

LEGAL ISSUES IN NURSING



INTRODUCTION:-

The word LAW is derived from the term 'lag' which means something which lies fixed.

MEANING OF LAW:-Ordinarily the term law means a body of rules to guide human action.




DEFINITION:-

1. The law is a system of rights and obligations which the state enforces. **_GREEN**

2. Law is the body of principles recognized and applied by the state and administration of justice. **_SALMAIND**

3. Law constitutes body of principles recognized or enforced by the public and regular tribunals and has administration of justice. **_POUND**



Altogether, "LAW MAY BE
DEFINED AS EXTERNAL
RULES OF HUMAN
CONDUCT BACKED BY THE
SOVEREIGN POLITICAL
AUTHORITY"

SOURCES OF LAW:-

- 1.) CONSTITUTIONAL LAW
- 2.) COMMON LAW
- 3.) ADMINISTRATIVE LAW



LEGAL RIGHTS OF NURSES

The nurses can assert their rights as plaintiff in employment claims cases as follows:-

- **Termination of an employee for union organizing efforts.**
- **Discrimination in employment**



- **Failure to make payment equally.**
- **Failure to provide safe working conditions.**
- **Failure to pay compensation during illness and injury related to work.**
- **Sexual harassment and violating employment right to privacy.**

LEGAL RESPONSIBILITIES OF NURSES

1.) CIVIL LAW:-

TORT: It is a civil wrong committed against a person or property. Torts may be subtle.

They are mainly of 2 types:-

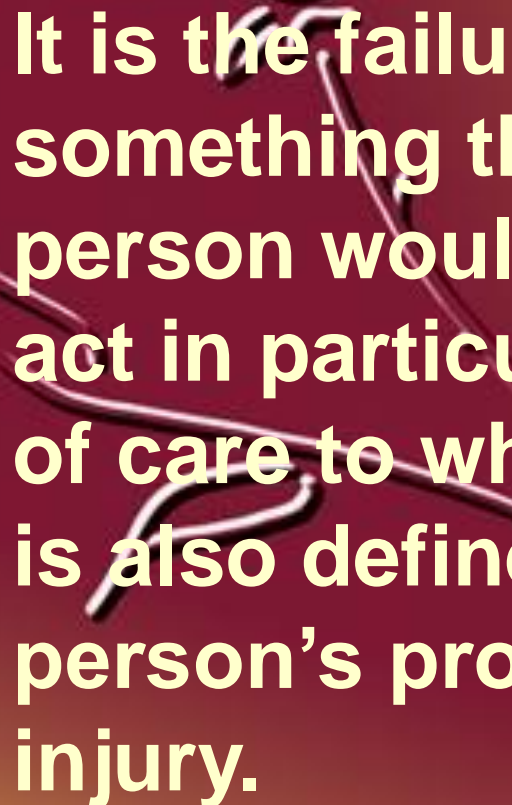
€ Unintentional torts

€ Intentional torts



UNINTENTIONAL TORTS:

NEGLIGENCE:



It is the failure of an individual to do something that a reasonably prudent person would do or the commission of an act in particular circumstances in standard of care to which a nurse is legally bound. It is also defined as – exposure of another person's property to unreasonable risk of injury.



**Failure to use aseptic techniques
where required**

Leaving a foreign object in patient's body during surgery.

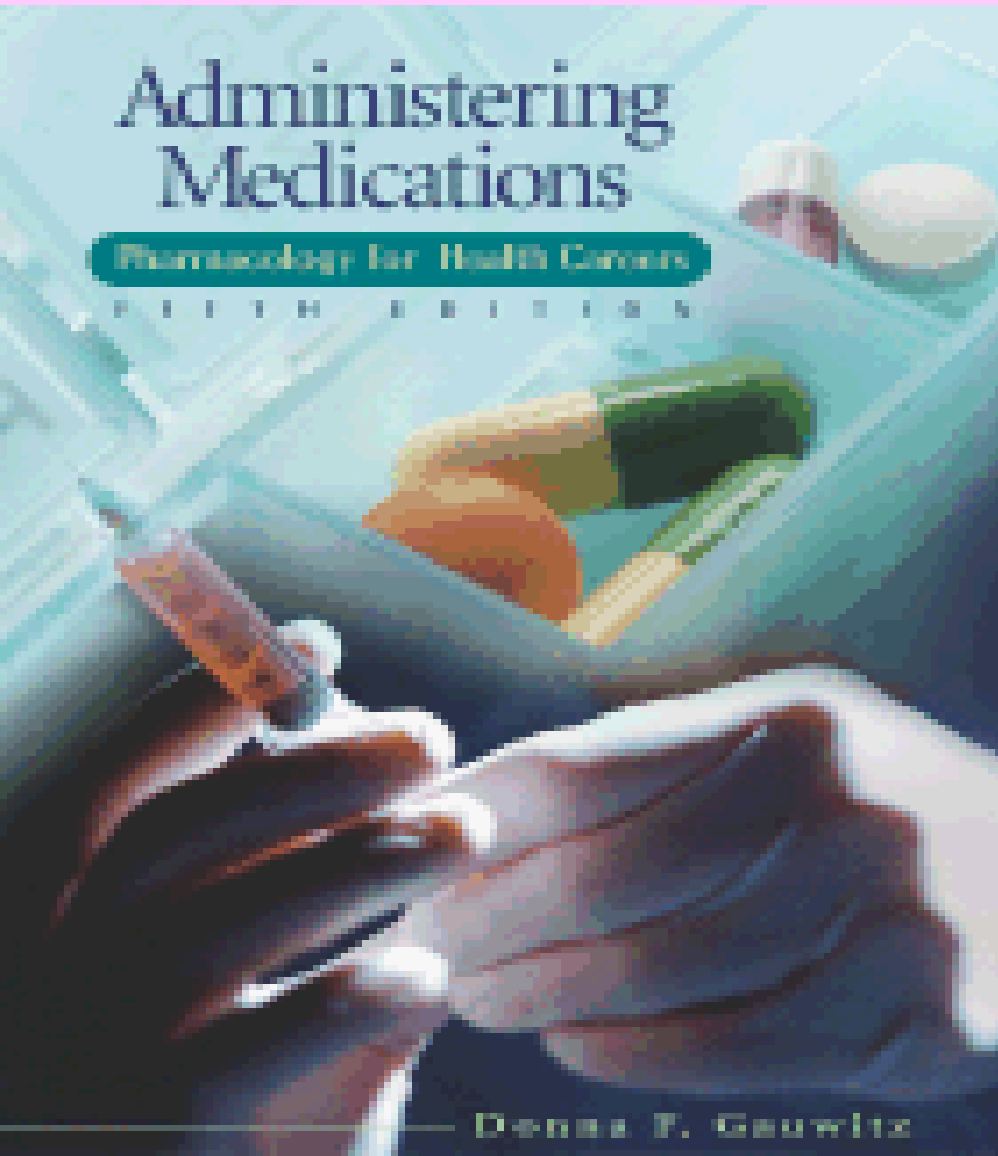


Failing to protect an infirming patient from falls, injuries etc.



“Quit chasing your dreams.”

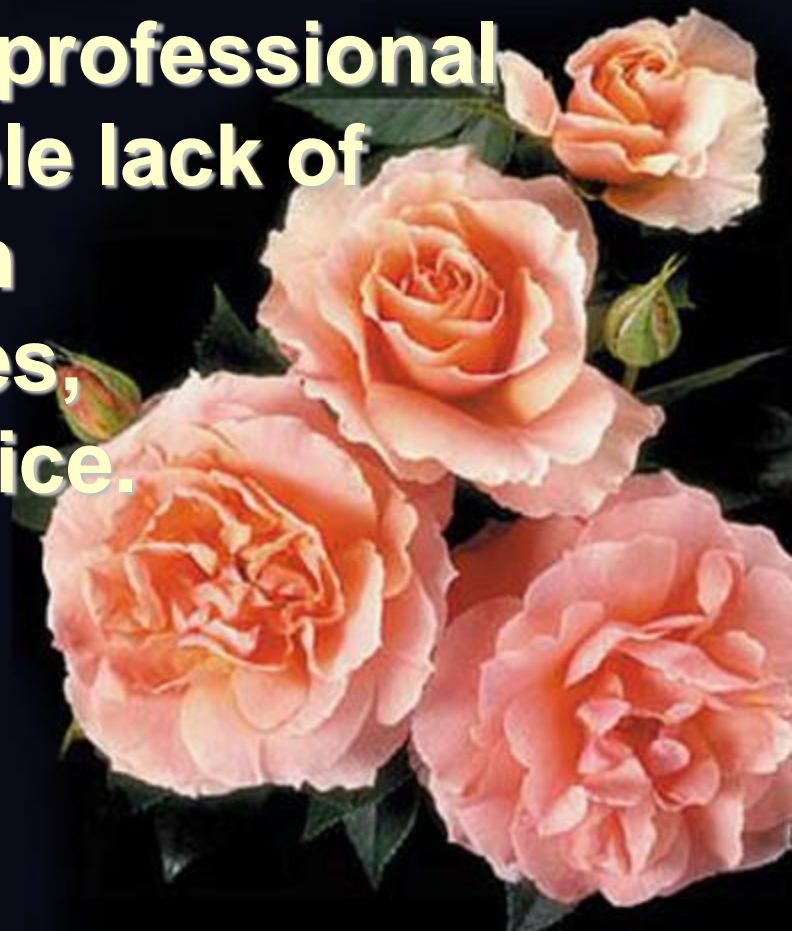
Administering wrong medicine to a patient or inappropriately (i.v. therapy resulting in phlebitis).



MALPRACTICE:-

concerns professional actions and in the failure of a person with professional education and skills to act in a reasonable manner. In other words it is professional misconduct, unreasonable lack of skill or fidelity in professional duties, evil or illegal practice.

There are 5 elements commonly occurring in malpractice :-



Vicarious liability



Indemnification

INTENTIONAL TORTS:

These are willful or intentional acts that violate another person's rights

3 components to intentional torts:-

¥ **The acts that are intended to interfere with the plaintiff or plaintiff's property.**

¥ **The acts are intentional by the defendant.**

¥ **The acts cause the consequences.**



2.CRIMINAL LAW :-- A violation of any law governing the practice of any licensed profession may be a crime and you must be aware that it also abides in nursing.

And there
practice act which
be performed only
a physician, that e
may exist.





ANY WAY OUT??

DEFENCES

- Dedication
- Demeanor
- Documentation



LEGAL SAFEGUARDS IN NURSING



LICENSURE

PACIFIC  GENERAL
HOSPITAL AND MEDICAL CENTER



B. DUNN, RN
Labor & Delivery

ID # 9284-29/23



GOOD SAMARITAN LAWS



Once upon a time.....

GOOD RAPPORT



CORRECT IDENTITY & STANDARDS OF CARE



CONSENT FOR OPERATION AND OTHER PROCEDURES



COUNTING OF SPONGE, INSTRUMENT AND NEEDLE



SHUTTERPOINT

STANDING ORDERS





LEGAL ISSUES **IN SPECIALITY** **NURSING**



HOSPITAL RESPONSIBILITY REGARDING VARIOUS ISSUES

Consent for medical examination, treatment and autopsy



The medical service



Refusal of treatment



Defective equipment



Negligent monitoring & Drug handling







Blood bank

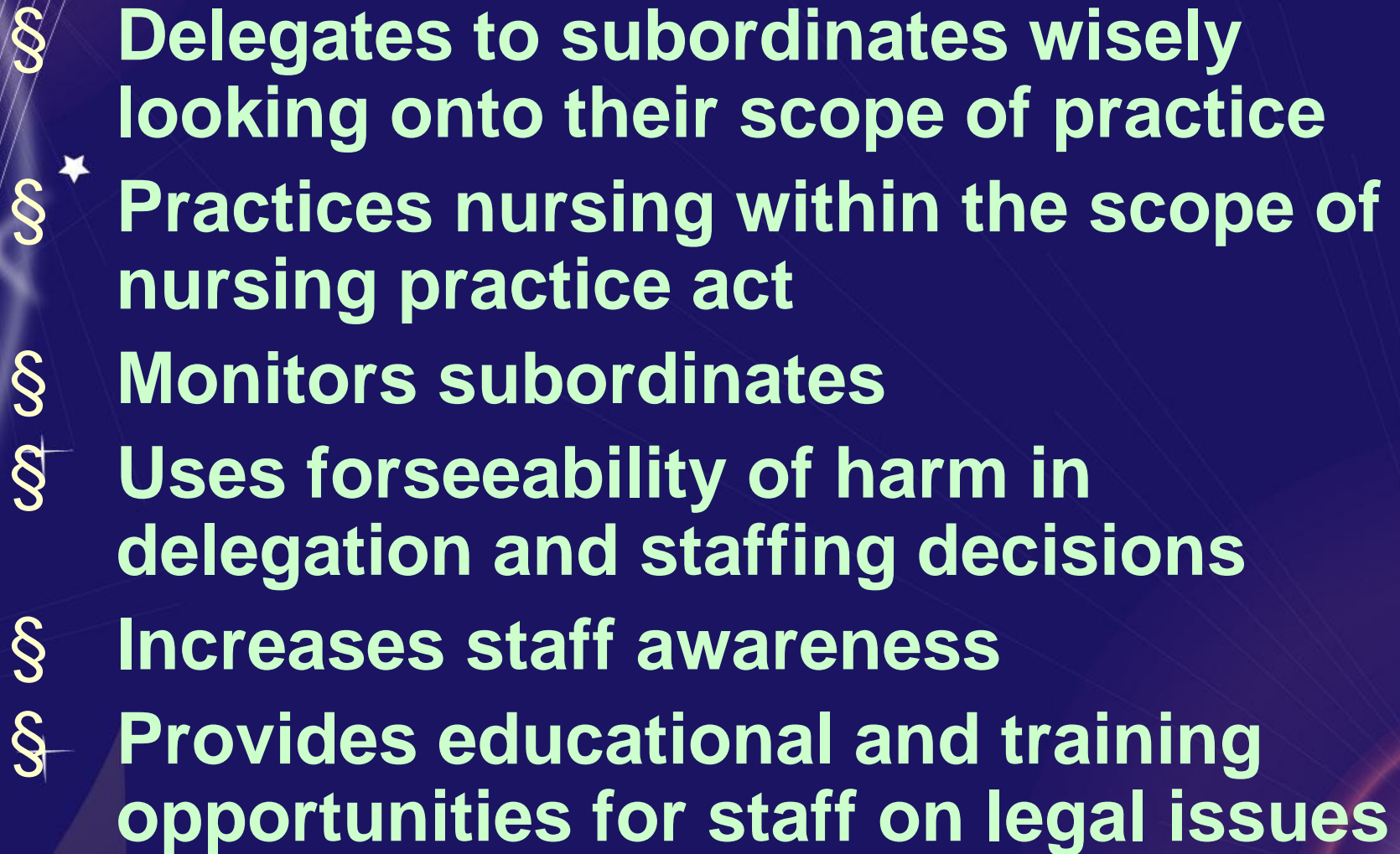


ROLES AND FUNCTIONS OF NURSE IN LEGAL ISSUES



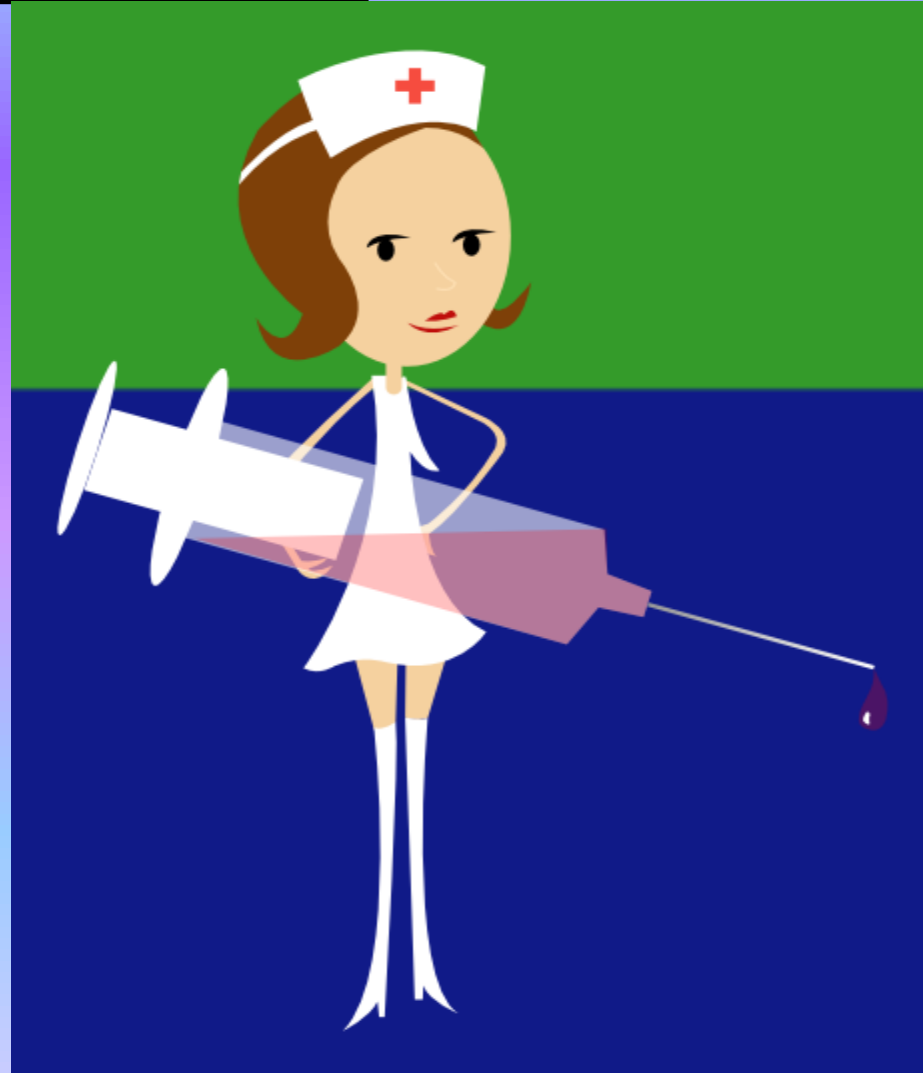
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- § Serves as role model by providing nursing care that meets or exceeds accepted standards of care
 - § Is current in the field and seeks certification
 - § Reports substandard care to appropriate authorities
 - § Fosters nurse patient relationship
 - § Joins and actively supports professional organization
- 

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- § Practices nursing within an area of individual competence
 - § Prioritizes patient's rights and welfare first
 - § Demonstrates vision, risk taking, energy in respect to future prospectus in nursing
 - § Is knowledgeable for responding sources of law and legal doctrines that affects nursing practice.
 - § Understands and adheres to institutional policies and procedures

- 
- § Delegates to subordinates wisely looking onto their scope of practice
 - § ★ Practices nursing within the scope of nursing practice act
 - ★ § Monitors subordinates
 - § Uses foreseeability of harm in delegation and staffing decisions
 - § Increases staff awareness
 - § Provides educational and training opportunities for staff on legal issues

ADDITIONAL RESPONSIBILITIES

IN NURSING:





The image features a decorative background with a red border and white lilies. The lilies are arranged in two clusters, one in the top right and one in the bottom left. The text "CONCLUSION:-" is centered in the middle of the image, written in a blue, italicized, serif font, and underlined.

CONCLUSION:-

“Keep in mind that practicing in a reasonable and professional manner and documenting your judgment and action are the best defenses against litigation.”

Go for excellence
and success will
follow you.....

A close-up photograph of a person's hand holding three smooth, light-colored, heart-shaped stones. The stones are arranged in a cluster, with one at the top left, one at the top right, and one at the bottom center. Each stone has a message written on it in a bold, black, sans-serif font. The background is a soft, out-of-focus light brown.

HELP
US,

HELP
YOU,

HELP
OTHERS!!!