation. Registration of births. The identification of people. Filiation, adoption and other protection measures for minors.

Topic 23. Civil capacity and its diagnosis. The incapacity. Guardianship. Principles and issues raised by marriage, separation and divorce. Problems related to pregnancy, childbirth and assisted reproduction.

Topic 24. The rights of the unborn. Prenatal diagnosis. Genetic interventions. Ethical and legal aspects of the voluntary interruption of pregnancy.

Topic 25. Offenses against physical integrity: injuries. Medical and legal concepts of injury. Causes and concauses of injuries. The bad deals. Possibilities of simulation and concealment of injuries and illnesses. Simulator personality.

Topic 26. The assessment of bodily harm. Crimes against sexual freedom. Crimes against health and the environment.

Topic 27. Domestic violence in general. Causes and types of domestic violence. Violence against women. Harm to the newborn and children. Elder abuse.

Topic 28. Problems related to agony and death. Degenerative diseases. palliative care. The limitation of therapeutic effort. The availability of life itself. Last wishes, agony. Euthanasia and artificial life support. The aid or inducement to suicide.

Topic 29. The will and its types. Ability to test Expert questions. The autopsy and the destinations of the corpse. Spanish legislation on transplants.

Topic 30. Drugs and toxins. poisonings. Responsibility in the use of medicines. The rehabilitation of the drug addict.

#### SEMINARS - PRACTICES

Practice 1: Bioethics cases

Practice 2: Patient safety

Practice 3: Intrusiveness and professional responsibility

Practice 4: Law of dependency

Practice 5: Disability and incapacitation

Practice 6: Valuation of bodily harm

Practice 7: Domestic violence, euthanasia, drugs of abuse

Practice 8: General issues related to Occupational Therapy

## EVALUATION

- The final mark will be the sum of the final exam (50%), a supervised work (30%) and the tests solved and delivered via the virtual campus (20%).
- It is essential to pass the subject to score 5 or more in the final exam
- The exam will cover different points of the explained syllabus, so that the student can show their understanding of all the skills acquired.
  - Short questions
  - Practical cases

## BIBLIOGRAPHY

- Comentario práctico a la legislación reguladora de la sanidad en España. Régimen jurídico de la organización sanitaria, personal jurídico y prestaciones sanitarias. Dirección: J.L. Monereo Pérez, C. Molina Navarrete, M.N. Moreno Vida. Ed. Comares. Granada, 2007.
- DIMOND, B. Legal aspects of occupational therapy. BLACKWELL SCIENCE LTD., 2004
- GRACIA, D. Fundamentos de bioética. Eudema, D.L., Madrid, 1989.
- Nueva legislación del sistema sanitario. Análisis y comentarios. Edita SATSE – Sindicato de Enfermería. Madrid, 2004.
- POLAINO-LORENTE, A. Manual de Bioética general . Rialp, D.L., Madrid, 1993