

## Objectives

1. Summarize the structure and function of the legal system.
2. Compare and contrast nursing negligence and malpractice.
3. Discuss the legal relationship that exists between the nurse and the patient.
4. Explain the importance of maintaining standards of care.
5. Give examples of ways the nursing profession is regulated.
6. Give examples of legal issues in health care.
7. Discuss federal regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule and its impact on the health care system.
8. Give examples of ways the licensed practical/vocational nurse can avoid being involved in a lawsuit.
9. Differentiate between a legal duty and an ethical duty.
10. Explain advance directives.
11. Summarize how culture affects an individual's beliefs, morals, and values.
12. Identify how values affect decision making.
13. Distinguish between ethical and unethical behavior.
14. Explain the meaning of a code of ethics.
15. Explain the nurse's role in reporting unethical behavior.
16. Give examples of ethical issues common in health care.

## Key Terms

**accountability** (ák-kóvnt-á-BL-é-lé, p. 24)

**advocate** (áD-vó-kát, p. 24)

**deposition** (dè-pó-SI-shún, p. 23)

**doctrine of informed consent** (p. 26)

**ethical dilemmas** (ETH-I-ká, p. 34)

**ethics** (ETH-I-ks, p. 31)

**euthanasia** (úth-én-á-zhá, p. 29)

**laws** (p. 22)

**liability** (lI-á-BL-á-té, p. 24)

**liable** (lI-á-té, p. 23)

**malpractice** (p. 22)

**nonmaleficence** (nón-má-LEF-I-sóns, p. 34)

**standards of care** (p. 26)

**value clarification** (p. 33)

**values** (p. 33)

**verdict** (p. 23)

Today's health care system is dynamic and complex. It has undergone significant changes over the decades. Health care providers are guided by established laws, rules, regulations, and ethical principles. The rising cost of health care and growing consumer awareness have had an impact on the practice of nursing and the distribution and use of available health care resources. Additional challenges are presented by the rapid advances in technology and communication. Practice opportunities and settings for the licensed practical/vocational nurse (LPN/LVN) are changing with the focus on managed care, community health, and home health care.

Nursing practice of the LPN/LVN is guided by a combination of legal principles, established laws, moral standards, and ethical principles. Nurses must understand the legal standards and ethical principles that affect practice. Each state has laws that govern the scope and practice of nursing that are referred to as nurse practice acts. The law sets an obligatory minimum standard in any given situation. Ethical principles,

which evolve out of society and culture, frequently impose an even higher duty. These legal standards and ethical principles serve as a support for all members of the health care system and help protect the rights of all members of society.

## LEGAL ASPECTS OF NURSING

The legal relationship that exists between the nurse and the patient is influenced by the existing laws, rules, and regulations that govern nursing practice. Acting outside the established scope of practice or failing to meet the established standard of care has the potential to result in injury to the patient and give rise to legal liability and the potential loss or sanction of the nursing license. Nurses must be aware of their scope of nursing practice and the standards of care that constitute professional duties.

Many legal issues are related to health care, and health care-related litigation that involves nurses is common (Figures 2-1 and 2-2). Today's patients are

# Chapter 2 Legal Fundamentals

**M Mark**



## Chapter 2 Legal Fundamentals:

**EU Law, Fundamental Rights and National Democracy** Eduardo Gill-Pedro, 2019-08-01 The orthodox view is that rights complement democracy This book critically examines this view in the context of EU fundamental rights specifically in situations where EU law requires member states to respect EU fundamental rights It first sets out a legal theoretical account of how human rights can complement democracy It argues that they can do so only if they are understood as both the conditions for the democratic process and the outcome of such a democratic process In light of this legal theoretical account of human rights this book examines the demands which the Court of Justice of the EU CJEU imposes on the national orders in respect of EU fundamental rights The conclusion reached is that the demands which EU fundamental rights impose on national legal orders entail a cost for the democratic legitimacy of those legal orders Ultimately accepting the demands of the CJEU in respect of EU fundamental rights may require the national legal order to abandon its commitment to protecting the human rights which are the foundation of the national legal order s very legitimacy

**The Law of Hockey** John Barnes (Barrister-at-law), 2010

*Handbook of the Law of Code Pleading* Charles Edward Clark, 1928

**Common Law and Liberal Theory** James R. Stoner, 1992 In this book James Stoner s purpose is to recover the common law basis of American constitutionalism American constitutionalism in general he argues and judicial review in particular cannot be fully understood without acknowledging their roots in both common law and liberal political theory But for the most part the common law underpinnings of constitutionalism have received short shrift

United States Code Annotated United States, 1927

**United States Code Annotated** United States, 2004 Comprises all laws of a general and permanent nature under arrangement of the official Code of laws of the United States with annotations from Federal and State courts

**The Real Property Law of the State of New York** Robert Ludlow Fowler, 1909

*The Law of Estates Created by Will* Edward Beers Thomas, 1898

Decedent Estate Law of the State of New York, Chapter Thirteen of the Consolidated Laws (became a Law February 17, 1909 Robert Ludlow Fowler, 1911

*The Law of Trade Regulation* , 1927

A Treatise on International Law Roland Roberts Foulke, 1920

The Northeastern Reporter , 1927 Includes the decisions of the Supreme Courts of Massachusetts Ohio Indiana and Illinois and Court of Appeals of New York May July 1891 Mar Apr 1936 Appellate Court of Indiana Dec 1926 Feb 1927 Mar Apr 1936 Courts of Appeals of Ohio

**Annual Report of the New York State Civil Service Commission** New York (State). Civil Service Commission, 1900

*Report of the Civil Service Commission of the State of New York* New York (State). Civil Service Commission, 1900

**Annual Report** New York (State). Department of Civil Service, 1900

*New York State Service* New York (State). Department of Civil Service, New York (State). Civil Service Commission, 1900

Reports of Cases at Law and in Equity Determined by the Supreme Court of the State of Iowa Iowa. Supreme Court, 1922

**Criminal Procedure, Or Commentaries on the Law of Pleading and Evidence and the Practice in Criminal Cases** Bishop, 1880

*New York Supplement* , 1919 Cases argued and determined in the Court of

Appeals Supreme and lower courts of record of New York State with key number annotations varies  
**Helper** ,1893

**The Law Student's**

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In some sort of driven by information and connectivity, the ability of words has are more evident than ever. They have the ability to inspire, provoke, and ignite change. Such may be the essence of the book **Chapter 2 Legal Fundamentals**, a literary masterpiece that delves deep in to the significance of words and their affect our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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