

Ethical & Legal aspects of Hospital Administration

Mr. Ajit V Deshpande
Asso. Professor, HOD
Child Health Nursing Dept
MES College of Nursing

INTRODUCTION

- From we were very young we began to learn what was right and what wrong behavior was. We learned this from our parents, relatives, friends and teachers.
- By the time we became adults, we had a personal set of ethics to guide our behavior in daily life..
- We may believe, for example, that honesty is important and necessary. We will try to be honest because we believe it is right to do so. Being dishonest would then be wrong for us. This is ethical behavior

ETHICS

Definition:

- ❖ Ethics refers to the moral code for nursing and is based on obligation to service and respect for human life.
-Melanie and Evelyn.
- ❖ Ethics are the rules or principles that govern right conduct and are designed to protect the rights of human beings.
-Sister Nancy.

❖ Nursing Ethics :

- It's a branch of applied ethics that concerns itself with activities in the field of nursing. It refers to ethical standards that govern and guide nurses in every day practice such as being truthful with clients ,respecting client confidentiality, and advocating on behalf of the client.

Key Principles of Ethics in Health Care System



- ✓ **Autonomy**-The right of self determination, independence and freedom. Right to health care decision.
- ✓ **Justice**-Obligation to be fair with all people.
- ✓ **Fidelity**- Obligation of an individual to be faithful to the commitment made to himself, and to others. It is the main support of accountability.
- ✓ **Veracity**: - The duty to tell the truth.
- ✓ **Beneficence**- Doing good for the client. What exactly is good for one person may not be the same for others.
- ✓ **Malaeficence**- is the requirement that health care providers do no harm to their client either intentionally or unintentionally
- ✓ **Deontological**:-What causes a good outcome is good action.
- ✓ **Situational**: - What causes a good outcome is good action.

I.C.N CODE OF ETHICS FOR NURSES(1993)

- **Ethical concepts applied to Nursing:- The fundamental responsibility of the nurses is of four fold:**

To promote health

To prevent illness

To restore health and

To alleviate suffering.

Elements of the code:-

❖ Nurses and people

- The nurses primary responsibility is the those people who require nursing care
- The nurses provides care, promotes an environment in which the values customs and spiritual beliefs of the individual are respected
- The nurses holds confidence, personal information and uses judgment in sharing their information

❖ Nurses and practice

- The nurse carries personal responsibility for nursing practice and for maintaining competence by continuous learning
- The nurses maintains the higher standards of nursing care possible within the reality of a specific situation
- The nurses assess judgment in relation to individual competence when accepting and delegating responsibilities
- The nurse when acting in a professional capacity should at all times maintain standards of personal conduct which reflect created upon the profession

❖ Nurses and Society

- The nurses with other citizens the responsibility for initiating and supporting action to in edit the health and social needs of the public Nurses and Co-workers
- The nurse sustains a co-operative relationship with co-workers in nursing practice and nursing education
- The nurse is active in developing a care of professional knowledge
- The nurse acting through the professional organization, participants in establishing and maintaining equitable social and economic working conditions in nursing.

LEGAL SYSTEM

LAW

MEANING:

- Legal** - Established by or founded upon law or official or accepted rules
- The term law is derived from its tentoric root lag which means something which lies fixed or events
- Law means a body of rules to guide human action
- Law means —that which is laid down or fixed||

DEFINITION

- 1) The law is a system of rights and obligations which the state enforces.
- 2) The law constitutes a body of principles recognized or enforced by public and regular tribunals has the administration of justice by law
- 3) The law is the body of principles recognized and applied by the state and the administration of justice
- 4) Law is a rule or standard of human conduct established & enforced by authority, society or custom

PURPOSES

- ❑ To help the nurse to understand that they do have legal responsibilities in nursing practice.
- ❑ To make them understand by which authority these legal responsibilities can be enforced. 18
- ❑ To make them understand what areas of nursing practice can mostly create legal problems.
- ❑ To describe and protect the rights of clients and nurses
- ❑ Law is there for the protection of nursing practice
- ❑ Law is there for the identification of the risk of liability
- ❑ Law is there to assist in the decision-making process involved in nursing practice
- ❑ Nurses have more responsibility

❖ Another important purposes are

Safeguarding the public

Safeguarding the Nurse

❖ Safeguarding the public

- 1) The public safety is guaranteed because the practice of nursing is restricted to those accredited practitioners who would seek to provide highest possible level of comprehensive care for the individual and the community taking in to account the total need
- 2) The individual is secure to the event of sickness or disability with no fear of anxiety of being cared for by a competent person

Safeguarding the nurse

- 1) Licensure:-** All nurses who are in nursing practice have to possess a valid licensure, issued by the respective state nursing council/Indian nursing council
- 2) Good Samaritan laws:-** In response to health professionals, fear of malpractice claims, most states enacted Good Samaritan Laws that exempt doctors and nurses from liability when they render first during emergency. These laws limit liability and offer legal immunity for people helping in an emergency
- 3) Good rapport: -** Developing good rapport with the client is very important to prevent malpractice. The ability to develop good rapport with client is dependent on the nurse having good interpersonal communication skills e.g. listening
- 4) Standards of care:-** All professional practicing in the medical field are held to certain standards when administering care. It is always better to follow standards of care to avoid malpractice and do not attempt anything beyond the level of competence.

- 5) standing orders:-** Although a nurse may not legally diagnose illness or prescribe treatment, she or he may after assessing patients condition apply standing orders or treatment guideline that have been established by the physician or doctor as appropriate for certain problems and conditions
- 6) consent for operation and other procedures:-** A patient coming in to hospital still retains his rights as a citizen and his entry only denotes his willingness to undergo an investigation or a course of treatment. Any investigation or treatment of a serious nature, or an operation in which an anesthetic is used, requires the written consent of the patient.
- 7) correct identity:-** The nurse or the midwife has the great responsibility to make sure that all babies born in the hospital are correctly labeled at birth and to ensure that at no time they are placed in the wrong cot or handled to the wrong mother.

8) Counting of sponge instrument and needles:-

Nurses advocate that sponge, instrument and needle counts be performed for all surgical procedures taking place in operation theatre. When an instrument left in a patient body the nurse will probably liable for any patient injury caused by the presence of foreign body.

9) Contracts: A contract is a written or oral agreement between 2 people in which goods or services are exchanged.

10) Documentation:- Documentation is by far the best once a lawsuit field. The medical record is a legal document admissible in court as evidence.

LAW AFFECTING NURSES

1. **Nurse practice laws** Describes and designs the legal boundaries of nurse practice act within each state
2. **Administrative law** Created by administrative bodies such as state board of when they pass rules and regulations. Developed by groups who are appointed to governmental administrative agencies. E.g. Food, Drug & Cosmetic Act; Social Security Act; Nurse Practice Act
3. **Statutory law** Created by elected legislative bodies such as state legislatures 20
4. **Enacted law** Include all bills passed by legislative bodies whether local, state, and national **LAW IN NURSING**
5. **Common law** Created by judicial decisions made in courts when individual cases are decided
6. **Felony** Is a crime of serious nature that has a penalty of imprisonment for greater than one year or even death
7. **Misdemeanor** Is a less serious crime that has a penalty of a fine or imprisonment of less than one year

8. **Civil law** Protects the rights of individual persons within our society and encourage fair and equitable treatment among people
9. **Contract Law** It is the enforcement of agreements among private individuals. Employment Contracts is an example of contract law under civil law
10. **Criminal law** Prevent harm to society and provides punishment for crimes