

Ethical and legal issues



Nurses today face many challenges related to ethical and legal issues. The American Nurses Association Code of Nursing Ethics is a guideline for nurses to use when facing these issues. Personal and societal values will also influence nurses faced with these issues. If nurses adhere to the Code of Ethics even though personal or societal values may be in conflict, they will not have to worry about legal issues pertaining to the care given. Marianne's final decision in Marianne's case requires many considerations. Compassion, respect, and Marianne's rights must be the focus.

“ The nurse promotes, advocates for, and strives to protect the health, safety, and rights of the patient” (Blais & Hayes, 2011, p. 175) is third provision of the American Nurses Association Code of Ethics for Nurses. Personal or societal values influencing the husband, children or health team must be clarified so the family and team can be empathetic, aware, and insightful. (Chitty & Black, 2011, p. 51). It is evident that Marianne's husband values life because of the fact that he “ wants to try everything” (Blais & Hayes, 2011, p. 175). The children; however, seem to value the quality of life.

They do not want to risk surgery if it does not offer body and mind functionality. Marianne's husband may be in denial about the condition of his wife as well as being in shock because of the suddenness of the accident. The conflicting opinions of Marianne's family will need to be addressed and further explored with the ethics committee before a final decision can be made. It is the health team's responsibility to understand the family's values, opinions, and desires for Marianne when preparing for the meeting to discuss

her future care. The team must also understand any values or opinions they may bring to the situation at hand.

Unlike the family's values, the team's values and opinions must be kept in check and not influence the discussion with Marianne's family. This meeting with the health care team is a time to present Marianne's health as it is currently as well as what the expectations are for each possible intervention available. It is a time to listen and empathize with the family members as well as help guide their decision based on what is best for Marianne. When Marianne's health options have been discussed, it is the health care team's responsibility to support and comfort the family members as well as Marianne.

Because Marianne did not have advance directives, her husband, as next of kin would be the final decision maker. The husband is given the proper forms and information. All future care is provided according to his wishes. As the fourth provision states, the nurse is responsible to delegate tasks and care for Marianne so the desired outcome can be obtained. When care is given according to the wishes of the husband and the nurse adheres to the code of ethics, there will be no concern for any legal action taken. He or she has done what she is required by law to do. Malpractice Case

The nurse in the malpractice case must adhere to the codes of ethics. The "codes of ethics are usually higher than legal standards, and they can never be less than the legal standards of the profession" (Blais & Hayes, 2011, p. 58). The second provision clearly states that the nurse's primary commitment is to the patient (Blais & Hayes, 2011, p. 59). The nurse must

put aside loyalty to a fellow nurse if this provision has been compromised. The first provision also helps the nurse with the commitment to peers. It states that each professional relationship is compassionate and respectful (Blais & Hayes, 2011, p. 59).

This nurse was respectful by following the policy of reporting the incident of negligence to administration and compassionate by not sharing this incident with other staff, but doing what is necessary to ensure proper care for the other patients. The nurse also did the right action of documenting the incident in case of possible lawsuit. During the court hearing, the nurse in this case must not slander the coworker, but state the truth of the situation. In fact, Murphy states, “ The only hard and fast rule is to tell the truth” (Murphy, 2005, p. 855). The nurse does need to provide any additional information beyond what is asked directly.

This nurse did what was required by law and went further to ensure the codes of ethics were adhered to. As discussed, nurses face many challenges related to ethical and legal issues. The American Nurses Association Code of Nursing Ethics is the best guideline for nurses to use when facing these issues. Personal and societal values will also influence nurses faced with these issues but if nurses adhere to the Code of Ethics even though personal or societal values may be in conflict, they will not have to worry about legal issues pertaining to the care given.