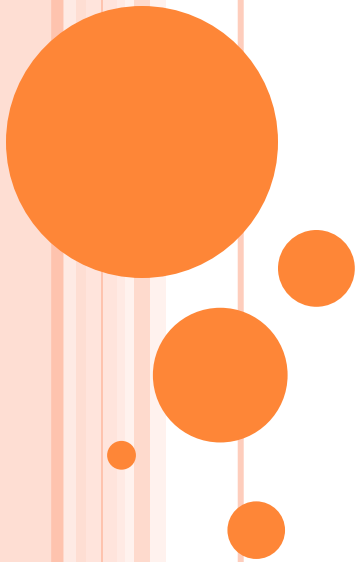


CHAPTER 17:

ETHICS AND LAW

IN NURSING MANAGEMENT



PERSONAL VALUES PAGE 252

- Ethics defined
 - Branch of philosophy that examines ideal human behavior
 - Ethics and values are intertwined to determine behavior
 - Different societies and cultures have different ethics
 - Lying, stealing and cheating



PERSONAL VALUES (CONT'D)

- Personal values: underlying principles of ethical behavior
- Values: personal beliefs about the truth, thoughts, and behaviors of a person
- Ethical dilemma: conflict between two or more fundamental values
- Can you work in an abortion clinic



UNDERSTANDING ETHICS PGE 253

- Nurses need to develop a framework for ethical decision making
 - LPNs face ethical dilemmas every day
 - Nurses are accountable for decisions made
 - Intuition: a feeling that you should or should not do something is not an acceptable way to make an ethical decision



UNDERSTANDING ETHICS (CONT'D)

- Ethical principles
 - Autonomy: the right to choose one's own actions
 - Beneficence: do what is good for the patient
 - Nonmaleficence: do no harm to the patient
 - Justice: being just, impartial, and fair
 - Fidelity: faithfulness to promises or agreements
 - Veracity: being truthful and honest



UNDERSTANDING ETHICS (CONT'D)

- Ethical issues
 - Genetics
 - Stem-cell research
 - Bioethics



UNDERSTANDING ETHICS (CONT'D)

○ Ethical theories

- Chosen theory depends upon your values
- Deontology
 - Represents one's duty to others and to fulfill obligations
 - Do no harm
 - Based on rules and societal norms
 - Human dignity
- Utilitarianism
 - Represents how useful a decision is to greatest number of people
 - Based on idea that what is useful is a good thing
 - Values the needs of group over the needs of individuals



UNDERSTANDING ETHICS (CONT'D)

- Ethical reasoning process
 - Clearly identify the problem
 - Identify your personal values as related to the dilemma
 - Identify possible alternatives
 - Determine the impact of outcomes
 - Examine the outcomes as they relate to the listed alternatives
 - Develop plan
 - Implement plan
 - Evaluate plan



LEGAL ISSUES

- LPNs are responsible for providing nursing care based on established standards
- To neglect to do so is a criminal act
- Follow nurse practice act in the state where you practice



NURSE PRACTICE ACT

- Sets forth the legal requirements in the state where the LPN practices
- Act does the following
 - Establishes and enforces rules for licensure
 - Develops and enforces rules and regulations of nursing practice in the state: the rules supplement the laws
 - Enforces the laws that are determined, written, and changed by the state legislature



NURSE PRACTICE ACT (CONT'D)

- State board of nursing
 - Responsible for nursing practice, licensure, and education for the state
 - Can only enforce the rules and regulations that are in the nurse practice act
 - Responsible for disciplinary action, such as withdrawing licensure from a nurse or requiring a substance abuse program
 - Nurses must know and follow the dictates of the nurse practice act in their state



UNDERSTANDING THE LAW

- General sources of law
 - Statutory law
 - Enacted laws: passed by formal law-making body like legislature
 - Regulatory laws: made by regulatory agencies, like the state board of nursing
 - Common law
 - Based on the common usage, custom, and judicial decisions or court rulings of previous cases
 - Common law is used to sway judges or juries
 - Often determined by expert witnesses who offer testimony



UNDERSTANDING THE LAW (CONT'D)

- General sources of law
 - Institutional policies and procedures
 - Do not have the same force as law
 - Provide guidance to the nurse as to how a situation should be managed and the proper course of action to be taken
 - Organizations should maintain up-to-date policies and procedures that reflect current practice
 - Policies and procedures do not take precedence over the law



UNDERSTANDING THE LAW (CONT'D)

○ General sources of law

- Criminal law
 - Laws related to public welfare
 - Crimes are punishable by imprisonment, probation, loss of license, or fines
 - Any violation of a law that governs nursing practice is a crime
- Civil law
 - Laws between organizations and/or individuals
 - Tort: violation of a civil law in which another has been wronged
 - Court determines a plan to correct the wrong, which is generally monetary payment for damages
 - Nurses who break the law may also find themselves embroiled in civil suits along with criminal ones



LEGAL ISSUES SPECIFIC TO NURSING

- Standard of care: level of care that would be rendered by a comparable nurse in a similar circumstance
- Duty to seek medical care for the patient
 - Legal duty of nurse to ensure every patient receives safe and competent care
 - Act as patient advocate and do everything in your power to obtain appropriate medical care for patients



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

- Confidentiality
 - Bound by legal and ethical principles
 - Share information with care team only
 - Share information with right person in right place
- Permission to treat
 - Patient must sign document
 - Everyone has the right to refuse treatment
 - Do all you can to promote compliance while respecting personal wishes



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

- Informed consent
 - Patients must receive information and understand possible outcomes, alternatives, and consequences
 - Nurse must obtain informed consent
- Defamation of character
 - Sharing information about another that is malicious and false
 - Libel: when defamation is in writing
 - Slander: when defamation is verbal



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

- Advance directives
 - All health-care institutions must give patients an opportunity to determine what lifesaving or life-prolonging measures they want implemented
 - Give a person an opportunity to make decisions regarding health care before need for treatment
 - Durable power of attorney: someone who makes health-care decisions for a patient



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

○ Negligence

- Nurses must meet the standard of care in practice
- Occurs when a nurse fails to perform according to the standard of care
- To prove negligence
 1. Standard of care exists
 2. Breach of standard of care occurred
 3. Damage or injury has resulted
 4. Damages were a consequence of the breach



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

- Malpractice
 - Negligence committed by a professional person with a license
- Fraud
 - Deliberate deception for the purpose of personal gain
- Assault
 - Threat of unlawful touching of another; the willful attempt to harm someone
- Battery
 - Unlawful touching of another without consent, justification, or excuse



LEGAL ISSUES SPECIFIC TO NURSING (CONT'D)

- False imprisonment
 - Preventing movement or making a person stay in a place without obtaining consent
 - Can be done through physical or non-physical means
 - A right of every patient to leave a facility at any time, even against medical advice



SAFEGUARDS

- Guidelines for preventing a lawsuit
 - Knowledge: of patient needs and wants, of institutional policies and procedures, and of standards of care
 - Record and report: the truth and an objective account; report any problems to every appropriate person
 - Question, question, question: ask questions so that you can determine proper approaches to resolving problems

