

Nurses legal responsibilities essays example

[Business](#), [Management](#)



Introduction

Nurses have various legal responsibilities in any hospital setting. The nurse's responsibilities particularly become accentuated in settings where various problems are being experienced. In this case study, a step down unit of a hospital is experiencing high census and a very high patient nursing ratio, meaning that the unit is seriously understaffed. Understaffing is a critical issue in health care because it can lead to several negative consequences. One of these problems is medical errors, and this is, in fact, what happens in this particular hospital. A medication error refers to an error by a care provider either in dispensing, administration, prescribing or monitoring of a medicine when under the control of the consumer, a health care professional or a patient. This paper seeks to explore the legal responsibilities of the nurse and those of the employer in regard to this issue. The paper also seeks to discover the ethical issues arising from this scenario.

In any hospital setting characterized by high census and poor staffing, the nurse has various legal responsibilities. The first of these responsibilities is to provide care to as many patients as possible (Guido, 2010). Understaffing results in a high nurse-patient ratio and, therefore, it is the legal duty of the nurse to avail care to as many patients as possible (Nurse's legal handbook, 2000). In an understaffed unit, nurses also have a legal responsibility to provide high-quality care to all the patients that they serve. The fact that the unit is understaffed does not mean that the nurse should provide substandard care that may result in the injury of the patient (Guido, 2010). In fact, nurses might find themselves as subjects of criminal action if their actions are deemed to have resulted in the injury of a patient. This is

because the nurses have legally accepted to work in a hospital unit that they realize is understaffed, and they are, therefore, liable to any action they take (Covington, 2007). The other primary responsibility of nurses is to approach the management and make them aware of the understaffing situation and ask for immediate address of the problem. Some nurses may think that the issue of understaffing lies with the management and that they do not have any influence or power over it (Guido, 2010). However, nurses have a legal duty to be well knowledgeable about matters related to staffing in the hospital unit as part of their responsibility to patients (Covington, 2007). They are mandated to give the administration a clear notice of the issue at hand and ask it to address the problem immediately especially in cases where quality of care to patients is being compromised (Nurse's legal handbook, 2000)..

Any employer has a legal duty to provide a workplace that is employee friendly and that is free from hazards and that meets the set standards, rules and regulations (Fraser, 2000). In this scenario where a step down unit is facing a problem of staffing, the administration has the legal duty to address the problem with immediate effect. The administration is tasked with the role of ensuring that the nurse patient ratio is of an acceptable level so that the quality of patient care is not compromised (Guido, 2010). In a situation where the problem cannot be addressed immediately, the employer has the legal duty to assist the nurses in every possible way and avail the necessary tools and resources that might make their work easier (Killion & Dempki, 2006). In addition, the management has a duty of matching nurse's expertise with the amount of patient assigned as well as the complexity of

the health issue at hand. This is to help mitigate the problem that has been brought about by understaffing. Doing this is likely to result in less medical errors and patient injuries. However, the ultimate legal responsibility of the administration is to address the problem with immediate effect and hire more staff.

Ethics deals with the moral judgment and standards of conduct. From this case study it is clear that there have been several ethical violations. The first ethical violation has been to the patients who are supposed to be provided with high-quality care. High-quality care is not achievable with insufficient staffing levels. Having an understaffed nursing unit is, therefore, an ethical violation to the patient (Nurse's legal handbook, 2010). In addition, nurses have also been violated ethically in that they have been overworked. High nurse to patient ratio means that nurses are forced to attend to more patients than is within their normal ability and as observed, this may result to serious negative consequences such as medical errors and patient injuries. If the hospital unit is to move forward, these ethical issues need to be addressed with immediate effect and as observed, the key to all this lies with management which is legally mandated to ensure sufficient staff in any hospital unit (Bjarnason & Carter, 2009).

In the understaffed step down unit addressed in this case study, a medical error resulted and the nurse involved was brought before the Board of Nursing for Discipline. In this case, the nurse should face disciplinary action from the board. In spite of the fact the hospital unit that the nurse was working in was highly understaffed, it was nevertheless the responsibility of the nurse to observe the nurses' code of conduct fully and abide by the set

standards. Had the nurse done this, a medical error would not have occurred. Nurses should fully comply with set standards and should make their fellow nurses also to comply. (Bjarnason, & Carter, 2009). It was, therefore, the responsibility of the nurse to avoid a medication error by carrying the duties assigned in a professional way and protecting the patient, and the board was, therefore, right in charging the nurse.

Conclusion

Every party plays a vital role in an organization such as a hospital. Both the nurses and the employer have legal responsibilities that they must observe and undertake while in the line of duty. Failure to do this will always result in low-quality health outcomes. In this case under analysis, a medical error resulted. This was partly as a result of understaffing, something that the employer was legally mandated to ensure that it did not happen. On the other hand however, regardless of the staffing levels, the nurse is required to fully comply with set standards and abide by the nurses' code of conduct and by doing this, problems such as medical errors are unlikely to occur.

Therefore, the Board of Nursing was right in charging the nurse. However, the administration of the hospital should also be put to task to rectify the problem of staffing the particular step down hospital unit.

References

- Nurse's legal handbook (4th Ed.). (2000). Springhouse, Pa.: Springhouse Corp.
- Guido, G. W. (2010). Legal & ethical issues in nursing (5th Ed.). Boston Pearson.

Fraser, J. C. (2005). What Are the Legal Responsibilities of the Employer in Case of the Accidental Death of the Employees? *The Boston Medical and Surgical Journal*, 160(8), 241-243

Covington, R. N. (2007) Moral and Legal Responsibilities of Surgical Nurses. *Nursing Forum*, 4(3), 19-26

Bjarnason, D., & Carter, M. A. (2009). Legal and ethical issues: to know, to reason, to act. Philadelphia, Pa.: Saunders.

Walter H. Saunders (2001). The Legal Responsibility of the Nurse. *The American Journal of Nursing*, 5(12), 860-873

Killion, S. W., & Dempski, K. (2006). *Quick Look Nursing: Legal and Ethical Issues*. Jones & Bartlett Learning.