



Part IV

The Nurse as Professional

Chapter 12

Ethical and Legal Considerations



Learning Objectives

By the end of this chapter, you should be able to:

1. List the organizations that regulate nursing practice.
2. Explain legal issues that affect nursing practice.
3. Define personal values.
4. Explain the relationship between ethical principles and nursing practice.
5. Explain an ethical decision-making process.



Key Terms

- Assault
- Autonomy
- Battery
- Beneficence
- Bioethics
- Clinical ethics
- Code of ethics
- Confidentiality
- Delegation
- Deontology
- Ethical rights
- Ethics
- HIPAA
- Justice



Key Terms

- Licensure
- Malpractice
- Mandatory licensure
- Morals
- Negligence
- Nonbeneficence
- Option rights
- Protected health information
- Rights
- Standard of care
- Utilitarianism
- Values
- Veracity
- Welfare rights



Chapter Scenario

A new RN suspects possible drug abuse and patient neglect by a seasoned nurse she follows. What should she do?

→ **Think about it!**

- Have you ever experienced an ethical situation that placed you in an awkward position?
- Is it your professional responsibility to report all ethical concerns?
- After reading your chapter scenario, do you already feel that Deb is guilty of stealing client pain medications, or can you come up with alternative explanations?



Introduction

- The RN functions as a leader and is a vital member of the team involved in making ethical and legal decisions.
- Being a nurse is an awesome responsibility!



Values and Ethics

- Values—beliefs that guide thoughts/action
- Morals—rules of right and wrong
 - Kohlberg compared to Piaget/Ericksen
- Ethics—how to act because of morals
- Bioethics—clinical ethics
- Code of Ethics—standards for professionals to follow while on duty



Values and Ethics

- Ethical theories
 - Utilitarianism
 - “Achieve the greatest good the greatest number.”
 - “The end justifies the means.”
 - Deontology
 - Action is moral if based on good will.
 - To do one’s duty is right or good.
 - Act Deontology and Rule Deontology.



Values and Ethics

Ethical Principles

Justice	-	treat all people fairly
Autonomy	-	ability to make and act on personal decisions
Beneficence	-	duty to do good to others
Nonbeneficence	-	not to intentionally or unintentionally harm others
Veracity	-	Principle of truthfulness



Values and Ethics

The Client's Rights

Rights—“something that is owed to an individual on a legal, moral, or ethical basis” (Ellis & Hartley, 2007, p. 342)

- Welfare rights—legal rights.
- Ethical rights—moral rights
- Option rights—based on the dignity and freedom of choice
- Summary of ethical principles



Ethical Decision Making

To make an ethical decision, a nurse needs to review ethical principles, evaluate personal values and beliefs, and research related legal issues.

Ethical Decision Making

Table 12-2 Comparison of the Nursing Process and the Ethical Decision-Making Process

Ethical Decision-Making Process	Nursing Process
Clarify the ethical dilemma	Assess patient needs.
Gather data.	Decide on appropriate nursing diagnosis.
Identify options.	Determine outcome identification
Make a decision.	Plan nursing care.
Choose and implement a course of action.	Implement nursing action.
Evaluate the decision.	Evaluate outcomes.



Regulation of Nursing Practice

- Licensure is mandatory for a nurse to practice nursing.
- License is a legal document issued by each state confirming minimal competency has been met.

Legal Issues Affecting Nurses

Torts	-	a civil wrong against another person
Negligence	-	an action that leads to harm of another person that a reasonable prudent person would not have situation done in the same or similar
Malpractice	-	professional negligence
Delegation place of	-	giving authority for one person to act in another
Assault and Battery	-	threat, attempt, or actual injury to another person
Informed consent	-	a knowledgeable, voluntary decision to consent to treatment
Confidentiality	-	safe handling of client information



Potential for Future Ethical Concerns

- Gene research
- Cloning
- Organ transplants
- Euthanasia
- Allocation of funds for elderly versus younger, healthier individuals
- Nursing care versus economic shortcuts



Chapter Summary

- Personal values influence our thoughts, opinions, and actions.
- Learn to make prudent decisions followed by prudent actions.
- Learn to function professionally as a leader and a decision maker.
- Always provide your clients with the best care possible.



Chapter Reflections

1. Have you identified your own personal beliefs about difficult or challenging situations?
2. How do your personal values and beliefs affect the way you approach a situation?
3. How do you plan to deal with ethical and legal issues that you face in the future?
4. Can you care for someone who believes differently from you?
5. Can you work with someone who believes differently from you?