

Legal Aspects of Nursing

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In any society the main task of the government is to recognise, protect and promote the rights and duties of citizens. A careful balance however needs to be maintained between legislation and individual personal freedom, and between rights and duties.

Law has been in existence even before man could read and write. The laws and customs of each community have been passed on from one person to another person and from one generation to the other. The word of mouth is bound to change with time. Hence for the sake of clarity and as a permanent record, law had to be put down in writing.

Whenever people live together, there is a tendency to develop certain rules of conduct to settle disputes among themselves, to organise government and state affairs, to raise morals of the people and to build human character. The main objective is to discipline and control those activities which are likely to cause legal complications.

What is Law?

Law is a set of rules enforced by government from time to time through its courts, police and similar agencies. In short, it is a rule of conduct laid down by the controlling body to be practised by the members of the society, and is enforced by certain means.

Classification of Law: Civil Law, Common Laws, Public Laws, Constitutional Laws, International Laws, Administrative Laws.

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Administrative Laws: These are a set of rules made by the administrative or the executive agencies to help in the legal management e.g. by local board of health etc.

How can the doctors and nurses help the Government?

The court needs medical professionals' assistance to lay bare the evidence of crimes and offences connected in any way with the well being of the citizens and thus help in upholding the civil rights of individuals. As such a medical practitioner may be called upon to give evidence any time. Medical and Nursing profession are linked together for the care of the patient. A nurse is expected to be more careful while handling cases which have legal implications. She should observe the patient's condition carefully and record it. She should do what is right, bearing in mind medico-legal implications.

A doctor keeps in mind the nature of legal implications of the case and carries out necessary examinations, procedures and accordingly advises treatment. While a nurse is not expected to diagnose the case or give her opinion, she should be accurate in recording and while writing report, findings and observations. She is expected to evaluate nursing care, and diagnostic and therapeutic management, keeping in mind the needs of the patient, his or her family and relatives. She also has to help in assessing the amount of care that a patient may require.

A nurse may never be required to appear in a court of law either for identification of an accused or for evidence. However, she should do her best and help to maintain the patient's health.

It is in the emergency department where different types of medical and surgical cases are encountered, that a nurse can learn to apply her professional skills and knowledge without any fear and gain relevant experience to prove her worth in providing assistance in medical legal cases and her importance for the profession and the community at large.

A nurse is expected to be punctual in carrying out all her duties. Every procedure that involves nursing activities involves nursing responsibilities which can prove to be significant in a medico-legal case.

Medico-legal procedures include not only activities or actions performed by a medical officer but also that of a nurse.

In criminal cases, barring a few exceptions, no action would generally be called for against a nurse. Yet, in civil cases, if any harm is caused to a patient on account of her negligence, she will be held responsible.

Five commonsense principles

1. Ensure the five 'R's—right patient, right drug, right dose, right time and right route.
2. Check the treatment in his book, and legal rights and duties with regard to medical and nursing services. A Nurse's duty is to carry out instructions. However, she must use her professional judgement. For example she should be able to find out any error on a prescription card which could lead to charge of negligence.
3. Do not attempt anything beyond the level of competence.
4. Do not exceed the limits of nursing procedures laid down. Nurses at present

are being pressurised to carry out certain duties usually regarded as medical. These should be avoided.

5. Do not take chances. If there is any doubt in your mind, seek advice from your seniors.

Precautions in operation theatre

In the operation theatre, there are a number of dangers that need to be highlighted:

1. Doing the wrong operation on the right patient.
2. Doing the right operation on the wrong patient.
3. Leaving swabs and instruments inside the body of the patient.
4. Giving incorrect treatment, drugs or blood; lapses at the time of pre-operative check, check during operation and post operative check, in the labour room and labour room operation theatre.

All the above eventualities can be

avoided by adhering to the code of practice.

Recommendations

1. Nursing procedures in practice must be periodically reviewed by the competent authorities in the Institute.
2. The nurse must have complete knowledge of all the rules and regulations.
3. Written instructions must be put up in all nursing units of the Institute for the necessary guidance and protection of the staff.
4. All hospitals must have rules and codes of practice laid down to ensure the safety and well being of the patient and nurses. These may vary from dressing procedures to procedures related to care and safety.

If a nurse does not follow these rules and codes she can be held responsible for professional negligence.

Conclusion

A nurse must know the current technology and methods of treatment. She must know the latest drugs, treatment, techniques and equipment. If she finds something unfamiliar, she must refer to the essentials of good nursing and thus avoid the crime of being negligent.

She should help the patient maintain his health and lead a healthy life. Her responsibilities increase when she takes care of cases of grievous injury, poisoning, extensive (more than 40%) burns, and cases of attempted abortion by unauthorised person.

Lastly, we nurses must help the judiciary to maintain law and order in the country of which we are citizens. We can protect ourselves from legal charges while on duty by adhering to right views and through right speech, right action, right habits, right efforts and right mindedness.

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ADMISSION NOTICE

Master of Nursing, University of Delhi (1994-96)

Applications are invited for Master of Nursing Course (2 years) commencing from 16th July, 1994. Prescribed application forms with prospectus for 1994 can be obtained from the Principal, Rajkumari Amrit Kaur College of Nursing, Lajpat Nagar, New Delhi-110024 on payment of Rs. 20/- by Postal Order/Bank Draft addressed to the Principal, RAK College of Nursing.

The candidates must have passed the B.Sc. (Hons.) Nursing Examination (12+4 year) of the University of Delhi or a Degree recognised as equivalent thereto with at least 55% marks in the aggregate and completed two years experience in Nursing in a Hospital/Speciality Institute/Educational Institution or Public Health Agency. Candidates from 11+4 years Nursing Degree programme will require a minimum of three years experience in Nursing. The basis of selection for admission is given in the prospectus.

Last date for submission of application is 31st March, 1994. Details for submission of application are given in the prospectus.