

# LEGAL & ETHICAL ISSUES

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**Mrs. Rini Samuel Das**

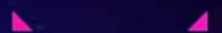
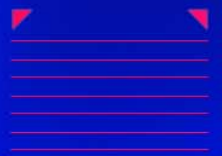
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# Introduction

The role of nurses and professional nursing has expanded rapidly within the past ten years to include expertise specialization autonomy and accountability, both from a legal and ethical prospective.

This expansion has forced new concern among nurses and a heightened awareness of the interaction of legal and ethical principles.



# LEGAL RELATIONSHIPS

**Problem started---→ when Nurses gained recognition.**

## -ACCOUNTABILITY

Being responsible for one's own actions is a concept that gives rise to a legal duty in nursing.

## -REGULATION OF PRACTICE

### Standards of Care

Define acts that are permitted to be performed or prohibited from being performed.

### Nurse Practice acts

It is the individual nurse's responsibility to know the nurse practice act that is in effect for her of his geographical region

# LEGAL ISSUES

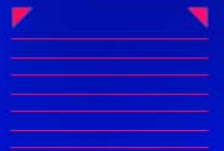
## MALPRACTICE

The nurse can be held legally liable for acts of commission (doing an act) or omission (not doing an act).

Malpractice (professional negligence) is one legal action that a nurse may be charged with for failing to meet the standards of care.

# PATIENT RIGHTS

Patients have expectations regarding the health care services they receive.



# INFORMED CONSENT

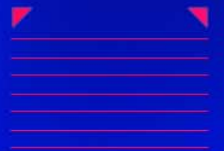
Informed consent doctrine is a persons agreement to allow a particular treatment based on full disclosure of the facts needed to make an intelligent (informed) decision.

Procedures must be explained in non-technical terms and in a language the patient can understand.



# CONFIDENTIALITY

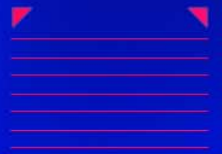
The licensed practical / Vocational nurse has a duty to protect information about a patient no matter how that information is received.





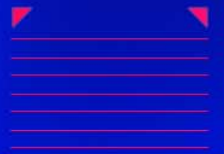
# MEDICAL RECORDS

Breaches in the confidentiality of information kept to the patient's medical record also gives rise to legal liability.



# INVASION OF PRIVACY

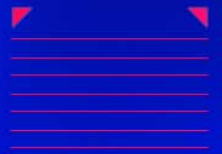
The legal concept of invasion of privacy involves a person's right to be left alone and go unnoticed if he chooses.



# REPORTING ABUSE

There are exceptions to the right to privacy.

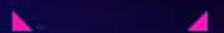
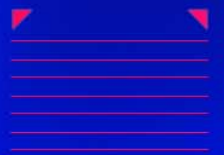
The law prescribes when a health care professional must report certain information to the appropriate to the appropriate authorities.



# ETHICAL ISSUES IN NURSING PRACTICE

Ethics is the study of good conduct, character and motives.

It is concerned with determining what is good or valuable for people.



# ETHICAL PRINCIPLES

Practitioners in health care delivery agree to a set of ethical principles that guide professional practice and decision making.

1. Autonomy
2. Justice
3. Fidelity
4. Beneficence
5. Non maleficence

# ETHICAL ISSUES

- ✓ An ethical issue is difficult for the nurse because there is no absolutely wrong answer to the question the issues presents.
- ✓ Ethical issues, like many other issues in health care, change as society changes, some of the current ethical issues in nursing include
  1. Physician- Assisted suicide
  2. The right to refuse treatment
  3. Death with dignity
  4. Right to refuse to care
  5. Genetic Research

# PHYSICIAN ASSISTED SUICIDE

The issues of physician – assisted suicide (PAS) are complex.

ANA's specific objections to PAS are based on the principle of nonmaleficence (the duty to protect life, to do no harm).

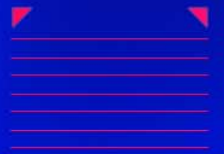
Active euthanasia is opposed out of a commitment to protect life.



# RIGHT TO REFUSE TREATMENT

The ability of medicine to sustain life and prolong death makes this issues even more complex.

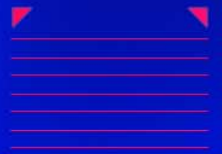
A patient may choose to accept or refuse a treatment, even if the refusal may or will result in death.



# DO NOT RESUSCITATE ORDERS

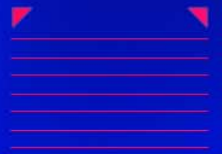
The physician, after consultation with the patients family, will write the DNR order in the medical record.

When the DNR order is written in the chart, the nurse has a duty to follow the order.



# REFUSAL TO TREAT

The issue of refusing to treat a patient arises when the nurse encounters a situation that conflicts with his or her own moral beliefs.



# GENETIC RESEARCH

Advances in medical technology have made genetic testing possible, and advances continue in genetic research.

Valuable information has been (and will be ) gained about cancer and hereditary diseases, but ethical issues must be dealt with.

# ETHICAL DILEMMAS

Ethical dilemmas are situation that do not have a clear right or wrong answer.

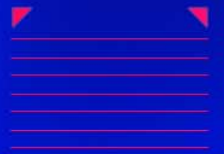
The nurse must be first identify the problem as an ethical one. This means that the questions presented can not be answered using established laws, rules, policies, and procedures.

Many situations are a combination of legal and ethical questions. It is important for the nurse to sort out the questions and seek guidance as needed.

# BIO-ETHICAL ISSUES

Nurses will deal the bioethical issues in a variety of ways. There are:

- Quality of Life
- Genetic Screening
- Futile Care
- Reproductive Issues
- Stem Cell Issues



# ETHICAL ISSUES IN EACH FIELD

- Ethical issues related to family
- Ethical issues in reproductive technology
- Ethical issues in the nursing care of infants
- Ethical issues in End of life
- Ethical issues in HIV and AIDS
- Ethical issues in multicultural

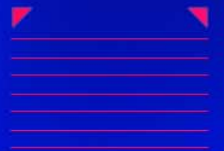


# ETHICAL ISSUES IN EACH FIELD

- Ethical issues in Gender, age, race and Socio-economic class
- Ethical issues during Admission
- Ethical issues during pre-operative period
- Ethical issues during discharge
- Ethical issues during Trilogy of a Dying patient Rights

# CONCLUSION

"The ethics incorporated into good nursing practice are more important than knowledge of the law; practicing ethically saves the effort of trying to know all the laws."



THANK YOU

