

# Ethical and legal issues in nursing

[Sociology](#), [Ethics](#)



Within the profession of Nursing there are many decisions and clinical vignettes that will play out. This paper will depict an end of life case study, which will be explored. When reviewing each case study there are two nursing actions for how end of life care is viewed and carried out, according to the American Association Code of Nursing Ethics. Throughout the ethics code it explains how a nurse who does not abide by the standards would be handled.

The American Nurses Association Code of Ethics states that respecting a patient at the end of life" extends to all who require the services of the nurse for the promotion of health , the prevention of illness, the restoration of health, the alleviation of suffering, and the provision of supportive care to those who are dying. " (American Nurses Association [ANA], 2001, p. 7) Nurses should always view the job duties of caring for the patient with a holistic approach. One not only for the patient, but also the family or loved ones.

In Marianne's case, the patient did not have an advanced health care directive. Therefore, the nurse's focus on doing what is for the good and " doing no harm" (also called nonmaleficence) can be challenging when facing end of life care for the patient. " Nurses help prepare the family on steps to be taken and who must be contacted", when the patient is approaching death. " Providing this critical information and education will help to reduce the amount of fear and anxiety frequently associated with not knowing". (Heidrich, 2007).

Nurses also recognize and respect various cultural differences and wishes to be performed out at this time. If those cultural differences are not known,  
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various resources are presented to best facilitate carrying out a patient's wishes. According to the American Nurses Association Code of Nursing Ethics, a malpractice case pertaining to malpractice, which resolved in harm to the patient, it is the nurse's duty to report what she has observed and witnessed. There is also the responsibility of the nurse's employer to report the case.

If there are witnesses the obligation to report is vital. First protecting and providing safe care to the patient takes top priority. Other actions to take may include informing the loved ones or family of the patient. The next step is to continue the reporting of the incident up the chain of command starting with the nurse's direct supervisor all the way to a legislative organization. During the chain of reporting when a link is broken it is the original nurse's responsibility to report to the legislative organization if warranted.

The American Nurses Association Code of Nursing Ethics states that " as a nurse the obligation is to the patient because nurses strive to resolve conflicts in the ways that ensure patient's safety, guard the patient's best interest and preserve the professional integrity of the nurse"((American Nurses Association (ANA, 2001, p. 10). Personal and societal values can influence ethical decision making. Rassin wrote, " Values lie at the core of the diverse world of human behavior and are expressed in every human decision and action" (Rassin, 2008, pg 614).

Personal values give our lives meaning, they are how and why we react in certain ways, and allow us to have faith in ourselves. We learn these from our infancy throughout our lives, as we grow and learn. These values can change based on what is important to us. Values are what we see as right

versus wrong, good versus evil and important versus unimportant. Societal values are values and abilities that contribute to moral character, and give us a sense of community. This is why we do not condone murder or violent crimes as a society.

We view this as unacceptable behavior. Humans are taught as children how to behave, are told not to fight, not to steal, not to lie, and not to cheat. To tell the truth and to love our families are seen as important. During interaction with others values are created with friends and family. This is how the individual conscience is developed. Personal and societal values influence ethical decision by making us look at what we believe is right or wrong and how this will affect our family and friends.

Sometimes when we make a decision not to act is that we do not want to hurt someone else's feelings. There are other times that not enough information to make an informed decision on what is important to us is available. The ethical decisions are created and based on the conscience of personal beliefs of right and wrong. Concerning the two cases reviewed in this course, there are many fundamental and legal aspects of each case. The Case Study for Six Caps is regarding the end of life decisions of a 79-year-old woman who has suffered a hemorrhagic stroke.

Her pupils appear dilated and do not respond to light. The elderly woman's breathing is managed with the assistance of a respirator. There is a husband and three adult children trying to decide on surgery, which can remove the clot. The doctor cannot assure the family that the patient will fully recover with or without the surgery. The husband in this case wants to be aggressive with the treatment although the children do not because of the possibility of

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a worse outcome. The more challenging aspect is that the patient does not have an advanced directive.

As few as 20 % of patients who lack decision- making capacity have advanced directives (Fins, 1994 ) If there are no advanced directives present, the health care team's first challenge is to determine whom to approach about critical care decisions. Some states have legislation that defines who should make decisions. Without legal guidance, the most frequent hierarchy is the spouse, the adult children and lastly the parents. It is the health care team's responsibility to provide the education needed for the family to make a decision. Physicians must offer nonjudgmental options and recommendations based on the facts and their education.

The family need to keep in mind that the decision is not what they think is necessarily best for the patient but what the patient would choose if able. This is known as substituted judgment. If the family decided to go through with the surgery they need to sign an informed consent. Although the physician is responsible for the informed consent, the nurse can be a client advocate. They must verify that the family members understand the consent form and its implications and that the consent for surgery is truly voluntary (Kozier, Erb, Berman, & Snyder, 2012).

The second case study is regarding a malpractice case, which presents with much legality. The Joint Commission of Accreditation of Healthcare Organizations (JCAHO) defines negligence as a, " Failure to use such care as a reasonably prudent and careful person would use under similar circumstances"(JCAHO, 2003) . The nurse's main obligation is to uphold the Standards of Care for the patient. It is the nurse's duty to have a relationship <https://assignbuster.com/ethical-and-legal-issues-in-nursing/>

with a patient which involves providing care and following the acceptable standards of care (Kozier et al. , 2012). The nurse was correct in reporting the overly negligent nurse.

As a result of the breach of duty owed to the patient resulted in harm. The nurse can be charged with malpractice/gross negligence and possibly lose her license. In the next case study it was not clear what actions the nurse was negligent on but a lawsuit still endured. The six categories of negligence that result in malpractice lawsuits are failure to follow standards of care, failure to use equipment in a responsible manner, failure to assess and monitor, failure to communicate, failure to document, and failure to act as a patient advocate (Higginbotham & McCarthy, 2001).

Like any member of a profession, a professional nurse has many legal responsibilities to assume in his or her practice. " Nurses have to abide by laws and regulations when practicing nursing. All of the regulations and legal aspects of nursing are presented and explained to nurses throughout nursing school. Not abiding by the code of ethics could cost the nurse his or her nursing license and result in a malpractice suit" (Edwards, 2013). In the two case studies reviewed, the number one obligation is to the patient.

Nurses do have responsibilities to fellow coworkers and employers but being an advocate for the patient in all healthcare situations is their legal duty. It could be for the dying patient on hospice, or the patient who received negligence that resulted in harm. Whatever the case may be, nurses must follow the code of ethics and be accountable for all actions. They are required to do the right thing for the patient which in the patient's best

interest. It is part of the nursing oath that represents a sacred bond between caregiver and patient.