



# **SNS COLLEGE OF NURSING COIMBATORE-35**

**COURSE : B.Sc Nursing**  
**SUBJECT : Management of Nursing  
Services & Education**  
**UNIT : VII**  
**TOPIC : Legal Aspects in Nursing**  
**PREPARED BY : Prof.Manavalam.N**



# INTRODUCTION

- **Nurses in the modern era have multifunctional work settings.**





# IMPORTANCE



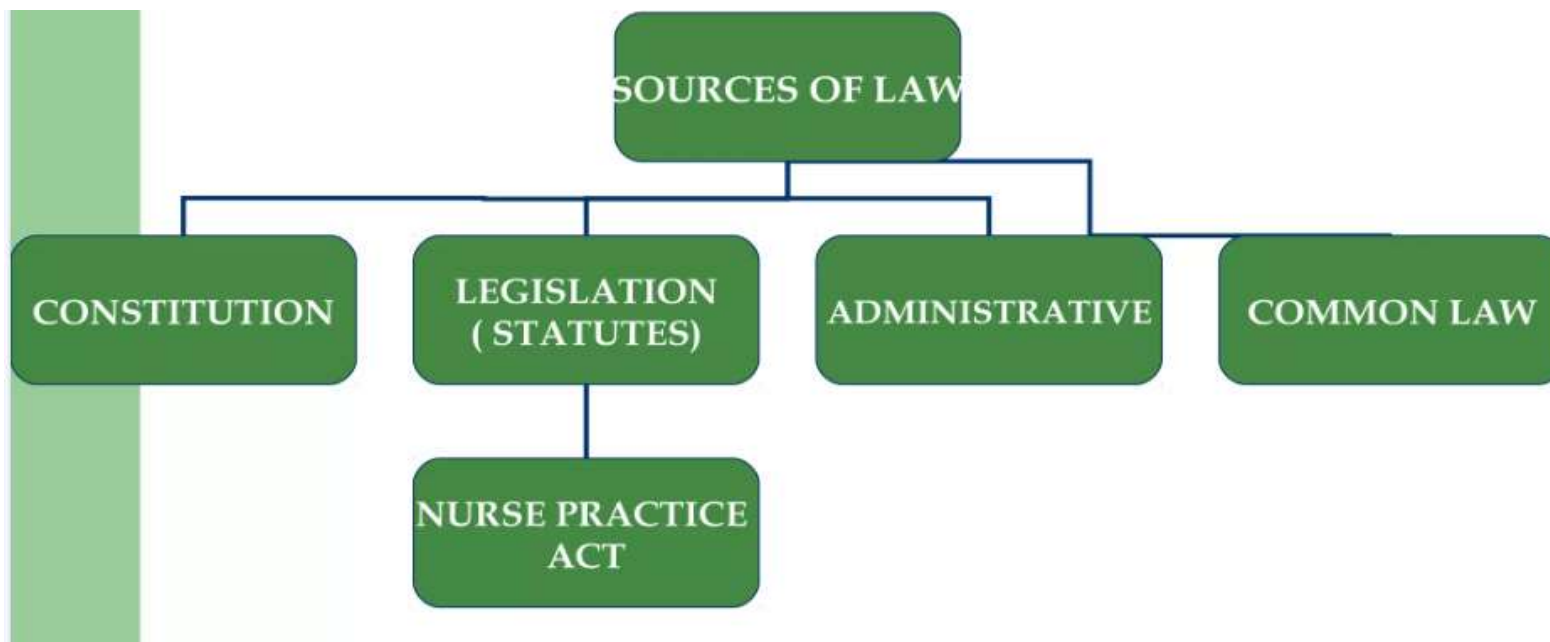
- 1. To provide a framework to establish nursing actions in the care of legal clients.
- 2. To differentiate the nurse's responsibilities from other health professionals.
- **3. To demarcate** the boundaries of independent nursing actions.
- 4. To assist in maintaining standards of nursing practices by making nurses accountable under the law.
- 5. To safeguard and protect the rights of self and clients.

# DEFINITION

- Laws form the essential rules set by governing authorities to shape and control societal behavior.
- In nursing, laws guide actions, safeguard patient rights, define nurses' scope of practice, and maintain professional standards.



# SOURCES OF LAW





# Constitutional Law



- Constitutional law is foundational, deriving from central and state constitutions, and establishes fundamental legal rights and principles.
- For example, it upholds individuals' rights, such as refusing medical treatment, which ensures that nurses respect patients' legal and ethical rights.

# Statutory Law

- In nursing, statutory laws dictate legal obligations and standards concerning patient care and professional behavior, ensuring that nurses' actions align with legal requirements.





# Administrative Law



- Administrative or Regulatory law consists of rules and regulations set by state or federal agencies tailored to specific areas of expertise. These laws operationalize statutory laws.
- For nursing, this is evident in the regulations established by the State Board of Nursing, which enforces the Nurse Practice Act.
- This Act delineates the scope of nursing practice, licensure, and disciplinary measures for violations of practice standards.



# Common Law

- Common law, or case law, evolves from judicial decisions rather than legislative acts, forming an unwritten body of law based on legal precedents.
- This law significantly impacts nursing by setting care standards, such as patient privacy and confidentiality rights.





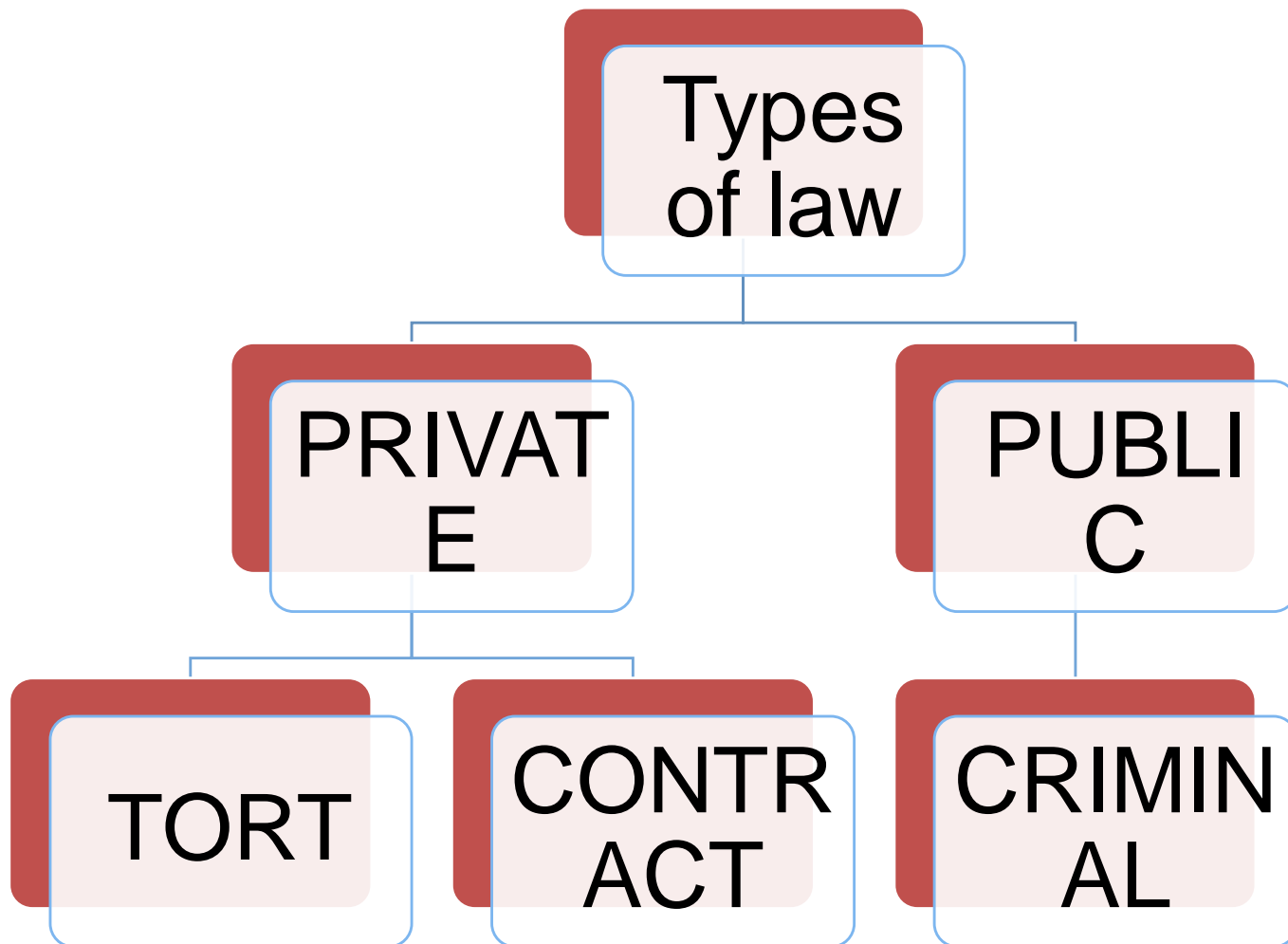


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# TYPES OF LAW



# PUBLIC LAW

Public law regulates the relationship between individuals and the government or institutions.





# Nursing Practice Act (NPA)



Each state has an NPA that governs nursing practice. The NPA includes:

- ❖ Definitions
- ❖ Authority of the Board of Nursing (BON)
- ❖ Educational program standards
- ❖ Standards and scope of nursing practice
- ❖ Types of licenses and titles
- ❖ Grounds for disciplinary action



# Mandatory reporting



Nurses are legally required to report certain crimes, such as:

- ❖ Suspected abuse of children, the elderly, or the disabled
- ❖ Gunshot wounds
- ❖ Unsafe or illegal practices of other health care team members

# CRIMINAL LAW



- Criminal law is a system of laws that punishes individuals who commit crimes.





# CLASSIFICATION OF CRIME



## Classification of Crimes

- Felony
  - Murder, rape, robbery
- Misdemeanor
  - Petty theft
- Infractions
  - Traffic offense

# PRIVATE LAW

Private law, also known as civil law, is a branch of law that governs the legal relationships between private individuals.





# IMPACT ON NURSES



- Compensation
- Standard of proof

Examples of private law:

Contract law

Tort law

# CONTRACT LAW

- Contract law is the legal framework that governs agreements between parties that are legally binding and enforceable.



# TORT LAW

Tort law is a part of civil law that addresses wrongful acts that can cause harm to patients and result in legal liability for nurses.



# LAW







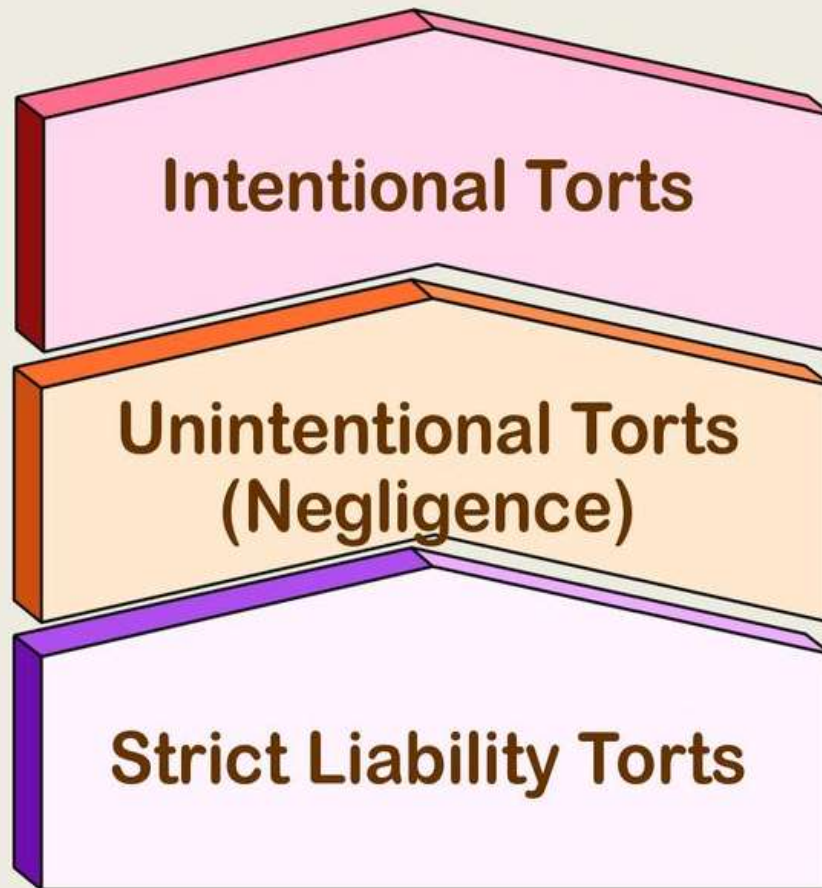
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# TYPES OF TORT



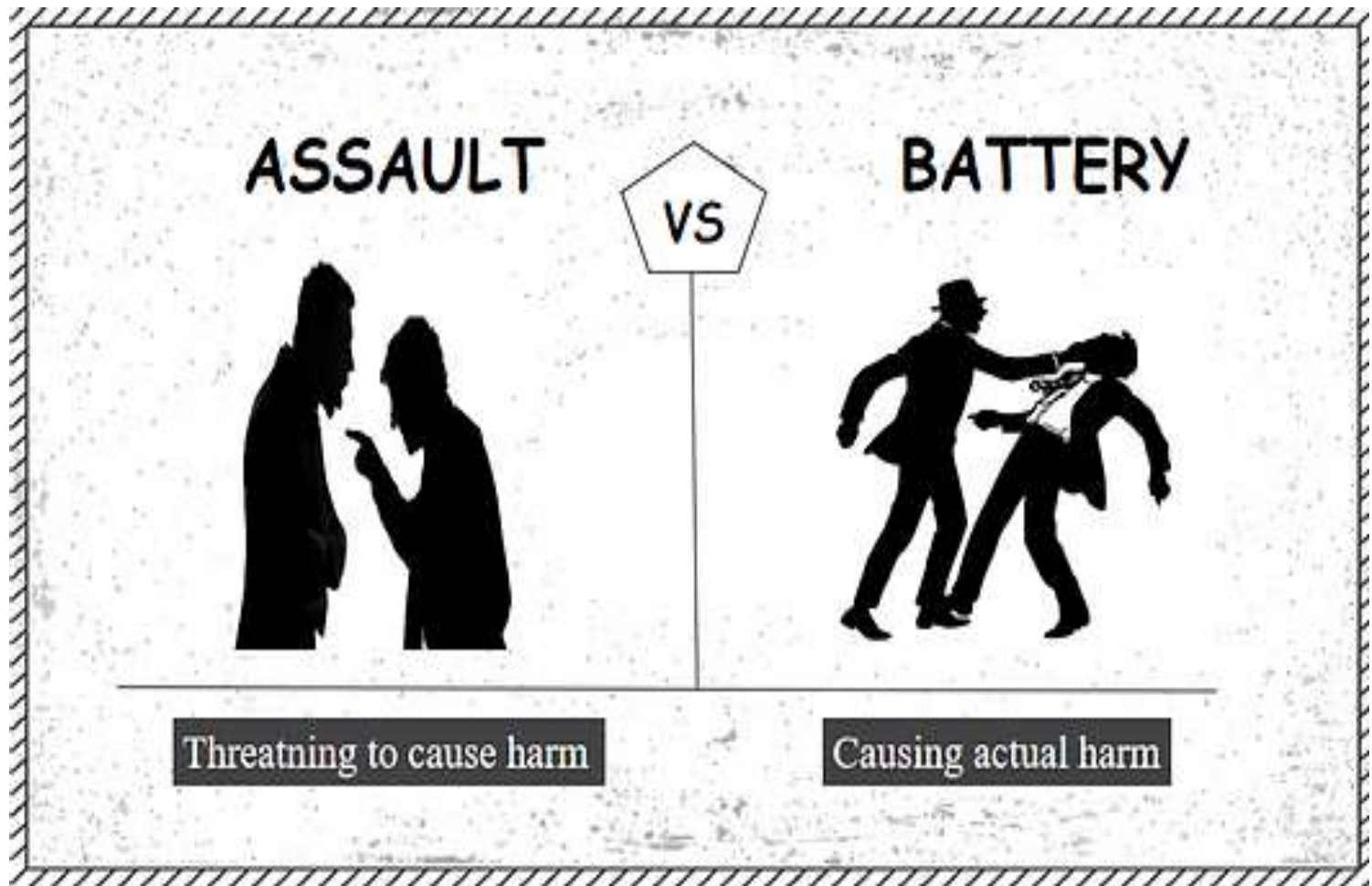


# Intentional Torts



- Intentional torts in nursing involve acts or omissions carried out with the intent to harm or injure a patient. These actions can lead to civil lawsuits for damages.
- ASSAULT
- BATTERY

# INTENTIONAL TORT





# Unintentional Torts



- Unintentional torts in nursing involve negligent actions or failures to act that inadvertently cause injury or harm to a patient.
- MALPRACTICE
- NEGLIGENCE

# UNTENTIONAL TORT

## MALPRACTICE



## NEGLIGENCE





# Quasi-Intentional Torts



- Quasi-intentional torts are actions or omissions by a nurse that, although not intended to cause harm, result in injury or damage to another person, such as a patient
  - SLANDER
    - LIBEL







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# MALPRACTICE



- Nursing malpractice occurs when a nurse's actions or omissions harm a patient and fall below the standard of care that a similarly-trained professional would provide.

Malpractice can be proven if the following four elements are present:

- Duty: The nurse is responsible for the patient's care
- Breach of duty: The nurse fails to perform their duties correctly
- Causation: The nurse's mistake causes the patient's injury
- Damages: The patient suffers significant damages, such as disability, pain, suffering, or loss of income



# COMMON MALPRACTICE



- DELEGATION
- EARLY DISCHARGE
- SHORTAGE OF NURSES
- ADVANCES IN TECHNOLOGY
- BETTER INFORMED CONSUMERS

# COMMON MALPRACTICE



**MISDIAGNOSIS**



**SURGICAL ERRORS**



**CHILDBIRTH NEGLIGENCE**



**MEDICATION ERRORS**



**EMERGENCY ROOM ERRORS**

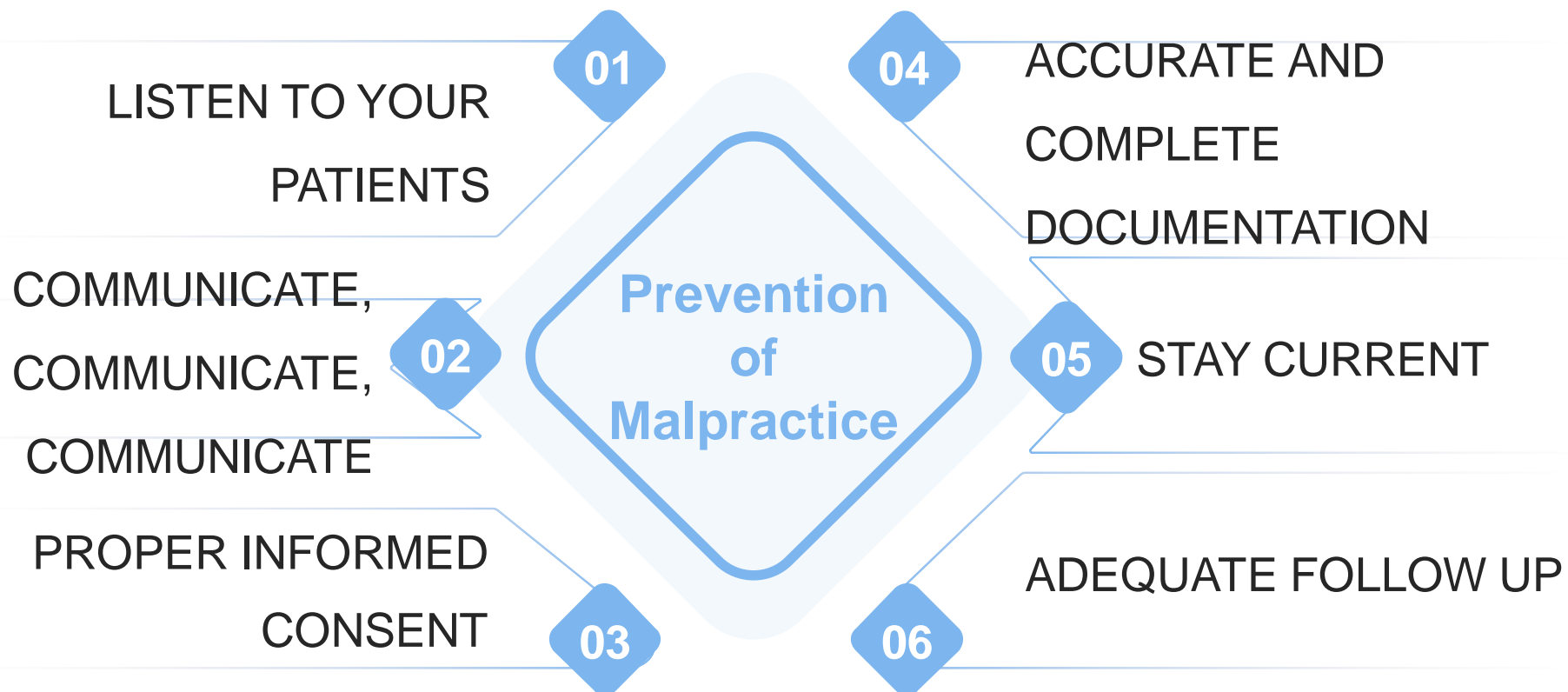


**HOSPITAL INFECTIONS**



**ANESTHESIA ERRORS**

# Prevention of Malpractice







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# NEGLIGENCE



Negligence is the most common type of tort in nursing. It occurs when a nurse fails to provide a reasonable standard of care to a patient, resulting in harm or injury.



# NEGLIGENCE

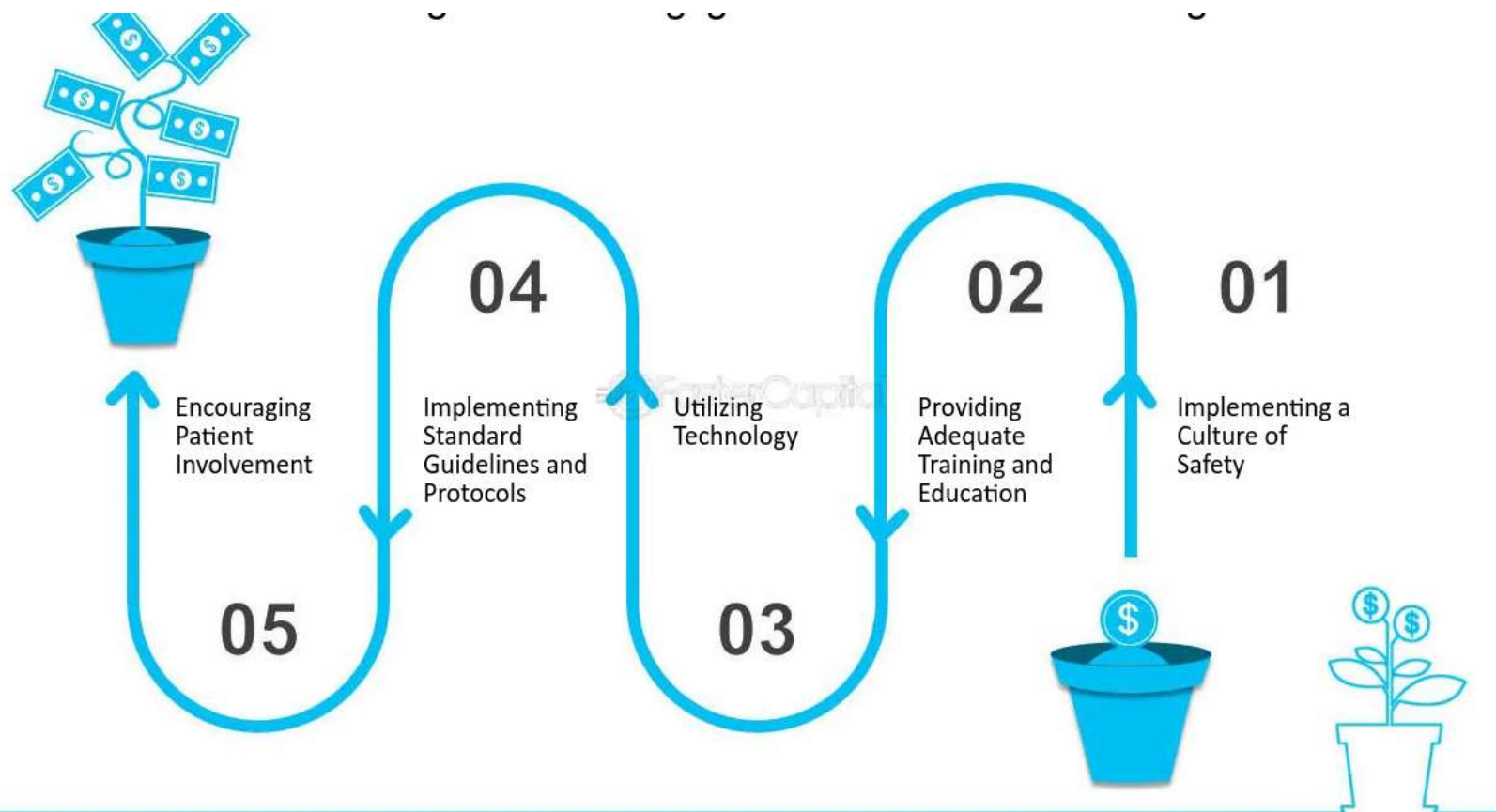


- ❖ Failure to follow standards of care
- ❖ Failure to use equipment in a responsible manner
- ❖ Failure to communicate
- ❖ Failure to document
- ❖ Failure to assess and monitor
- ❖ Failure to act as a patient advocate





# Prevention of Negligence







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# Legal Safeguarding in Nursing



**01 LICENSURE**

**02 GOOD SAMARITAN LAW**

**03 GOOD RAPPORT**

**04 STANDARDS OF CARE**

**05 CONTRACTS**

**06 CONSENT FOR PROCEDURES**



# Patients Bill of Rights



- **Respectful care:** Patients have the right to be treated with respect by competent workers.
- **Confidentiality:** Patients have the right to have their medical records treated as confidential.
- **Informed decisions:** Patients have the right to make informed decisions about their care.
- **Information:** Patients have the right to receive complete information about their diagnosis, treatment, and prognosis.





# Patients Bill of Rights



- **Dispute resolution:** Patients have the right to be informed of available resources for resolving disputes, grievances, and conflicts.
- **Protection from abuse:** Patients have the right to be protected from physical abuse or neglect.
- **Medication:** Patients have the right to accept or refuse any medication, investigation, or treatment.



# Patients Rights



- **Research participation:** Patients have the right to participate in research studies, but they can also refuse to participate.
- **Continuity of care:** Patients have the right to expect reasonable continuity of care.
- **Hospital policies:** Patients have the right to be informed of hospital policies and practices that relate to patient care.
- **Consent:** Patients have the right to give informed consent prior to any procedure or treatment.





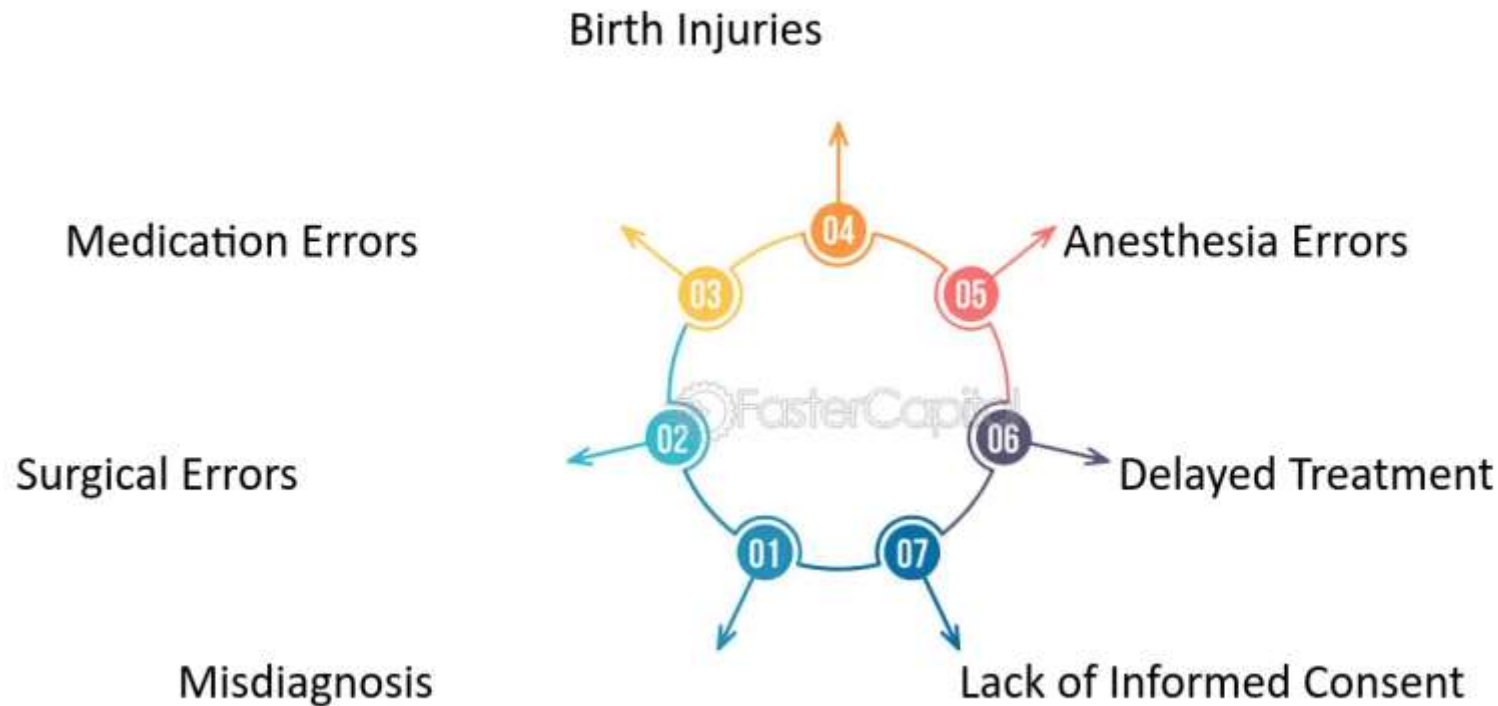
# CONCLUSION



- For nurses, understanding these legal foundations is critical for compliance and ensuring patient safety and professional integrity.
- By adhering to these laws, nurses deliver clinically appropriate care and uphold legal and ethical standards, safeguarding both their patients and their professional standing.



# Types of Medical Negligence



# LEGAL LIABILITIES IN NURSING

