

# Legal and Ethical Aspects of Nursing

<http://www.cengage.com/Toopen/Foundations/>

## Objectives

1. Summarize the structure and function of the legal system.
2. Compare and contrast nursing negligence and malpractice.
3. Discuss the legal relationship that exists between the nurse and the patient.
4. Explain the importance of maintaining standards of care.
5. Give examples of ways the nursing profession is regulated.
6. Give examples of legal issues in health care.
7. Discuss federal regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule and its impact on the health care system.
8. Give examples of ways the licensed practical/vocational nurse can avoid being involved in a lawsuit.
9. Differentiate between a legal duty and an ethical duty.
10. Explain advance directives.
11. Summarize how culture affects an individual's beliefs, morals, and values.
12. Identify how values affect decision making.
13. Distinguish between ethical and unethical behavior.
14. Explain the meaning of a code of ethics.
15. Explain the nurse's role in reporting unethical behavior.
16. Give examples of ethical issues common in health care.

## Key Terms

**accountability** (ák-kóvnt-á-BL-é-lé, p. 24)  
**advocate** (áD-vó-kát, p. 24)  
**deposition** (ák-pó-SI-shón, p. 23)  
**doctrine of informed consent** (p. 26)  
**ethical dilemmas** (ETH-l-ká, p. 34)  
**ethics** (ETH-l-ks, p. 31)  
**euthanasia** (úth-én-á-zhá, p. 29)  
**laws** (p. 22)

**liability** (l-á-BL-á-té, p. 24)  
**liable** (l-á-té, p. 23)  
**malpractice** (p. 22)  
**nonmaleficence** (nón-má-LEF-l-sóns, p. 34)  
**standards of care** (p. 26)  
**value clarification** (p. 33)  
**values** (p. 33)  
**verdict** (p. 23)

Today's health care system is dynamic and complex. It has undergone significant changes over the decades. Health care providers are guided by established laws, rules, regulations, and ethical principles. The rising cost of health care and growing consumer awareness have had an impact on the practice of nursing and the distribution and use of available health care resources. Additional challenges are presented by the rapid advances in technology and communication. Practice opportunities and settings for the licensed practical/vocational nurse (LPN/LVN) are changing with the focus on managed care, community health, and home health care.

Nursing practice of the LPN/LVN is guided by a combination of legal principles, established laws, moral standards, and ethical principles. Nurses must understand the legal standards and ethical principles that affect practice. Each state has laws that govern the scope and practice of nursing that are referred to as nurse practice acts. The law sets an obligatory minimum standard in any given situation. Ethical principles,

which evolve out of society and culture, frequently impose an even higher duty. These legal standards and ethical principles serve as a support for all members of the health care system and help protect the rights of all members of society.

## LEGAL ASPECTS OF NURSING

The legal relationship that exists between the nurse and the patient is influenced by the existing laws, rules, and regulations that govern nursing practice. Acting outside the established scope of practice or failing to meet the established standard of care has the potential to result in injury to the patient and give rise to legal liability and the potential loss or sanction of the nursing license. Nurses must be aware of their scope of nursing practice and the standards of care that constitute professional duties.

Many legal issues are related to health care, and health care-related litigation that involves nurses is common (Figures 2-1 and 2-2). Today's patients are

# Chapter 2 Legal Fundamentals

**Yi-Tong Ma**



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