

# HEALTHCARE TERMS GLOSSARY

## Healthcare Legal Terms

Advance Directive	A legal document that individuals complete to direct their medical care when they are otherwise unable to communicate their own wishes. Also known as a living will.
Anti-Trust Laws	State and federal laws that prohibit health care and other providers from price-fixing or developing monopolies that would prevent consumers from having choices in terms of costs and service.
Data Use Agreement	The written assurance required by HIPAA that the "limited data set recipient will only use or disclose the protected health information for limited purposes."
Durable Power of Attorney	A legal document in which individuals select another person to act on their behalf in the event they become incapacitated.
Emergency Medical Treatment & Labor Act (EMTALA)	Law enacted by Congress to ensure public access to emergency services regardless of ability to pay.
Exclusivity Clause	A part of a contract which prohibits a health care provider from contracting with more than one managed care organization.
False Claims Act	A federal law sometimes used to charge hospitals with fraud and abuse.
Fraud	In criminal law, fraud is intentional deception made for personal gain or to damage another individual; the related adjective is fraudulent, and verb is defraud. Fraud is a crime and a civil tort at common law, though the specific criminal law definition varies by legal jurisdiction. Defrauding people or entities of money or valuables is a common purpose of fraud.
Good Samaritan Law	A legal doctrine that protects a person from penalty for aiding another person in an emergency situation.
Health Insurance Portability and Accountability Act (HIPAA)	Protection for patients from medical decisions done by third parties. It regulates patient identify theft and insurance fraud.
Informed Consent	A legal concept requiring a patient or a patient's guardian to be advised of and to understand the risks associated with a proposed procedure or treatment prior to approving such procedure and treatment, usually indicated by a signed written statement.
Living Will	A legal document generated by an individual to guide providers on the desired medical care in cases when the individual is unable to articulate his or her own wishes. Medical care and the degree of medical intervention and life sustaining support is typically expressed in this document.
Peer Review	The process by which health care professionals evaluate each other's clinical performance. This may be done by a committee which examines the work of a peer and determines whether the individual under review has met accepted standards of care in rendering medical services. A peer review may be initiated at the request of a patient, physician, or an insurance carrier.
Privacy	An individual's interest in limiting who has access to personal health care information (as related to the HPAA privacy rule)
Safe Harbor Laws	A set of federal regulations providing safe refuge for certain health care business arrangements (primarily physician-hospital arrangements) from the criminal and civil sanction provision of the Medicare Anti-Kickback Statute prohibiting illegal remunerations.
Sarbanes Oxley (SOX)	Federal legislation passed by the U.S. Congress to protect shareholders and the general public from accounting errors and fraudulent practices in the enterprise, as well as improve the accuracy of corporate disclosures.
Stark Law	Prohibits a physician or immediate family member who has a financial relationship with an entity from referring a Medicare or Medicaid patient to the entity for health services.
ONCHIT	Office of the National Coordinator for Healthcare Information Technology
OSHA	Occupational Safety and Health Administration
Qui Tam (Whistleblower) Action	A lawsuit brought by a private citizen (popularly called a "whistle blower") against a person or company who is believed to have violated the law in the performance of a contract with the government or in violation of a government regulation, when there is a statute which provides for a penalty for such violations.
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