**ETHICAL AND PROFESSIONAL ISSUE**

**INTRODUCTION:**

We start learning what is right and incorrect behavior when we are very young. Our parents, teachers, friends, family, and other authoritative persons taught us this. Our family's religious practices and life philosophy had a big influence on how we learned. By the time we reach adulthood, we develop a personal code of ethics that directs how we act in every day situations. We all have a personal code of ethics, and the nursing profession also makes use of this code. Each profession has a set of ethical principles, often referred to as a code, whether they are written down or not. The members' expected behavior during practice is outlined in this code. It will outline the obligations of its members to the clients they serve, their coworkers, the industry, and society at large. A person acknowledges the obligation to uphold the code of ethics for their profession when they join that profession. It is important to realize that a code of ethics is not a rigid set of guidelines. The conduct of professionals is governed by a code of ethics.

The rights of the public to be protected from negligent or harmful professional behavior have not been widely known. As a result, nurses have rarely been involved in court cases or other legal proceedings. The national profession can seek to other nations for advice on how to define the nurse's legal responsibilities. However, it must take into account the laws and professional relationships as they are most specifically applied here, as well as the list of guidelines and standards that Judith Steni, a legal research advisor for USAID, established in 1970 for the TNAI. We frequently use knowledge of moral responsibility as a guide in nursing practice when we are unsure about our legal obligations. The same type of practice might result from awareness of ethical and legal obligation.

There are six different categories of authority that provide guidance on nursing practice's legal responsibility. These are:

1. The Central Government Acts.

2. The State Government Act.

3. The International Code for nurses subscribed to by the TNAI

4. Institutional rules and regulations.

6. Precedent or an example of court decision has been made in a same case.

**Nursing Profession:**

A nurse is a healthcare professional who, in coordination with other team members, is in charge of treating, protecting, and recovering patients who are either acutely or chronically ill; promoting and maintaining health among families, communities, and populations; and attending to life-threatening emergencies in a variety of healthcare settings. In addition to carrying out a variety of clinical and nonclinical tasks essential to the provision of healthcare, nurses may also take part in nursing and medical research.

According to Donahue (1996), nursing is both the oldest art form and the most recent profession. The terms "nurse" and "nursing" have numerous definitions. The Latin verb nutrire, which means "to nourish," is the source of the word "nursing." The word nurse derives from the Latin noun nutrix, which means "nursing mother" and frequently refers to a wet nurse (a woman who breastfed other people's kids). In French, a woman who suckled a child was referred to as a "nourrice." The term was first used in English in the 13th century and retained the same original meaning throughout the spelling changes, including norrice, nurice, and notice, which are all still in use today.

**Profession:** An occupation with ethical components, or one that is committed to advancing society and human welfare, is referred to as a profession. A profession bases its knowledge and services on specific talents. Jobs with a certain set of qualities are considered to be professions.

**TERMINOLOGY:**

**Ethics:**

These are the fundamental ideas of right and wrong, the codes of conduct that govern how one interacts with others.

**Law:**

Law is a set of regulations that are established and upheld by societal or governmental entities to control behavior.

**Values:**

Value in ethics refers to the significance of an item or activity, with the goal of determining the best courses of action or ways to live.

**Moral:**

It is focused on the concepts of good and wrong conduct.

**Rights:**

Rights are legal, social, or ethical freedom or entitlement principles.

**Legal Responsibilities:**

Legal obligations in nursing practice refer to the need to uphold the law when engaging in professional endeavors.

**Legal issues:**

These are those issues that are decided by law.

**Act:**

This law is written down. Acts are legislation that have been enacted by the assembly and authorized by the executive branch.

**Legislation:**

It is the legislative procedure. Using legislation, public services can be enhanced. Nursing education, nursing practice, and nursing administration all have a role in the development of nursing law.

**TORTS:**

Tort law refers to a civil harm done to a person or to that person's property. Torts, which stem from the French, are actions or omissions that illegally breach a person's legal rights and for which the injured party may file a common law lawsuit for damages. The basis of tort law is fault. Either the responsible party does not fulfill his or her obligation, or the responsible party acts carelessly.

**Types of Torts:**

TORTS

Nonintentional

Assault

Negligence

Malpractice

Battery

False imprisonment

Trespass to land

Defamation of character

Invasion or privacy

Intentional

**NONONTENTIONAL TORT:**

**Negligence versus Malpractice:**

A generic term used to describe behavior lacking proper care is negligence. Thus, negligence is synonymous with carelessness, a departure from the level of caution that a reasonable person would exercise in a given set of real-world conditions. An old person receiving nursing care might fall, as an example. The reasonable person in the position of the nurse has a duty of care to avoid a fall like that.

Malpractice is a more precise phrase that considers both the caregiver's professional standing and professional standards of care. The tortfeasor must be a professional, such as a doctor, nurse, accountant, lawyer, or other type of professional, in order to be held accountable for malpractice.

**Elements of Malpractice or Negligence:**

In order to demonstrate liability on the part of the defendant in either a malpractice or negligence case of action in court, the plaintiff, or injured party, must prove the following elements:

* Duty owed the patient
* Breach of the duty owed the patient
* Foreseeability
* Causation
* Injury
* Damage

**Duty Owed the Patient:**

It is owing to others and involves one's behavior. An individual is required by law to act in a way that a typical, cautious, and reasonable person would in order to avoid unreasonably raising the risk of harm to others when engaging in an activity.

**Breach of Duty Owed the Patient:**

This entails demonstrating a departure from the standard of care owed to the patient, i.e., something that should not have been done was done or nothing was done when it should have been, such as giving a patient the wrong drug or forgetting to give them a medication on time.

**Foreseeability:**

It involves the idea that certain circumstances might fairly be anticipated to lead to particular outcomes. Consider a patient falling while holding an exterior rail.

**Causation:**

It frequently divides into

1. Cause in fact

2. Proximate cause

* A medication may be delivered wrongly or in the wrong dosage, and the patient may then have direct side effects as a result. This is known as cause in fact.
* Proximate causation refers to determining the extent of the defendant's obligation for effects resulting from negligent behavior.

**Injury:**

The plaintiff must show that the violation of the patient's trust led to some kind of physical, monetary, or emotional harm.

**INTENTIONAL TORT:**

more frequently seen intentional tort within health care are assault, battery, false imprisonment, conversion of property, trespass to land and intentional infliction of emotional distress.

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| **Intentional Tort** | **Description** |
| Assault: | An assault is when I do something that makes another person feel as though they might be touched in an inappropriate way or suffer insulting physical harm from me without my permission or authority. No physical contact with the subject is necessary. According to words and phrases from 1995, the action or motion must make the other person reasonably fear coming into imminent, damaging or offensive contact with the plaintiff. |
| Battery | Battery is the purposeful, unauthorized touching of another person's body or of anything they are carrying or touching. Damage is not necessary. In these circumstances, informed permission is required. In institutes for mental health, it has been permitted. |
| False Imprisonment | False incarceration is the indefinite detention of a person without a valid reason to keep them in confinement. When nurses bind or enclose a patient with the intention of denying them freedom, they are committing the act of a false imprisonment. The patient's room or bed could be the limited space. |
| Conversion of Property | when a medical professional interferes with a patient's right to possession of their property, either by interfering or by disposing of their possessions. |
| Trespass to Land | The tort of unlawfully interfering with another person's ownership of land is known as trespass to land, and it might happen purposefully or due to carelessness. This offense takes place when someone enters another person's property without permission, refuses to leave after being asked to do so, tosses or deposits something there, or encourages a third party to do so. |
| Invasion of Privacy | The client alleges that their private matters, which are irrelevant to the general public, have been made public. Customers have a right to private medical treatment. There should be no unwanted publicity or exposure to public scrutiny in any element of care. |
| Defamation of Character | It is the act of subjecting someone to scorn, contempt, and ridicule within the community. The two are listed as follows:1. If a nurse tells a client that their doctor is inept, for example, the nurse could be held accountable for defamation. Slander defamation takes the form of spoken words.2. Libelous defamation takes the form of written words, for instance, the use of such a comment could result in legal action. |

**CONTRACTS FOR NURSING SERVICES:**

A promise or series of commitments for which the law provides redress or in some other manner recognizes the fulfillment as a duty is referred to as a contract.

**CLASSIFICATION:**

A formal contract is one that must be in writing and is mandated by a specific legislation.

* A contract is considered informal if it is reached as a result of a written document or correspondence when the law does not require it to be in writing, as well as as a result of verbal or written discussions between the parties, as well as actions taken by the parties that show an intent to contract.
* An express contract is one that was reached after the parties agreed to all terms and conditions in writing, through speech, or by a combination of both.

An implied contract is one that was reached as a result of the parties' actions or behavior and to which the law attests an actual purpose to engage into a contract.

**LEGAL RESPONSIBILITIES OF NURSES**

**Responsibility of appointing and assigning:** To guarantee safe, efficient patient care, nurse administrators are in charge of staffing and managing nursing units. Each nurse has a legal obligation to disclose her educational background and professional experience. She also has a legal right to inform the nurse management when she receives an assignment for which she is ineligible.

**Responsibility in quality control:** The legal responsibility to guarantee the caliber of nursing care falls on the nursing administrator as well as the authority of the agency at all levels. A nurse manager is legally obligated to oversee, report, and address any patient care provider's incompetence as part of their obligation to ensure the quality of nursing services.

**Equipment:** A nurse manager must make sure that all patient care equipment is fully functional and that damaged equipment is replaced as soon as possible in order to safeguard the patient and staff from harm.

**Responsibility for observation and reporting:** Legally, nurses are required to keep a close eye on patients and inform doctors and other members of the medical team of any observations that could be useful for diagnosis or treatment.

**Responsibility to protect public:**  The nurse has a duty under the law to safeguard the public from harm caused by dangerous patients, such as psychiatric patients. To prevent the public from being harmed by infectious wastes, the nurse must also properly dispose of the hospital wastes.

**Responsibility for record keeping and reporting:** Legally, nurses are required to accurately record and report patients' medical conditions and treatments, including data provided by all other healthcare team members.

**Responsibility for the death and dying:** The events of fatalities are surrounded by numerous problems. Because they are required to record the entire incident while the patient is in their care, nurses must be aware of the legal definition of death. Euthanasia-related problems might occasionally arise, either actively or passively.

**Knowledge regarding institutional rules and policies:** A nurse's legal obligations can be determined by consulting institutional norms and policies. The institution may specify appropriate conduct with regard to employment, such as the amount of time required when notifying applicants for registration.

**LEGAL SAFEGUARD IN NURSING PRACTICE**

**Licensure:** All nurses who are working must hold a current license that has been given by the appropriate State Nursing Council or INC. The goal of professional licensing is to safeguard society from people who are not highly competent but nevertheless professionals while also ensuring that society benefits from the services of a highly skilled group.

**Good samaritan law:** Doctors and nurses who provide emergency first aid are free from liability under the legislation.

**Good rapport:** It's crucial to establish a good rapport with the client to avoid misconduct. When the nursing staff threatens the client with warrants and caring, a lawsuit is frequently released.

**Standing order:** A nurse may implement a standing order treatment guideline that may have been created by the doctors as appropriate for certain conditions after evaluating the patient, even though it is illegal for them to diagnose sickness or prescribe treatments.

**Standard care:** When providing care, all medical professionals are expected to adhere to a set of criteria.

**Contract:** A written or verbal agreement between two parties wherein goods or services are traded is known as a contract. The patient's written consent is necessary for any procedure or treatment of a serious nature involving anesthesia.

**Correct identity:** The nurse or midwife has a huge obligation to ensure that all newborns born in hospitals are properly identified at birth and are never placed in the incorrect crib.

**Counting of sponges, instruments and needles:** The nurse must keep track of the quantity of sponges, tools, and needles used during surgery to ensure that none are accidentally left inside the patient's belly.

**Drug Maintenance**: It contains two statutes relating to the misuse of drugs and the storage of harmful substances.

**Self-discharge of the patient:** When a patient wishes to leave on his own, the on-call nurse should try to talk him out of it and alert the appropriate medical professional.

**Professional confidence:** The nurse and other medical professionals have an ethical obligation to protect the patient's confidence, so they must take care to ensure that they never reveal personal information they have access to due to their positions with anybody other than a senior staff member.

**Documentation:** The nursing record is a legitimate record that can be used as evidence in court. It has a special importance since it is seen as an accurate account of what took place.

**Patient's property:** The hospital is required by the departments of health and social security to warn all patients under its care that it cannot accept responsibility for valuables or money unless they have been given to a safekeeping facility.

**Reporting:** Nurses are required to notify the proper authorities about certain contagious diseases or criminal activity, such as abuse, gunshot wounds, suicide, or rape cases.

**LEGAL ISSUES IN SPECIAL PRACTICE AREA**

**I. Maternal and Infant Nursing**

In the situation of the mother and her child, there are numerous legal concerns. The following are typical grounds for suing a nurse:

**Problem of medication:** Medication administration is permitted by nurses. There are numerous charges made against nurses regarding the administration of medication, including incorrect patient identification, incorrect pharmaceutical dosage, route, or timing, and failure to monitor adverse effects. with instance, nurses are frequently involved in the administration of oxytocin with the purpose of accelerating labor.

**Failure in adequate client monitoring:** Depending on the client's state, the nurse must check on the patient at the proper intervals. In order to prevent any maternal difficulties during the prenatal period, check the fetal condition throughout labor, and maintain continuous monitoring of mother and fetus during the first 24 hours following delivery, the giving mother must be adequately monitored.

 **Failure to adequately assess the client:** All nursing specializations require increasing degrees of assessment proficiency. They are in charge of assessing the client's development every minute.

**Failure to report changes in the client:** The nurse must alert the concerned physician if their assessment shows that the client's condition has altered.

**Abortion:** Nurses cannot be coerced into taking part in unethical procedures. If an abortion is done outside the parameters of the Medical Termination of Pregnancy Act, nurses have the authority to refuse to help.

**Nursing care to the newborn:** There are some legal standards that must be followed when providing nursing care for newborns. For example, the infant mother pair must be correctly identified as soon as possible using fingerprints, footprints, and wristbands. A clean airway, clamping the umbilical cord, dabbing silver nitrate or antibodies on the margins, reducing the stress of death, and keeping infants warm are all considered standard of care.

 **II. Pediatric Nursing**

It is the responsibility of pediatric nurses to guard against children in their care accidentally hurting themselves. Infants and toddlers are not allowed to climb out of their cribs and hurt themselves, so restraining devices are placed over the top of the crib to prevent this. Children should never have access to any poisonous or sharp things. To prevent danger, children must be constantly watched upon. All instances of child abuse or neglect must be reported to the appropriate authorities by nurses.

**III. Medical Surgical Nursing**

Acts of negligence in medical surgical nursing are as follows

* **Overlooking sponges, instruments and needles:** Before closing the abdomen or any other cavity in the OT, the nurse is responsible for counting the sponges, tools, and needles. Burns: In order to prevent burns, a trained nurse must be aware of the causes and effects of beat application, such as using a hot water bottle, sitz bath, or heating packs. If the nurse fails to take the appropriate safety precautions before applying them, she is accountable.
* **Falls:** If a patient falls from the bed as a result of faulty restraint application, bad examination table security, or improper provision of a suitable bed for an unconscious patient or kid, the nurse should be held accountable.
* **Injury:** due to the use of faulty equipment or supplies, such as the use of unsterilized gauge in surgical dressing or the contamination of patients by faulty bedpans.
* **Assault or battery:** The nurse is held accountable for not obtaining the patient's informed permission before the procedure, treatment, investigation, or operation.
* **Failure to report accident:** Any accident, loss, or odd occurrence must be reported to the appropriate authority by the nurse as per both moral and legal obligations.
* Maintenance of records

**IV. Psychiatric Nursing**

Law has an impact on how psychiatric nurses practice their profession, especially when it comes to patient rights and the standard of care they are providing. In order to be aware of the patient's rights, prevent giving inappropriate advise, or avoid unintentionally getting into legal trouble, a psychiatric nurse should be properly knowledgeable about the legal aspects of psychiatry. A legal process governs the process for admitting and releasing psychiatric patients.

The admission process is of three types:

1 Informal admission: Similar to how a person is admitted to a conventional medical hospital, this form of psychiatric hospital admission happens.

2. Voluntary admission: Any citizen of legal age may submit a written application under this method for admission to a psychiatric hospital, public or private. He consents to care and complies with hospital regulations. Patient who is admitted in this method keeps all of their civil rights.

3**.** Involuntary admission: Commitments made voluntarily are not necessarily forced. It indicates that the request for the hospitalization was not made by the patient and could mean that he either actively objected to it or was unsure and did not object. Most laws use these justifications to support the commitment of mentally ill people.

* Dangerous to others
* Dangerous to self
* Need for treatment

**ROLES AND FUNCTIONS OF A NURSE MANAGER IN LEGAL ISSUES:**

* sets a good example by providing nursing care that meets or exceeds the standard of care in the sector.
* To show greater experience in a particular subject and to keep up with information and skills needed for the job, one seeks professional certification.
* Inform the proper authorities of subpar nursing care in accordance with the established chain of command.
* To reduce the likelihood of further legal action, promote an open, cordial, and caring relationship between the nurse and the patient.
* Actively participate in professional organizations to support nursing's advocacy efforts for health care legislation.
* creates a setting that values cultural variety and sensitivity and fosters it.
* Use personal skills when performing nursing. the patient's rights and wellbeing come first when making decisions.
* Determines appropriate legal obligations for nursing practice while displaying vision, risk-taking, and enthusiasm, establishing what nursing is and should be in the future.
* Knows where the laws and legal principles that influence nursing practice came from.
* Consider the manager's area of expertise and the person he or she is supervising when deciding how much authority to provide to subordinates.
* Respects the institutional policies and procedures and is aware of them.
* Within the parameters of the State Nursing Practice Act. C
* Checks on subordinates to make sure they have the proper, legitimate licenses to practice nursing.
* Uses the likelihood of harm to inform hiring and delegating decisions.
* Offers staff members the chance to learn about legal problems that have an impact on nursing practice.
* Raises staff awareness of intentional torts and helps them create plans to lower their exposure in these areas.

**ISSUES RELATED TO NURSING PROFESSION:**

Issues are things that need thought or questions that need to be discussed. There are several challenges in the nursing field that could be connected to the nurses' profession, training, and practices.

The following are a few concerns with the nursing profession:

* Values demonstrated in our nursing abilities.
* The attitudes, humanitarian manner, and concern displayed by nurses in their behavioral patterns.
* The place of nursing in the delivery of healthcare in society.
* Nursing quality goes hand in hand with both theory and practice.
* Certain nursing functions.
* The country needs nurses at all levels.
* A primary care approach is prioritized above established approaches.
* Evidence-based nursing research.
* Nurses in administration.
* Expanded and extended roles of nurses.
* Globalization in the profession.
* The initiative taken by nurses to enhance the health situation in response to community needs.

**ETHICAL ISSUES IN NURSING**

The standards or guidelines that direct proper conduct are known as ethics. Human rights are protected by ethical principles. An ethical profession has several qualities. A profession's code of ethics will outline the behavior that is required of its members as well as their duties to the people they serve, their coworkers, the profession, and society at large.

**Nursing Ethics:**

The professional standards for nursing actions set forth by the nursing ethics safeguard both the nurse and the patient. The International Council for Nurses (INC) adopted an ethics code in 1973. Promoting health, preventing sickness, restoring health, and easing suffering are the nurse's four primary duties.

All people need nursing services. Respect for human life and men's rights is a fundamental aspect of nursing. It is not constrained by factors like social class, politics, age, sex, nationality, or any other of these. Nurses provide health services to individuals, families, and communities while coordinating their efforts with those of associated organizations.

**ROLES AND FUNCTIONS OF NURSE IN ETHICAL ISSUES**

The following are the managerial and leadership responsibilities of an administrator in ethical matters:

* He or she is conscious of one's own values and fundamental ideas regarding the obligations, rights, and objectives of others.
* He accepts that all ethical decision-making must involve some degree of ambiguity and uncertainty.
* Accepts that, despite excellent problem-solving and decision-making, unethical results can emerge.
* Takes calculated risks when making moral decisions.
* Ethical decision-making that complies with the code of ethics and introspective declarations should be modeled.
* Actively advocates for clients, subordinates and professionals.
* Explains the desired ethical standard of conduct clearly.
* Uses a methodical approach to making decisions or solving challenges in management that have ethical implications.
* Identifies ethical decision-making outcomes that ought to be worked out or avoided at all costs.
* Clarifies values and beliefs using a well-established ethical framework.
* Uses ethical reasoning concepts to specify the values or ideas that serve as the foundation for decisions.
* Is responsible for any liabilities should they deviate from legal precedents and is aware of the legal precedents that may serve as a guide for ethical decision-making.
* Lauds and honors subordinates for their moral behavior. when subordinates act unethically, takes the proper action.

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