

# Legal aspects of the nursing - homework 3

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Nursing Legal Aspects of Nursing A sturdy rivulet of high-visibility medical mishaps and accidents, which are a result of carelessness, makes patient safety being on the front page of health care. Under the Patient Safety Act (2005), physicians and health care providers have the responsibility of reducing unpleasant accidents involving patients. Patient safety is the most important part of healthcare practice, thus, medical practitioners are to do their best to protect patients against harm, which is a primary priority for every physician. Byers and White define patient safety as the freedom from events that may cause harm within the process of health provision (21). Patient safety entails knowing and reducing factors that may cause medical errors, communication of any relevant patient information to other medical health care providers, and disclosure of patient information (Byers and White 84). In the case in question, health care provider's responsibility of maintaining patient safety is on the limelight. This is because the patients and health care society view health care providers as quality and safety leaders. Among the different roles that a physician should execute, he or she should take an active part in practice-specific activities that ensure patient's safety (Byers and White 88). Though the doctors restrained Mr. Garcia to prevent self-harm, they failed to provide a direct one-to-one observation to Mr. Garcia, who later escaped from the hospital. Therefore, Mr. Garcia's escape from the hospital can be linked to the physicians' failure to observe him closely. In addition, communication of relevant patient information to other health care practitioners is a principle eminent in the case. It is the responsibility of health care practitioners to inform other health care providers about a patient. In the case in question, the physicians would have

informed other health care providers within the hospital (Byers and White 94). This would have, to some degree, averted Mr. Garcia's escape. In this case, the hospital and the staff members are the defendants. According to law, a defendant refers to the individual or an entity against whom an action is brought in a court of law. The organization can be held liable for the death of Mr. Garcia due to the actions of its employees. The employees act as agents of the organizations and their actions amount to actions of the organization. However, the police can also be held liable to some extent for the death of Mr. Garcia. In this case, the physicians who are employees of the organization did not exercise full responsibility in ensuring Mr. Garcia's safety. Though they restrained him to avert any harm on him, they failed to keep a close look on him. Mr. Garcia had confessed of wanting to harm himself, a fact that would have necessitated the use of strong restraints to avert any physical harm on his body. On the contrary, the physicians use soft restraint method for Mr. Garcia, which he slipped off from. However, it is not clear whether the hospital had other strong constraints that would have been used in restraining Mr. Garcia. Therefore, if the hospital had put measures that would have contributed to Mr. Garcia's safety through restraining him from escaping, the physicians involved in Mr. Garcia's case could be held personally liable for negligence of their duties towards the patient. In regard to the police's responsibility in his death it must be noted that they exercised reluctance in their duty when ensuring the safety of Mr. Garcia. Since the patient had confessed to both the physicians and police about his intend to harm himself, the police would have exercised some more care by confiscating his car keys. They would also have kept a close look on him

other than leaving that responsibility to the physicians. According to the facts of the case, it is not clear whether the hospital had instituted procedures to ensure patient safety. However, the fact that the physicians who restrained Mr. Garcia chose soft restraint methods means that there were other more effective forms of restraint, which would have proved effective. In this regard the staff members involved are liable for Mr. Garcia's death. This implies that the court would rule in favor of Mrs. Garcia and would leave the police officers and the health care unit responsible for the demise of Mr. Garcia. This case is similar to *Barmbek v. Bernbeck* case(1980), where it was held that an orthopedic surgeon was responsible for the increased injuries of the patient, since he practiced health care with unsatisfactory hygiene (Byers and White 423). The health care practitioners had to do their best to provide a quality care to Mr. Garcia in ensuring his safety, and their actions did not amount to that. Since he had confessed of harm to himself, they could have instituted measures to ensure his safety. However, though they put measures to restrain him, these measures were not adequate to avert his escape. Since the physicians had not known the degree of truth of Mr. Garcia's comments, they would have kept a closer look on him to ensure that he was safe and secure. Work Cited Byers, Jacqueline F., and Susan V. White. *Patient Safety: Principles and Practice*. New York: Springer, 2004. Print.