

ETHICAL AND PROFESSIONAL ISSUE

Abstract

Tracing back the beginning of ethical component in Nursing profession can be during the era of Florence Nightingale. The legend was emphasizing the nursing practice to be based on scientific principle along with art. The International council for Nurses is the pioneer in establishing ethics in nursing. First book in ethics was written by Isabel Robb named Nursing ethics: for hospital and private use. American Nurses association is a professional organization to advance and protect the profession of nursing. In the year 1953, ICN adopted ethical code for the first time but revised and reaffirmed many a times. It consists of four elements that provide a framework for ethical conduct: nurses and patients or other people requiring care or services, nurses and practice, nurses and the profession, and nurses and global health. Ethical principles in nursing provide a framework for assessing the behavior of nurses in practice. Both the ANA and ICN while formulating codes given importance to minimize sufferings of people and provide quality care to the clients. The same unlawful action can be dealt with in different ways by the law. For example, touching a person without permission – that is, without consent – can be both a crime and a tort – a civil wrong. In the future, nursing will continue to evolve with advancements in technology, changing healthcare landscapes, and a greater emphasis on ethical and professional considerations in nursing. These trends reflect the evolving landscape of nursing, driven by ethical principles, technological advancements, and societal changes. By addressing these ethical and professional considerations, nurses can ensure the delivery of compassionate, patient centered care while navigating the challenges and opportunities of the future.

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Author

Shyamalima Das

M.Sc.N. (Medical-Surgical Nursing, CTVS)
Regional College of Nursing
Guwahati, Assam, India.

I. INTRODUCTION

The ethical component in the nursing profession can be traced back to the era of Florence Nightingale, who emphasized that nursing practice should be based on scientific principles and art. The International Council for Nurses played a pioneering role in establishing ethics in nursing. Isabel Robb wrote the first book on nursing ethics, titled "Nursing Ethics: For Hospital and Private Use," which provided historical insights into the functioning of hospitals during her time. During that period, patient monitoring, surgical assistance, and maintaining ward safety and hygiene were very different compared to modern practices. Ethics, as a branch of philosophy, plays a significant role in healthcare and professional ethics. Applied normative ethics is commonly used to determine what is morally right or wrong at the social, community, or individual level. It also addresses broader social issues such as human rights, global cooperation, climate change, global pandemics, and social-structural disparities. The American Nurses Association (ANA), which originated in 1896 as the Nurses Associated Alumnae and was later renamed the American Nurses Association in 1911, is a professional organization that seeks to advance and protect the nursing profession. In 1950, the ANA adopted an ethical code to guide the ethical conduct of nurses.

II. CONCEPTS OF ETHICAL CODES

International Council of Nurses in the year 1953, adopted ethical code for the first time but revised and reaffirmed time to time. It consists of four elements that provide a framework for ethical conduct of a professional nurse: nurses and patients or other people requiring care or services, nurses and practice, nurses and the profession, and nurses and global health.

III. NURSES AND PATIENTS OR OTHER PEOPLE

The primary professional responsibility of nurses is patient care, both in the present and future. They provide services to clients and are advocates for an environment that respects human rights, values, customs, traditions, and religious/spiritual beliefs. Nurses' rights should also be acknowledged and protected. Nurses play a crucial role in providing accurate information to clients in a culturally sensitive manner, considering diversity, language variations, physical and psychological needs, and intellectual capacity. They respect and protect the privacy and confidentiality of clients and colleagues while upholding the integrity of the Nurses share sufficient information to maintain optimal health and meet societal needs. They also act as managers, ensuring the equal and judicious distribution of resources in healthcare and other social and economic services.

Nurses demonstrate and uphold professional values such as respect, justice, responsiveness, caring, compassion, empathy, trustworthiness, and integrity. Nurses facilitate a safety culture in healthcare settings by recognizing and addressing threats to people and safe care practices. They provide evidence-based information and person-centered care, incorporating the values and principles of primary health care and health promotion. Nurses ensure that technological advancements and scientific awareness are safe and maintain the dignity and rights of individuals. They prioritize person-centered care and view the use of AI as a supportive tool rather than a replacement for human care.

IV. NURSES AND PRACTICE

- 1. Personal Responsibility and Accountability:** Nurses hold personal responsibility for maintaining ethical nursing practice and continuously developing their professional competence.
- 2. Fitness for Practice:** Nurses ensure they are fit to provide quality and safe care to patients, prioritizing their own well-being and health.
- 3. Scope of Practice and Professional Judgment:** Nurses practice within the limits of their individual competence and authorized scope of practice, using professional judgment when accepting or delegating responsibilities.
- 4. Positive Practice Environments:** Nurses strive for positive practice environments that support their professional growth, including professional recognition, education, reflection, support structures, adequate resources, sound management practices, and occupational health and safety.
- 5. Standards of Conduct:** Nurses uphold standards of personal conduct that reflect well on the nursing profession, enhancing its image and public confidence. They also recognize and maintain appropriate personal relationship boundaries.
- 6. Sharing Knowledge and Supporting Others:** Nurses share their knowledge and expertise, providing feedback, mentoring, and support for the professional development of student nurses, novice nurses, colleagues, and other healthcare providers.
- 7. Patient Advocacy:** Nurses act as advocates for patients, fostering a practice culture that promotes ethical behavior and open dialogue.
- 8. Conscientious Objection:** Nurses have the right to conscientiously object to participating in certain procedures or research but must facilitate respectful and timely action to ensure patients receive appropriate care.
- 9. Privacy and Confidentiality:** Nurses respect a person's right to give and withdraw consent for accessing personal, health, and genetic information. They protect the privacy and confidentiality of genetic information and human genome technologies.
- 10. Safeguarding Health:** Nurses take appropriate actions to safeguard individuals, families, communities, and populations when their health is at risk due to a co-worker, person, policy, practice, or misuse of technology.
- 11. Patient Safety:** Nurses actively participate in promoting patient safety. They promote ethical conduct in resolving errors, stand up when patient safety is compromised, advocate for transparency, and collaborate with others to reduce the potential for errors.
- 12. Data Integrity:** Nurses are accountable for maintaining data integrity to support and facilitate ethical standards of care.

These principles guide nurses in their professional practice, ensuring ethical and responsible care delivery while prioritizing patient safety and well-being.

V. NURSES AND THE PROFESSION

- 1. Leadership in Determining Standards:** Nurses play a major leadership role in establishing and implementing evidence-informed standards of clinical nursing practice, management, research, and education.
- 2. Expansion of Professional Knowledge:** Nurses and nursing scholars actively contribute to expanding research-based knowledge that supports evidence-informed practice.
- 3. Development of Professional Values:** Nurses are actively involved in developing and sustaining a set of core professional values. Positive Practice Environments: Nurses,

through their professional organizations, participate in creating positive and constructive practice environments that encompass clinical care, education, research, management, and leadership. These environments support nurses in practicing to their full scope and delivering safe, effective, and timely healthcare while ensuring safe and equitable working conditions.

4. **Ethical Practice and Collaboration:** Nurses contribute to creating positive and ethical organizational environments and challenge unethical practices. They collaborate with nursing colleagues, other healthcare disciplines, and relevant communities to engage in ethical research and practice development that align with patient care, nursing, and health.
5. **Research for Improved Outcomes:** Nurses actively engage in the creation, dissemination, and application of research that improves outcomes for individuals, families, and communities.
6. **Preparedness and Response:** Nurses are prepared and trained for respond to emergencies, disasters, conflicts, epidemics, pandemics, social crises, and conditions of scarce resources. The safety of those receiving care and services is a shared responsibility between individual nurses and healthcare system leaders. This involves assessing risks and developing, implementing, and resourcing plans to mitigate these challenges.

These principles highlight the significant role of nurses in leadership, research, education, and the promotion of ethical practice environments, as well as their commitment to improving patient outcomes and addressing healthcare challenges effectively.

VI. NURSES AND GLOBAL HEALTH

Nurses uphold and promote various important principles and values in healthcare. They believe that healthcare is a human right and support universal access to healthcare for all individuals. Nurses also emphasize the dignity, freedom, and worth of all individuals, opposing exploitation such as human trafficking and child labor.

Nurses play an active role in the development of sound health policies. They contribute to shaping health policy and participate in its implementation. Additionally, nurses work towards achieving the United Nations Sustainable Development Goals (SDGs), which aim to improve global health and well-being.

Recognizing the significance of social determinants of health, nurses contribute to addressing and advocating for policies and programs that target these determinants. They understand that factors like socioeconomic status, education, and living conditions greatly influence health outcomes.

Nurses are also concerned about environmental issues and their impact on health. They collaborate to preserve and protect the natural environment, advocating for initiatives that reduce environmentally harmful practices. They recognize the health consequences of environmental degradation, such as climate change.

Collaboration is a key aspect of nursing practice. Nurses work alongside other healthcare professionals and the public to uphold principles of justice, including promoting human rights, equity, and fairness. They also advocate for the public good and a healthy planet.

Furthermore, nurses actively collaborate across countries to promote and maintain global health. They strive to develop and uphold policies and principles that ensure global health initiatives are implemented effectively and equitably.

American Nurses association is a professional organization to advance and protect the profession of nursing. It started in 1896 as the Nurses Associated Alumnae and was renamed the American Nurses Association in 1911. This association adopted ethical code in the year 1950. In the year 1953, ICN adopted ethical code for the first time but revised and reaffirmed time to time. It consists of four elements that provide a framework for ethical conduct of a professional nurse: nurses and patients or other people requiring care or services, nurses and practice, nurses and the profession, and nurses and global health.

Table 1: Code of Ethics by American Nurses Association (Source: ANA 2005)

Provisions	Elements
Provision 1	The nurse practices with compassion and respect for the inherent dignity, worth, and unique attributes of every person.
Provision 2	The nurse’s primary commitment is to the patient, whether an individual, family, group, community, or population.
Provision 3	The nurse promotes, advocates for, and protects the rights, health, and safety of the patient.
Provision 4	The nurse has authority, accountability and responsibility for nursing practice; makes decisions; and takes action consistent with the obligation to provide optimal patient care.
Provision 5	The nurse owes the same duties to self as to others, including the responsibility to promote health and safety, preserve wholeness of character and integrity, maintain competence, and continue personal and professional growth.
Provision 6	The nurse, through individual and collective effort, establishes, maintains, and improves the ethical environment of the work setting and conditions of employment that are conducive to safe, quality health care.
Provision 7	The nurse, in all roles and settings, advances the profession through research and scholarly inquiry, professional standards development, and the generation of both nursing and health policy.
Provision 8	The nurse collaborates with other health professionals and the public to protect human rights, promote health diplomacy, and reduce health disparities.
Provision 9	The profession of nursing, collectively through its professional organizations, must articulate nursing values, maintain the integrity of the profession, and integrate principles of social justice into nursing and health policy.

Both the ANA and ICN while formulating codes given importance to minimize sufferings of people and provide quality care to the clients.

In the Indian perspective, the Indian constitution places great importance on morality as a fundamental principle. Dr. Ambedkar believed that constitutional morality would enable effective coordination between conflicting interests of different individuals and foster administrative cooperation to resolve these conflicts without confrontation. Constitutional morality is a relatively new concept, drawing its foundation from various sections of the Indian Constitution, including Fundamental Rights, Directive Principles of State Policy, the Preamble, and Fundamental Duties.

The Preamble of the Indian Constitution outlines the objectives of the constitution, which include securing justice (social, economic, and political), liberty of thought and expression, equality of status and opportunity, and promoting fraternity to ensure the dignity of individuals and the unity and integrity of the nation.

India seeks social, economic, and political justice to ensure equality among its citizens. Social justice entails eliminating socially privileged classes and eradicating discrimination based on caste, creed, color, religion, gender, or place of birth. The aim is to eliminate all forms of exploitation from society.

Economic justice entails ensuring there is no discrimination between individuals based on income, wealth, or economic status. It emphasizes equitable distribution of wealth, ending monopolistic control over means of production and distribution, decentralization of economic resources, and providing adequate opportunities for all to earn their livelihood.

Political justice refers to equal, free, and fair opportunities for people to participate in the political process. It advocates for granting equal political rights to all individuals without discrimination. The Constitution of India establishes a liberal democracy that guarantees the right and freedom of all people to participate in politics.

VII. NURSING ETHICS: PRINCIPLES AND IMPORTANCE

Nursing ethics: A set of principles governing the conduct of a nurse that provides direction to an act towards right or wrong. Ethical principles in nursing serve as a framework for assessing the behavior of nurses in practice. Here are seven key points summarizing the importance and benefits of these principles

Ethical principles provide a solid foundation for nurses to make sound judgment calls in their daily practice, ensuring they act in the best interest of their patients. These principles guide nurses in delivering high-quality care while adhering to the legal and regulatory frameworks that govern nursing practices.

Nurses who uphold ethical principles prioritize the emotional, physical, and mental well-being of each patient, demonstrating a commitment to their overall health and best interests. Applying ethical principles in nursing fosters strong nurse-patient and interdisciplinary relationships, promoting collaboration and ultimately improving the quality of patient care.

Patients who receive care from nurses with strong ethical standards tend to be more compliant with their healthcare and nursing plans, leading to improved health outcomes.

Ethical nursing practices contribute to reducing risks to patient and nursing safety. By focusing on acceptable behaviors and promoting the welfare of others, nurses play a crucial role in mitigating potential safety risks.

Healthcare organizations with nurses who uphold ethical nursing principles typically experience higher patient satisfaction scores, greater employee satisfaction, and lower employee turnover rates. These principles contribute to a positive work environment and the overall success of the organization.

In summary, ethical principles in nursing provide a guiding framework that enables nurses to provide high-quality care, promote patient well-being, foster collaboration, ensure safety, and contribute to positive organizational outcomes.

VIII. ETHICAL PRINCIPLES THAT GOVERN NURSING PRACTICE INCLUDE

- 1. Autonomy:** Respecting and honoring the patient's right to make their own decisions based on their beliefs and values. Nurses provide adequate information and support patients in their decision-making process.
- 2. Nonmaleficence:** The principle of doing no harm. Nurses strive to prevent and minimize harm to patients by providing safe and effective care, taking necessary precautions, and advocating for patient safety.
- 3. Beneficence:** Promoting the well-being and best interests of patients. Nurses prioritize the patient's needs and act in their best interest, providing comfort, support, and assistance as required.
- 4. Justice:** Ensuring fairness and equality in the distribution of healthcare resources and services. Nurses treat all patients impartially, without discrimination based on factors such as age, ethnicity, economic status, religion, or sexual orientation.
- 5. Veracity:** Being truthful and honest in all interactions with patients. Nurses maintain open and transparent communication, providing accurate information and avoiding deception or misleading behavior.
- 6. Fidelity:** Demonstrating faithfulness and loyalty to patients and the nursing profession. Nurses uphold professional promises and responsibilities, delivering care with competence and maintaining the trust of patients and the public.
- 7. Accountability:** Taking responsibility for one's actions and being answerable for them. Nurses adhere to ethical standards, guidelines, and professional codes of conduct, ensuring that their actions align with the principles of respect, dignity, and self-determination of patients.

These ethical principles guide nurses in providing compassionate, patient-centered care while upholding professional integrity and ethical standards.

IX. LEGAL ISSUES IN NURSING

Legal issue" refers to a problem or dispute that arises within the context of the law. It can involve various areas of law, such as civil law, criminal law, contract law, constitutional law, intellectual property law, and more. Legal issues can arise due to conflicts between individuals, organizations, or even between individuals and the government.

Legal issues can range from minor disputes, such as a disagreement over a contract, to complex matters like criminal offenses or constitutional challenges.

X. SOURCES OF LAW

There are basically three sources of law in the United States: statutory law, administrative law and common law.

- 1. Statutory law** is written legislation created by a legislature at the national, state, or local level. These laws are considered subordinate to the higher constitutional laws of the land.
- 2. Administrative law** pertains to the regulations and decision-making processes of government administrative agencies. It governs activities such as rulemaking, adjudication, and enforcement of specific regulatory agendas. Administrative law falls under the branch of public law and covers various areas such as police law, international trade, manufacturing, environment, taxation, broadcasting, immigration, and transport.
- 3. Common Law**, also known as case law or precedent, is a body of law developed by judges through court decisions and similar tribunals. It contrasts with Civil Law, which is based on statutes enacted by the legislative branch. Common law systems prioritize precedents to ensure consistency in treating similar cases.
- 4. Criminal and civil law** can address the same unlawful action in different ways. For instance, an unauthorized physical contact with a person can be both a crime and a civil wrong (tort). Tort law deals with civil wrongs committed against individuals or property and is resolved through monetary compensation (damages) rather than imprisonment. There are three main categories of torts: intentional torts (committed knowingly), negligent torts (resulting from negligence), and strict liability torts (liability irrespective of fault).
- 5. Intentional torts** involve actions done with a high degree of certainty that harm will occur. Examples include assault, battery, false imprisonment, invasion of privacy, disclosure of information, defamation of character, misrepresentation and fraud, and infliction of mental/emotional distress.
- 6. Unintentional torts**, such as negligence and malpractice, occur when a duty of care is breached, resulting in harm. Negligent torts stem from the failure to act reasonably, while malpractice specifically applies to medical professionals who fail to meet accepted standards of practice, leading to harm for the patient.

XI. LEGAL PROTECTION OF NURSES IN INDIA

In India, the legal protection of registered nurses is primarily governed by the Indian Nursing Council (INC) and the respective State Nursing Councils. The INC is a statutory body established under the Indian Nursing Council Act, 1947, and is responsible for regulating and maintaining the standards of nursing education and practice in the country. The State Nursing Councils operate under the guidance of the INC and oversee the nursing profession at the state level.

Here are some key aspects of legal protection for registered nurses in India

- 1. Registration:** Registered nurses in India must be enrolled with the respective State Nursing Councils. The registration process typically involves meeting educational qualifications, completing an approved nursing program, and passing the nursing licensure examination.
- 2. Scope of Practice:** Registered nurses are authorized to perform various nursing procedures and provide care within their defined scope of practice. The scope of practice includes activities such as assessing patient conditions, administering medications, implementing nursing interventions, and providing patient education.
- 3. Code of Ethics:** Registered nurses are expected to adhere to a code of ethics that governs their professional conduct. The INC has formulated a Code of Ethics and Professional Conduct for Nurses in India, which outlines the ethical principles and standards that nurses should uphold in their practice.
- 4. Professional Liability:** Registered nurses are accountable for their actions and can be held legally liable for any negligence or malpractice that causes harm to patients. It is important for nurses to maintain professional competence, provide care within the accepted standards, and exercise due diligence to avoid any legal issues.
- 5. Complaints and Grievances:** If a registered nurse faces any professional or ethical issues, they can file a complaint or grievance with the State Nursing Council or the INC. These bodies have the authority to investigate complaints, take disciplinary action if necessary, and ensure the protection of the public interest.
- 6. Legal Framework:** Apart from the nursing-specific regulations, registered nurses in India are also protected by various general laws such as the Indian Penal Code, Consumer Protection Act, and the relevant provisions of medical negligence laws. These laws provide a legal framework for seeking redressal in case of professional misconduct or harm caused to patients.

It's important to note that specific regulations and legal protections may vary between states in India, as nursing is regulated at the state level. Therefore, registered nurses should refer to the guidelines and regulations issued by their respective State Nursing Councils for comprehensive information regarding their legal protection and professional responsibilities.

XII. FUTURISTIC ASPECTS IN ETHICAL AND PROFESSIONAL CONSIDERATIONS IN NURSING

In the future, nursing will continue to evolve with advancements in technology, changing healthcare landscapes, and a greater emphasis on ethical and professional considerations in nursing:

- 1. Patient autonomy and shared decision-making:** The future of nursing will prioritize patient autonomy and shared decision-making. Nurses will collaborate with patients to make informed choices about their care, respecting their values, preferences, and cultural backgrounds. This approach will involve promoting patient education, providing comprehensive information, and facilitating open communication.
- 2. Cultural competency and diversity:** In an increasingly diverse society, cultural competency will become an essential skill for nurses. Future nurses will need to understand and respect different cultural beliefs, practices, and health traditions. Providing culturally sensitive care will enhance patient outcomes, improve patient satisfaction, and promote health equity.
- 3. Ethical considerations in genetics and genomics:** With advancements in genetics and genomics, nurses will face ethical dilemmas related to genetic testing, gene editing, and personalized medicine. Nurses will need to ensure informed consent, protect genetic privacy, and engage in genetic counseling to help patients make decisions about their health based on genetic information.
- 4. Environmental sustainability:** The future of nursing will recognize the importance of environmental sustainability in healthcare. Nurses will play a role in promoting eco-friendly practices, reducing waste, conserving resources, and advocating for environmentally responsible healthcare policies.
- 5. Ethical implications of resource allocation:** With limited healthcare resources, nurses will face ethical challenges related to resource allocation and healthcare disparities. Nurses will need to advocate for equitable access to healthcare, address social determinants of health, and promote just distribution of resources to ensure optimal patient care.
- 6. Professional accountability and lifelong learning:** Nursing will continue to emphasize professional accountability and lifelong learning. Future nurses will engage in ongoing professional development, stay updated on the latest evidence-based practices, and actively participate in quality improvement initiatives. They will also adhere to ethical codes of conduct and maintain a commitment to patient safety and advocacy.
- 7. Ethical considerations in global health:** With the interconnectedness of the world, nurses will increasingly engage in global health initiatives. They will face ethical challenges related to cultural differences, social justice, healthcare disparities, and resource allocation in global healthcare settings. Nurses will collaborate with diverse populations and contribute to sustainable healthcare solutions worldwide.

These trends reflect the evolving landscape of nursing, driven by ethical principles, technological advancements, and societal changes. By addressing these ethical and professional considerations, nurses can ensure the delivery of compassionate, patient centered care while navigating the challenges and opportunities of the future.

As technology and society continue to evolve, the field of nursing is expected to experience significant changes in ethical and professional considerations

Here are some futuristic trends to watch for

- **Telehealth and Telemedicine Integration:** The use of telehealth and telemedicine will become more prevalent in nursing practice. Nurses may provide remote patient monitoring, conduct virtual consultations, and deliver care through digital platforms. Ethical considerations will arise regarding privacy, data security and ensuring equitable access to care for all patients.
- **Artificial Intelligence (AI) and Robotics:** AI-powered tools and robotic assistance may be increasingly used in nursing practice, such as automated patient monitoring, medication dispensing, and even surgical procedures. Nurses will need to maintain competency in managing these technologies and navigate the ethical dilemmas related to the delegation of tasks to machines.
- **Ethical Use of Big Data:** As healthcare systems generate vast amounts of patient data, nurses will need to navigate the ethical considerations surrounding the use of big data for research, quality improvement, and decision-making while protecting patient privacy.
- **Augmented Reality and Virtual Reality:** These technologies have the potential to enhance nursing education, simulation, and even patient education. Nurses will need to consider how to integrate these tools effectively and ethically into their practice.
- **Remote Patient Monitoring and Wearable Devices:** The use of wearable devices and remote monitoring tools will increase, enabling continuous patient monitoring. Nurses will need to address privacy concerns, interpret and act upon data from these devices, and ensure patients' well-being during remote care.
- **Healthcare Policy and Advocacy:** As healthcare systems and technologies evolve, nurses will play a critical role in advocating for patient rights, equitable access to care, and policy decisions that align with ethical principles.
- **Ethical AI in Decision Support Systems:** AI-driven decision support systems will assist nurses in making clinical decisions. Ensuring that these AI algorithms are unbiased, transparent, and promote patient safety will be essential.
- **Virtual Reality-Based Training:** Nursing education may incorporate virtual reality-based simulations, allowing students to practice various scenarios and complex procedures in a safe, controlled environment.

- **Environmental Sustainability:** Nursing will increasingly embrace sustainability and environmental considerations in patient care, including eco-friendly practices, waste reduction, and promoting healthier environments.

In this futuristic landscape, nurses will need to continue to uphold their professional responsibilities while navigating new ethical challenges brought on by emerging technologies and shifting societal norms. Education, ongoing professional development, and open discussions around ethical issues will be crucial in preparing nurses to thrive in this ever-changing healthcare landscape.

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