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Malpractice & Neglect as a Legal Health Issue in Nursing

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Malpractice & Neglect as a Legal Health Issue in Nursing

Introduction

Healthcare experts are entrusted with ensuring the patients, relatives, and even the healthcare staff have a favorable environment. The decision-making process is the critical process in healthcare that involves considering the state and federal web of problematic provisions. Specifically, the nurses are required to exercise the ethical decision responsible for the individuals they are attending to (mainly patients). Over the past decades, technology has become the 'talk' of every sector, including the healthcare sector. These rapid technological developments in medical practices require nurses and other healthcare specialists to make prudent decisions (Al-Hajjia et al., 2018). For instance, administering or prescribing a particular drug or routine is varied with the nurse or the healthcare professional's decision. There are no laws that lawmakers have established to govern such decisions on practices and procedures. Therefore, the nurses have to be cautious in judgment to mitigate the risk of being legally liable.

Additionally, the nurses have to contemplate the moral consequences of their judgments to warrant that their actions are for the patients' well-being. In a glimpse, these decisions might seem to be direct to make; nonetheless, several instances are unclear. There may be a situation that the element that looks ethical is not legal or the other way round. Most of the legal matters that happen frequently influencing nursing practices include the issues linked to the principle of informed consent (Harper & Maloney, 2017). Likewise, as earlier detailed, declining treatment, conservation of the clients' valuables and possessions, negligence, malpractice, compulsory recording involving dog bites, unsafe practices, gunshot wounds, and abuse are some of the essential guidelines. In this essay, malpractice and neglect are focused on legal health issues in nursing. The paper provides an overview of some of the codes of ethics provided by some of the

bodies governing nursing professionals globally, with an additional explanation of nurses' handling that operates against the principles. Likewise, the main issues involved in legal health in nursing are disclosed herein, focusing on the main two malpractice issues and neglect in the nursing profession.

Code of Ethics

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The American Nurses Association (ANA) is one of the bodies that govern nursing services' delivery by nursing professionals. ANA serves as one of the guides for the proper nursing decision-making process (Croke, 2003). The association publishes and compiles the conventional procedures for moral nursing services in the United States. Furthermore, the ANA Code of Ethics is one of the active documents that change with nursing advancements. As highlighted above, the global sectors, including healthcare, are affected significantly by technology changes (Harper & Maloney, 2017). Therefore, the document changes to accommodate the considerable differences in technology. Likewise, ANA issues distinct ethics guides designed for different controversial areas and specialties, such as the decisions made in end of life' situations.

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Despite the changing nature of the services that result from technology advances, there is some vital ethical principle of nurses that remain unchanged. These principles do not change from the foundation of proper nursing care, which could include evidence-based nursing practices. The fundamental principles of nursing care could consist of sensitivity if pertinent. Since the nurses are members of the multi-punitive treatment crew, they are the experts that naturally have regular interaction with patients (Brunt & Russell, 2018). Therefore, they are ethically responsible for supervising the response of the patient towards intervention and treatment. The other healthcare professionals, such as the doctors, rely on this information to

enhance treatment concerns. Another principle is competence that includes the requirement of several multifaceted abilities and an elevated amount of knowledge. The evolving nature of medicine requires the nurses to be informed about the best practice and latest medicinal developments in the nursing profession.

Thirdly, responsibility is one of the fundamental obligations of any nurse in every nation. The nursing profession requires decision-making daily, which has a straight affect on the life of individuals. Therefore, the nurses are obliged to contemplate every potential result of their decisions. Lastly, attentiveness is another ethical principle in the nursing profession. Attention includes considering the patient, community, employer, and colleagues (Croke, 2003).

Malpractice

Malpractice includes the actions of commissioning or omitting anything that fails to attain the required principles of care and leads to injury. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) describes the act of malpractice as an unethical or unsuitable behavior or the awkward absence of proficiency by a professional or officeholder (Croke, 2003). The professionals may be ascribed as public officers, lawyers, dentists, and physicians. It is the act of malpractice that leads to the allowance of damages. Notably, malpractice acts are elaborated differently under civic principles, including the JCAHO standards, institutional guidelines, and national nurse practice actions. These acts may be considered in a court of law. The nurses are expected to give all facets of nursing services conferring to conventional ethics of care competently and safely completed in comprehensive, timely, and suitable custom. Malpractice constitutes six indispensable components, such as breach or responsibility that was to be given to the client, primary and/or secondary injury to a client due to breach of duty, foreseeability, and causation (Al-Haijaa et al., 2018).

Factors Subsidizing the Augmented Cases of Malpractice among Nurses

Different conditions have contributed to the rising cases of malpractice amongst nurses. The delegation of duty is one of the factors resulting from the cost-control measures in healthcare management offices and facilities. The nurses have been tempted and often involved in delegating responsibilities to their juniors or the unlicensed assistive workforces. The delegation of most senior nurses' tasks may be termed as malpractice by the standards of some particular facility or the Act of Nursing Practice (Brunt & Russell, 2018). Additionally, premature discharge of patients from the hospital at the preliminary phase of healing is another cause of the rising negligence cases. Some conditions in particular patients may necessitate additional or intensive and acute nursing care. It is not lawful for a nurse to fail to offer care or fail to infer correctly the patient's condition.

Thirdly, hospital rationalization and nursing scarcity have subsidized the augmented workloads for the operating nurses. This condition increases the possibility of the nurses erring since they have a lot to focus on. Furthermore, the advancements in technology in the current 21st century necessitate the nurses to get acquainted with various safety features, limitations, and advanced technologies' capabilities. The fifth element that has led to the increased malpractice cases is the augmented responsibility and independence of nurses in the hospitals (Joint Commission on Accreditation of Healthcare Organizations, 2005). This leads to increased workload and great danger of liability and error. Likewise, the patients' advanced knowledge and information, mainly the patients, leads to increased awareness to note the malpractices. Lastly, the extended legal description of malpractice liability has led to high accountability standards among professionals.

Nursing Malpractice Examples

- Hurting a Patient that happens severally in association with medical kits, for instance, the accidental penetration of a sharp object into the patient's body.
- Inappropriately Medicinal Administration could involve several negligent actions, including administering the wrong drug, incorrect dosage, and injecting an IV at the incorrect time.

Negligence

Negligence could include all forms of commissioning or omitting anything that fails to attain the required principles of care and leads to injury. It only differs from malpractice since it is insufficient of the single or several of the malpractice elements. However, negligence is defined by JCAHO as the failure to apply some type of care that a sensibly careful and prudent individual could use in a similar condition. There are six significant negligence classes conducts that could provoke malpractice lawsuits. The records that describe the neglected character usually use expressions including *improper*, *ineffective*, *lack of*, *failure to*, and *incomplete* (Huang, Sun & Lien, 2015). A nurse has a total of six prominent roles that could include;

- ✓ Healthcare service provision.
- ✓ Upholding of medical proficiency.
- ✓ Care documentation.
- ✓ Providing care by standards of a prudent and reasonable individual.
- ✓ Certifying the service consumer gets holistic, safe, and competent care.
- ✓ Evaluating or supervision the duties that must be delegated.

Elements of Negligence

- ❖ Duty breaching by not following the SOC that recommends a reasonably prudent nurse.

NURSING

- ❖ Psychological and physical damage.
- ❖ Underlying connection that is sensibly adjacent linkage between nurse's injury and conduct.
- ❖ Responsibility to act with a nurse-patient bond (Huang, Sun & Lien, 2015).

Legal Negligence in Nursing

There are six significant classes of negligence that could result in malpractice lawsuits, including;

- i. Failing to record and note the medical record of the patient.* This could include the injuries, response and progress to treatment; relevant nursing evaluation data such as drug allergies; therapeutic instructions of the physician, phone dialogues information with physicians, comprising of time, and description of communication amongst the physician and nurse, and arrangements made (Cheluvappa & Selvendran, 2020).
- ii. Communication failure* could include informing the physician in an appropriate method when circumstances permit; paying attention to the patient's complaints and acting accordingly; enhancing effective communication with the patients; and pursuing an advanced medicinal approval for a specific treatment.
- iii. Missing to act as the advocate of the patient.* This could include failing to interrogate the release instruction when the patient's condition permits it; inquire of illegible or unfinished medical guidelines, and offer a harmless atmosphere (Cheluvappa & Selvendran, 2020).
- iv. Failure to monitor and assess the patient.* This could comprise the inability to finish a shift valuation, actualizing a patient strategy of care, observing the ongoing advancement of a patient health-wise, and failing to note the patient's symptoms and signs.

- v. ***Lack of adherence to the care standards.*** This could comprise failing to observe the institutional procedures and policies or standardized conventions, including injection at the wrong sites, failure to follow the physician's written or verbal instructions, and failure to do a comprehensive admittance valuation.
- vi. ***Failure to responsibly use the equipment.*** This could comprise the failure to study the way an equipment functions, the inability to use the manufacturer's recommendations in using the equipment, and the inability to check the equipment's safety before using it (Sappideen, 2016).

Conclusion

Over the past decades, technology has become the 'talk' of every sector, including the healthcare sector. These rapid developments in technology in medical practices require nurses and other healthcare specialists to make prudent decisions. Negligence could include all forms of commissioning or omitting anything that fails to attain the necessary care principles and leads to injury. It only differs from malpractice since it is insufficient of the single or several of the malpractice elements. Besides, malpractice includes the actions of commissioning or omitting anything that fails to attain the required principles of care and leads to injury. Despite the negligence and malpractice that is rampant among the nurses in the current 21st century, the nurses could be advised to participate and embrace the future and current trends, uphold the nursing 'best practices' that secure their licenses, influence the care quality, and minimize risks associated in nursing malpractices and negligence. Lastly, nurses should have a compassionate heart while making most of the encounters have a grateful heart.

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