

Presence or absence of negligence by nurses

[Health & Medicine](#), [Nursing](#)



Dodging Responsibility

Nurses are charged with the role of providing quality care to their patients. Nurses owe duties to the patients they serve. He or she is accountable for promoting, advocating for, as well as striving to ensure complete protection of a patient's health, rights and safety. The nurse is also liable for his/her nursing practice and the appropriate performance of assigned and expected roles that entail the provision of quality care to the patients (ANA, 2001). A nurse's failure to provide the expected care is regarded as nursing malpractice/ negligence (O'Keefe, 2001). With this in mind, the case study presented in this paper can be analysed on the basis of the presence or absence of negligence.

The presence of an IV infiltration should have been identified, noted and taken care of immediately. It was the duty of the nurse who had done the overnight shift check up on the patient to ensure the best interest of the patient. This should have included ensuring that any single complication is noted, properly examined and proper care given to deal with it (Josephson, 2003). However, this was not the case as can be seen in the case study. The nurse who had done the rounds during the shift when the infiltrate was discovered had seen the infiltrate, failed to record it in the patient's chart and additionally ignored it. In this case, the nurse had failed to perform her duty of ensuring quality care, health and safety of the patient. Hers is the case of professional negligence rather than ordinary negligence. The parents are in this case right to sue her for negligence and the consequent complications/damage (scarring and motion loss) that resulted from the lack of action.

Negligence is proven by four main elements. The first element is duty which begins at the moment the patient meets the healthcare provider. The other element is breach of duty. This according to Helm (2003) occurs when the care provider fails to provide all necessary care and conduct to the patient. Damages, which is the next element is when harm occurs from neglect or breach of duty. The last element is causation. This is determined when the harm done can be directly associated with lack of proper care (O'Keefe, 2001).

Ordinary negligence is defined as the failure to provide care that any other person would have provided in a particular situation. Professional negligence on the other hand involves malpractice done by an expertise such as a doctor or qualified nurse (Shwab & Haas, 1995). The nurse charged with the role of taking care of the patient was a specialist in her job; hence, her negligence can be identified as professional negligence.

To prove the nurse's negligence in taking care of their daughter, the child's parents need to clearly show that the nurse had a duty to identify and take care of the infiltration, that the nurse failed to practice that duty, hence, breach of duty and that the failure to practice that duty resulted into the harm caused on the patient. As a form of professional negligence, there will be need for the testimony of another expert, such as a nurse, to prove that the accused nurse was indeed negligent. This is as stipulated by Schwab & Gelfman (2005).

References

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