Legal And Ethical Conduct In Nursing

Posted on October 24, 2019

View this essay online:
https://academic-master.com/legal-and-ethical-conduct-in-nursing/

Nursing practice is the responsibility of the nurse by the state to protect patients who require nursing care. Hence, safe and proficient nursing practice is embedded in the State Nurse Practice Acts (NPA), which are rules and guidelines that are the profession's legal standards. Therefore, every nurse has a duty to understand the NPA rules and guidelines and to be conversant with the continuous advancements as the scope of nursing expands.

Legal Standards and Patient Care

It must be noted that the legal aspects of nursing significantly influence how nurses offer care to patients. Moreover, the legal concerns in nursing determine the environment in which nursing is practiced and how information is to be shared and kept (Schoenly, Crean & Hamilton 2017). For such reason, nurses are often judged on the basis of legal definitions for standard care.

ANA Code of Ethics

The Code of Ethics by the American Nurses Association (ANA) establishes clear values, primary goals, and obligations of the nursing profession (Zahedi et al. 2013). Therefore, it should be noted that nursing practice does entail both ethical and legal dimensions. The purposes of The ANA Code of Ethics are as follows.

- They offer ethical obligations and responsibilities to every nurse in the nursing occupation.
- It acts as the nursing's non-negotiable ethical standard.
- It is also an expression of the nursing understanding of the commitment it has to society.

Nursing Social Responsibility

On the other hand, the ANA Nursing Social Responsibility statement establishes clear ethical principles of social responsibility. The document as a social contract offers the nurses the authority to practice with the commitment to the society. Therefore, the social responsibility statement can be used to reinforce concepts of competence and autonomy and address significant nursing practices and processes in the daily practice setting (Neuman 2010).

Ethical Principles And Dilemma

Ethical principles that guide the nursing practice are autonomy, justice, stewardship, beneficence, and non-malfeasance. However, sometimes, laws are never compatible with nurse's ethical positions.

Lena's Case Of Dilemma

Lena's situation touches on both legal and ethical standards of nursing practice. According to the ANA code of ethics, a nurse has the responsibility of maintaining the confidentiality of a patient's information. However, the dilemma portrayed here is a nurse wanting to protect a third party from the patient while being forced by the saccity of protecting the patient's privacy. Betraying the patient is not only illegal but will also be detrimental to the patient's future treatment. According to Texas NPA Act, Rule 217.11* Standards of Nursing Practice Acts section 1(e); nurses are demanded to protect a patient's privacy and can only disclose information about the patient when the law demands. Moreover, a nurse must maintain professional boundaries. For such reason, Lena must perceive her sister as any other patient.

Lena's Approach

If I were Lena, I would employ the theoretical approach to the situation. That is, analyze the consequences of not telling her sister and that of telling her. The consequence will be her sister contracting HIV and missing appropriate HIV treatment. Also, her sister has the potential of spreading the virus to a third party unknowingly. On the other hand, it will hinder her boyfriend's future treatment or cause psychological pain. Therefore, I would apply utilitarianism theory based on the general good of the decision when tackling the issue. Hence, the approach will also be based on the beneficence ethical principle. That is, my decision will have to benefit the patient, too (Falkenström, Ohlsson & Höglund 2016). For such reason, it will be appropriate to inform the physician treating Lena's husband, and the physician will evaluate the matter and employ clinical skills that will compel the patient to bring his girlfriend for HIV testing as it is procedural. In this case, the decision does conflict with the law because first, the information offered to the physician shall be accurate but not false; secondly, according to Texas's NPA, Rule 217.11* Standards of Nursing Practice section 1(b), Lena shall have implemented measures that help both the patient and other people (Schoenly, Crean & Hamilton 2017). Hence, such decision is consistent with the law, however, it emanates from the ethical theoretical approach of solving dilemmas.

In conclusion, nurses are often judged on the basis of the legal definition of standard care. The Code of Ethics by ANA establishes clear values, primary goals, and obligations of the nursing profession. State Nurse Practice Acts (NPA) are rules and guidelines that are the profession's legal standards. Ethical principles that guide the nursing practice are autonomy, justice, stewardship, beneficence, and non-malfeasance. Finally, Lena should employ utilitarianism theory to solve her dilemma.

References

Falkenström, E., Ohlsson, J., & Höglund, A. T. (2016). Developing ethical competence in healthcare management. Journal of Workplace Learning, 28(1), 17-32.

Neuman, C. E. (2010). Nursing's Social Policy Statement.

Schoenly, L., Crean, H. J., & Hamilton, P. M. (2017). Nursing Jurisprudence and Ethics for Texas.

Zahedi, F., Sanjari, M., Aala, M., Peymani, M., Aramesh, K., Parsapour, A., … Dastgerdi, M. V. (2013). The Code of Ethics for Nurses. Iranian Journal of Public Health, 42(Supple1), 1–8.