

# MEDICO-LEGAL ASPECTS

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# Medico – Legal Aspects

- Nurses face legal issues daily. Those issues may be in connection to negligence, administering medication and advocating for the patient.
- The Nurse Practice Act lists all of the duties and role of a nurse, except the legal and ethical issues.
- If these duties and regulations are not followed, the nurse is at risk of losing his license and facing a malpractice suit.

# Legal Issues Specific to Nursing

## Duty to seek Medical Care for the patient

- It is the legal duty of the nurse to ensure that every patient receives safe and competent care.
- The nurse be a strong advocate for the patient and use every resource to ensure medical care is received.

## Confidentiality

- It is a privilege to care for other people. At times, your patients will relate to you in a personal way
- you may be told information of a personal nature.in addition to what a patient may share with you, youhave access to the person's hospital records.
- The law requires you to treat all such information with strict confidentiality

## Permission to treat

- Every time the nurse provides nursing care to person, however, permission must be obtained.
- The courts have ruled that people are expected to have some understanding of basic care, which means the nurse should explain briefly what he or she is about to do.
- The concept of permission to treat should be in your mind as you give nursing care.

## Informed consent

- The law states the persons receiving health care must give permission to treat based on informed consent.
- The principle of informed consent states that the person receiving the treatment fully understands the possible outcomes, alternatives to treatment, and all possible consequences
- The physician is responsible for obtaining informed consent for medical procedures, such as surgery, whereas the nurse is responsible for obtaining informed consent for nursing procedures

# Advance Directives

- The act states that all the health care institutions are required to give clients or patients an opportunity to determine what lifesaving measures or life-prolonging actions they want implemented.
- The institution is required to give adequate information to the person and assist in completing any forms
- The purpose of advanced directives is to give the person an opportunity to make decisions regarding healthcare before an illness or a need for treatment that would prohibit making such critical decisions

## Negligence

- The law requires nurses to provide safe and competent care. The measure of safe and competent care is the standards of care.
- Negligence occurs when a person fails to perform according to the standards of care

## Malpractice

- Malpractice is a term used for negligence. Malpractice specifically refers to negligence by a professional person with a license.
- If you are a nursing assistant right now, you may be negligent, but it wouldn't be malpractice because you are not licensed.

## Fraud

- Fraud is a deliberate deception for the purpose of personal gain and usually is prosecuted as a crime.
- Most courts are harder on cases of fraud compared with cases of negligence or malpractice because fraud is deliberate and results in personal gain.

## Assault and Battery

- Assault is the threat of unlawful touching of another, the willful attempt to harm someone.
- Battery is the unlawful touching of another without consent, justification, or exercise
- In both situations, it is not necessary for harm to occur. The events simply need to happen.

## False Imprisonment

- Preventing movement or making a person stay in a place without obtaining consent is false imprisonment
- This can be done through physical or non physical means
- Physical means include using restraints or locking a person in a room

{ In some unique situations, restraints and locking patients in a room are acceptable behaviours }

## **Invasion of privacy**

- Clients are entitled to confidential health care. All aspects of care should be free from unwanted publicity or exposure to public scrutiny
- e.g. their private affairs, with which the public has no concern, have been publicized

## **Nurse Practice Act**

- The guidelines and laws outlined in the act pertain to all nurses who are licensed in that particular state
- Each nurse has a limitation on what he is allowed and trained to do
- He/ She must follow the chain of command, especially with the care of a patient



## Patient's Advocate

- A nurse has a legal obligation to act as the patient's advocate in case of emergency.
- The nurse is to act as the liaison between the patient and the health care provider, such as a physician.

## Administering Medication

- Nurses are responsible for administering the correct doses and medications to patients.
- If the nurse gives a fatal dosage amount, she may face legal malpractice suits.
- It is also the responsibility to research the patient's records, or ask the patient and family members if there are any allergies or complications that may pose a risk if a certain medication is administered.

- **Report It or Tort It**

- It is the duty of the nurse to report to the proper authority when any allegations are made in regards to abuse (emotional, sexual, physical, and mental) towards a vulnerable population (children, elderly, or domestic).
- If no report is made, the nurse is liable for negligence or wrongdoing towards the victimized patient.