

# Law ethics in nursing assignment

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Martina is aware of her own errors as she keeps saying she is sorry and should be doing a better job. Because they both acknowledge that she has a problem, any actions taken would be opportunities for achieving a culture of safety. VS 7. 3 Nurses value ethical management of information . This does not override the responsibility nurses may have in reporting aspects of a colleague's professional practice giving reasonable cause for concern.

Omar values Martina's right to protect personal information. Although he does not want to pry he has a responsibility and reasonable cause to report her uncharacteristic and distracted behaviour. Ethical Principles (devised by Beauchamp & Childress (2001 )) Non-maleficence: There is a risk of harm to patients. Omar is trying to prevent this by covering for Martina but Martina needs to consider what changes need to happen to enable her to maintain her duty to do no harm in the future. Beneficence: Omar needs to consider what is in Martina's patient's best interest.

By taking action and reporting her to authorities is not only putting her patient's best interests first, it may also be helping her to take action and seek professional help. Justice: Martina needs to be accountable for her actions. Legal Principles A health carer has a legal duty to provide professional nursing care and can be sued for negligence for not providing a " duty of care" as established by law. Martina could be liable should she cause a patient harm. It would be in Martina's best interest for Omar to report her to authorities before any harm is caused.

There are three principles for a negligence action and all three must apply for an action to succeed: 1) A duty of care is owed. Martina owes her patients

a duty of care (Donoghue vs Stevenson). 2) There has been a breach of that duty of care. Martina has failed to provide competent nursing care and has fallen below the expected standards of a Registered Nurse (Bolam vs Friern Hospital Management Committee). 3) Damage has resulted from this breach. No damage has yet been caused however if Martina continues to practice unsafely, patients could be harmed in the future.

A health professional is obliged to report to AHPRA if they reasonably believe that a registered health professional has placed the public at risk of harm (Health Practitioner Regulation National Law Act, s140, 141). A health professional may also voluntarily report to AHPRA with concerns regarding another health professional's conduct, knowledge, skill or judgment (s 144 of The Act). Making either a mandatory or voluntary report in good faith protects the health professional from civil, criminal and administrative processes, including defamation (s237 of The Act).

It would be Omar's legal responsibility to report to AHPRA, Martina's breach of unsafe practice. Also under this act (s 193 - 196), Martina could face disciplinary action for falling below expected nursing standards. Omar could be experiencing some conflict between ethical and legal principles. He could feel an obligation to maintain Martina's confidentiality under common law (Hospital and Health Boards Act, 5139) but legally he should report her behaviour if he judged it to be sufficiently serious to compromise the safety and well-being of patients. 3.

ACTION Code of Professional Conduct for Nurses in Australia (2008) CS 1. 1 Nurses are accountable for the provision of safe nursing care. Martina should

be held accountable for her actions. CS 1. 3 Nurses advise their immediate supervisor of their limitations on their scope of practice. CSI . 5 Nurses practice in a safe and competent manner that is not compromised by personal health limitations, including the use of alcohol or other substances. Nurses have a responsibility to seek assistance. CSIO. 6 Nurses advise employers of any reduction in their capacity while they seek ways of redressing their problem.

Martina needs to be aware that her health/personal circumstances are compromising the safety of her patients. She is working outside her scope of practice and it is her responsibility to report to her supervisor her compromised performance. CS2. 1 Nurses are responsible for ensuring the standard of their practice conforms to professional standards. CS3. 1 Nurses are familiar with relevant laws. Martina is aware that her standard of nursing is not up to professional standards as she tells Omar that she should be doing a better job.

As her performance has dropped below expectations, she should be aware Of possible legal consequences. CS 3. 2 Nurses witnessing the unlawful conduct of colleagues have both a responsibility and an obligation to report such conduct to an appropriate authority. CS3. 3 Nurses are entitled and obliged to take the matter to an appropriate external authority. Omar must be aware of relevant laws relating to mandatory/voluntary reporting of such behaviour and incidents and possible negligence charges. Should no action be taken after Omar submits a report, he should take external action. CS5. Nurses use their professional judgment regarding the necessity to disclose details. They recognise that they may be required by law to disclose

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information. Omar should recognise that he may be required to disclose Martina's confidential information, even against her wishes. CS9. 2 The unlawful and unethical actions of nurses in their personal lives risk adversely affecting their own and the professions good reputation. Martina risks putting her profession in disrepute. CSIO. Nurses develop and maintain appropriate and current quality nursing advice, support and care including colleagues.

Omar is supporting and trying to help Martina by intervening to ensure the proper care of her patients. Options/ Immediate Steps of Action Omar to talk to Martina and try to get her to seek assistance. Make Martina aware of possible legal consequences of her actions. Omar to speak to other colleagues and medical professionals. Omar to consider whether to report and the legal implications. 4. IMPLEMENT Ensure Nurse Unit Manager takes responsibility for decisions made. Should a report have been necessary, Omar should follow up as to whether action was taken and if not, report to higher authorities.

Support Martina with necessary medical treatment if recommended. Omar to document all conversations, reports and decisions taken. Nurse Unit Manager to arrange extra staffing if necessary.