

ETHICAL AND LEGAL ISSUES IN NURSING PRACTICE

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Objective

***;Upon completion of this session you will be able to
Define the key terms .***

Illustrate ethical principal related to nursing.

Healthcare Ethics Approachess

***Discuss purpose& elements &application of the code of
. ethics***

.Discuss Ethical Dilemma& decision making process



Identify Sources of law .

*Illustrate Factors affecting legal decisions &
Classification of laws .*

*Explain Legal issues common in nursing &
Factor that contribute to malpractice claims .*

*Preventing malpractice claims .
Discuss Elements of legal action .*

Outline

***Definition of following terms(ethics, values, moral,
. (...laws***

.Purpose of code of ethics

***Elements of the code of ethics & applying element of
.ICN***

***organizational ethics& health care ethics
.approach***

.principle of code of ethics

***Approach to Ethical Dilemma& decision making
.process***

.the key ethical theories or system can be used

.Glossary of term used in ICN code of ethics for nurses



Sources of law .

Factors affecting legal decisions .

Classification of laws .

Legal issues common in nursing .

Factor that contribute to malpractice claims .

Preventing malpractice claims .

Elements of legal action .

.INTRODUCTION

Every newspaper contains reports of sensational cases being decided in our courts.

Concerns about lawsuits and liability are voiced in every business. Health care remains at the forefront of professions where legal issues constitute a major area of concern. The wise nurse considers legal issues before a crisis arises and uses sound information to help guide action in situations .where questions arise



*Nurses are constantly faced with the challenge of making difficult decision regarding good and evil
.or life & death or all issues*

*Nurses must know the legal & ethical issue
.regarding care of patient*

;Key definition

.Values

***Are ideals or concept that give meaning to an individual
.life***

;Moral

***Are the fundamental standards of right and wrong that an
individual learns and internalizes, usually in the early
. stages of childhood development***

;Laws

***Are generally defined as rules of social conduct devised by
people to protect society. law are based on concerns for
.fairness and justice***

:Ethics

Ethics are systems of valued behaviors and beliefs that govern proper conduct to ensure the protection of an individual's rights



*Are declaration of what is right and what is wrong,
.system of valued behaviors and beliefs
Ethics are associated with society*

Code of Ethics

.Ethics code

***An ethics is a written list of professions values and
,standards of conduct***

***An ethics code provides a framework for decision
making***

: Nursing Code of Ethics

The code of ethics for registered nurses is a statement of ethical commitments of nurses to those they serve. Nurses have developed it for nurses and set forth the ethical standards by which nurses are to conduct their nursing practice. (CNA code of ethics ,2002)

.The purpose of this code of ethics

***Identify the fundamental moral commitments of
.the profession***

***Provide nurses with a basis for professional and self
.reflection on ethical conduct***

.Act as a guide to ethical practice

***Indicate to the community the moral values which
.nurses can be expected to hold***

. Elements of the code of

.Nurses and people

.Nurses and practice

.Nurses and profession

.Nurses and co – workers

.Nurses & people

**The nurses Primary responsibility is to people who
.need nursing care**

**The nurse, in providing care ,promotes an
environment in which the values ,customs, and
.spiritual beliefs of individual are respect**

**The nurse hold in confidence personal information
.and uses judgment sharing this information**

.Nurses & practice

The nurse carries responsibility for nursing practice and for maintain competence by continual learning .the nurse maintained the highest standard of nursing .care possible within the reality of a specific situation

The nurse uses judgment in relation to individual competence when accepting and delegating .responsibility

The nurse when acting in a professional capacity should at all times maintains standards of personal .conduct which reflect credit upon the profession

.Nurses & the profession

*The nurse plays the major role in determining and implementing desirable standards of nursing
.practice and nursing education*

*The nurse is active in developing a core of
.professional knowledge*

*The nurse, acting through the professional organization, participates in establishing and maintaining equitable social and economic
.working conditions in nursing*

.Nurses & co-workers

***The nurse sustains a cooperative relationship with
.co-worker in nursing and other field***

***The nurse takes appropriate action to safeguard
the individual when his care is endangered by a
.co-worker or any other person***

Applying element of ICN Code of ethics .for nurses

***four element give a framework for the standards of
.conduct***

****.Study the standards under each element***

***reflect on what each standard means to you. thank*
;about how can apply ethics in nursing domain***

. practice , education , research or management

****.Identify how you would resolve the dilemma***

***Work in group to clarify ethical decision making and*
.reach a consensus on standards of ethical conduct***

***Collaborate with your national nurses association, co-*
workers and other in continuous application of
.ethical standards in nursing domain***

Organizational Ethics

Focus on the workplace

Ethical culture makes a difference

Senior leadership must promote an ethical culture

ORGANIZATIONAL ETHICS

*;Public accountability
public involvement -
complaints process -
:Inter-professional Procedures
standards -
codes -
committees -
research ethics -*

Healthcare Ethics Approaches

Prescriptive

(Command structure (hierarchy -

Law -

Regulatory bodies -

Ethics Codes -

Ethics committees

Religion, cultural norms



Participative, exploratory

a) Framework

e.g. Rights and Obligations

e.g. Public Accountability framework

e.g. Decision-making framework

b) Process

e.g. open discussion from initial question

Ethical Principles

Autonomy

.Respect

Nonmaleficence

Beneficence

Justice

Fidelity

Confidentiality

Veracity

Accountability

Autonomy

***The freedom to make decisions about
.themselves***

***Nurses need to respect clients' rights to make
choices about health care***

Respect

Refers to treating people as unique ,equal and responsible moral agent

Beneficence

***This principle means “doing good” for others
Nurses need to assist clients in meeting all their
needs***

Biological

Psychological

Social

Nonmaleficence

***Requires that no harm be caused to an individual,
either unintentionally or deliberately***

***This principle requires nurses to protect individuals
who are unable to protect themselves***

Justice

*Every individual must be treated equally
This requires nurses to be nonjudgmental*

Fidelity & Loyalty

The promise to fulfill all commitments

The basis of accountability

Confidentiality

Anything stated to nurses or health-care providers by clients must remain confidential

:The only times this principle may be violated are
If clients may indicate harm to themselves or others
If the client gives permission for the information to be shared

Veracity

”This principle implies “truthfulness

Nurses need to be truthful to their clients

*Veracity is an important component of building
trusting relationships*

Accountability

Individuals need to be responsible for their own actions

Nurses are accountable to themselves and to their colleagues

Ethical Dilemmas

Is a situation that requires an individual to make a choice between two equally unfavorable .alternative

Occur when a problem exists between ethical principles

Deciding in favor of one principle usually violates another

Both sides have “goodness” and “badness” associated with them

Resolving Ethical Dilemmas

Using the Nursing Process

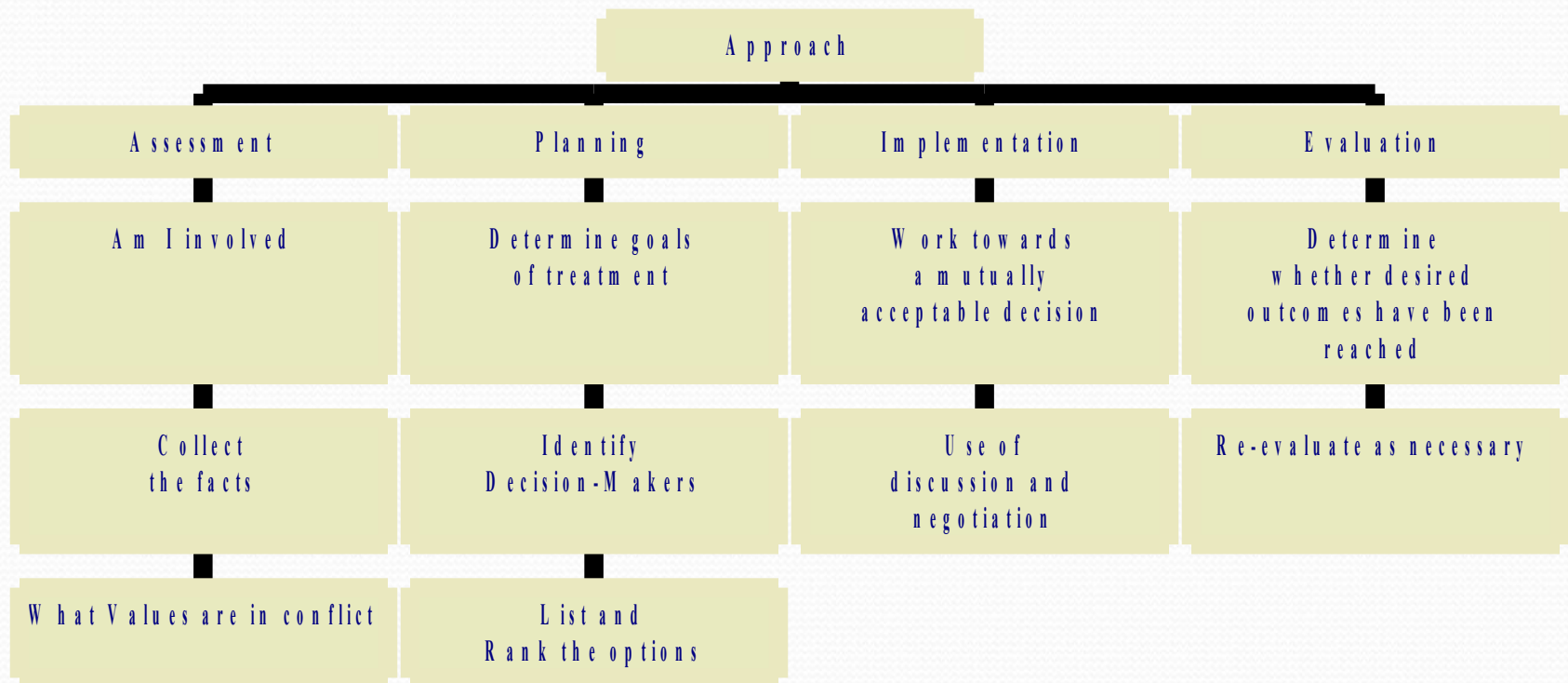
Assessment

Planning

Implementation

Evaluation

Approach to Ethical Dilemma



Five step ethical decision making process as tool for resolving .ethical dilemmas

.Collect , Analyze ,and Interpret the Data-1

.State the dilemma -2

.Consider the choices of action -3

Analyze the advantages &disadvantages -4

.of each action

.Make the decision -5

Ethical Theories

;Deontology

***Is a system of ethics that is based on unchanging
.principles***

***This system parallels the legal and moral system
.most people follow growing up in today's world***



Teleological

Utilitarianism is a system of ethics that is based on the principle of greatest good . as a system , may not be appropriate for some .health care decision

SOURCES OF LAW

Statute law

A statute is a rule or formal regulation established by governmental legislative authority

Regulatory Law

Regulatory law (referred to as executive or administrative law) includes the rules and regulations established by all agencies to carry out enacted law.

Common Law

*Common law derives from common usage,
custom, and judicial law*

FACTORS AFFECTING LEGAL DECISIONS

Administrative rulings

Referred to as an advisory opinion, made by a state board or by an attorney general provides a guideline based on an interpretation of the enacted and regulatory law relative to a specific situation, and is not a final legal decision.

Rights and Responsibilities in Health Care

Rights and responsibilities have both legal and ethical aspects. These rights protect the individual from governmental interference in basic areas of life. A protocol or procedure provides specific guidelines on performing a task. The purpose of protocols and procedures is to ensure that there is consistent, sound practice in an institution.

Institutional Policies and Protocols

Institutional policies provide guidance in the proper actions to be taken in specific situations, and identify the individuals responsible for taking action.

CLASSIFICATION OF LAWS

Criminal Law

Addresses the general welfare of the public. A violation of criminal law is called a crime and is prosecuted by the government. On conviction, a crime may be punished by imprisonment, parole conditions, a loss of privilege (such as a license), a fine, or any combination of these.

CRIMINAL LAW AND NURSING

- 1 .** *The Nurse Practice Act requires that actions (such as administering drugs) be performed only under the direction of a physician,*
- 2 .** *A violation of a professional practice act may be prosecuted as a crime even if no actual harm occurred to the patient.*
- 3 .** *By finding minor errors the criminal action could result in the loss of a job and in the loss of a license to practice nursing..*



Violation of laws related to the care and . 4 distribution of controlled substances is also a crime.

5. Altering or changing narcotic records is a crime even if no diversion of drugs occurred.

6. Nurses who commit felonies such as theft, abuse, or deliberate harm to a patient are always charged under both criminal laws and the . laws regulating nursing practice

Civil Law

Regulates conduct between private individuals or businesses, and is enforced through the courts as damages or money compensation. A tort is a violation of a civil law in which another person is wronged.

CIVIL LAW AND NURSING

Torts

Are civil wrongs committed by one person against another person or a person's property

Negligence

Is a general term that refers to conduct that does not show due care.

- 1. Harm must have occurred to an individual.*
- 2. The negligent person must have been in a situation where he or she had a duty toward the person harmed.*
- 3. The person must be found to have failed to fulfill his or her duty.*

Malpractice

Is a term refers to the negligence specially trained or educated person in the performance of his or her job. It also used to describe negligence by nurses in the performance of their duties.

LEGAL ISSUES COMMON IN NURSING

Duty to Report or Seek Medical Care for a Patient

A nurse who is caring for a patient has a legal duty to ensure that the patient receives safe and competent care. This duty requires that the nurse maintain an appropriate standard of care and that the nurse take action to obtain an appropriate standard of care from other professionals when that is necessary.

Confidentiality and Right to Privacy

Confidentiality and the right to privacy with respect to one's personal life are basic concerns in our society.

Defamation of Character

Any time that shared information is detrimental to a person's reputation, the person sharing the information may be liable for defamation of character.

- A. Written defamation is called libel.*
- B. Oral defamation is called slander.*

Privileged Communication

Refers to information shared by an individual with certain professionals that does not need to be revealed.

Informed Consent

Every person has the right to either consent (agree) to or to refuse health care treatment.

CONSENT FOR NURSING MEASURES

COMPETENCE TO GIVE CONSENT

A person's ability to make judgments based on rational understanding is termed competence.

WITHDRAWING CONSENT

Consent may be withdrawn after it is given. People have the right to change their minds.

CONSENT AND MINORS

The parent or legal guardian usually provides consent for care of a minor.

DO NOT RESUSCITATE ORDERS

“Do not resuscitate” (DNR) or “No Code,” meaning that no resuscitation efforts of any kind are to be made.

There would be no CPR, no resuscitative drugs, and no ventilator support.

Suit-Prone Patients

Suit-prone patients usually are identified by overt behavior in which they are persistent fault-finders and critics of personnel and of all aspects of care.

Suit-Prone Nurses

- 1.** *Nurses who are insensitive to the patient's complaints,*
- 2.** *who do not identify and meet the patient's emotional needs, or who fail to recognize and accept the limits of their own practice may contribute to suits instituted not only against the nurse but also against the employer and the physician.*

FACTORS THAT CONTRIBUTE TO MALPRACTICE CLAIMS

Social Factors

Health care is a big business, and patients complain increasingly of not being accepted and respected as individuals.

Adapting Proposed Assignments

Nurses may find themselves assigned to units where they have little or no experience with the types of patient problems they will encounter.

Following Policies and Procedures

Policies are often designed to provide legal direction.

Changing Policies and Procedures

Changes are needed in policies, procedures, and protocols. Part of your responsibility as a professional is to work toward keeping these up to date.

Documentation

Documentation in the record of observations made, decisions reached, actions taken, and the evaluation of the patient's response are considered much more solid evidence than verbal testimony, which depends on one's memory.

Documentation needs to be factual, legible, and clearly understandable. Only approved abbreviations should be used.

ELEMENTS OF A LEGAL ACTION

Discovery

Involves gathering information through documents (such as previous medical records and results of mental and physical examinations), interrogatories (written questions answered under oath), and depositions.

Testimony

Refers to an individual's verbal or written account of a situation.

A deposition

**Is a formal proceeding in which each attorney has an opportunity to question
a witness outside of court**

Research finding related ...

. Two hundred and forty-nine deaths owing to substance overdose were reported to the Medico-Legal Centre, Dammam, Saudi Arabia in the 8 year period from 1990 to 1997. All cases were subject to a full forensic autopsy with toxicological and histological studies. The overall male : female ratio was 7.9:1 and males predominated in all age groups. Saudis outnumbered other nationalities and accounted for 191 (77%) of the cases. Four main categories of overdose fatalities were identified: opiates, prescribed medication, alcohol and carbon monoxide



Opiates accounted for 116 (47%) of all overdose deaths, although such fatal overdoses have been decreasing since 1993. Medically-prescribed drugs accounted for 50 (20%) of the fatalities (21 deaths from antidepressants, 19 from tranquillizers, five from hypnotics, three from paracetamol and two from amphetamines). Ethyl alcohol accounted for 27 deaths (11%) and carbon monoxide for 26 deaths (10.5%). This study shows a sharp fall in overdose fatalities in eastern Saudi Arabia during the last 5 years, which probably reflects the influence of a combined policy of strict legislations against drug trafficking and tight control over prescription of drugs

Conclusion

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