1.04 Contracts
-Contract-

- Agreement between two or more people.
- Enforceable by law.
Elements of a Contract

-Offer-

A proposal by one party to another indicating willingness to enter a contract.

1.04 Understand legal and ethical issues
Elements of a Contract

- Offer -

In healthcare, an individual enters into a relationship with a healthcare provider and offers to be a patient.
Elements of a Contract - Acceptance -

The willingness to go along with the offer.
Elements of a Contract
-Acceptance-

Healthcare provider gives an appointment, examines, or treats the patient.
Elements of a Contract - Genuine Agreement -

Valid offer is met by a valid agreement
Fraud, misrepresentation or undue influence can destroy the genuine agreement.
Elements of a Contract - Capacity -

The legal ability to enter a contract.
1.04 Understand legal and ethical issues

Elements of a Contract - Capacity -

- Legal Disability
  Individual who cannot legally enter into a contract
Elements of a Contract -Capacity-

- Legal Disability
  - Minors - younger than 18 years of age unless married
  - Mentally incompetent
  - Under the influence of drugs/alcohol
  - Semi-conscious/unconscious

1.04 Understand legal and ethical issues
Elements of a Contract -Consideration-

- The thing of value promised in exchange for something else of value.

- Payment is made by the patient for the services received.
Elements of a Contract - Legality -

- Persons entering a contract cannot agree to do something that is illegal or forbidden by law.

- Ex: cannot agree to sell a kidney
Types of Contracts

- Implied contracts – non-verbal agreement of understanding

- Expressed contracts – state the terms of the agreement in distinct and clear language, either oral or written
Healthcare Contract
-Informed Consent-

- The patient or their healthcare power of attorney gives written permission for a treatment or procedure, based on a clear understanding of desired outcomes and possible complications.

- Informed consent is an essential component of a healthcare contract.