

Law and nursing practise



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**At the end of this presentation you
will become familiar with the
basics of legal aspects of
professional nursing practise.**

Out Line :

- Introduction about nursing practice.
- Definition the Law.
- Functions of law in nursing.
- How to protect yourself.
- Sources of law.
- Types of law.
- Regulation of nursing practice.
- Legal roles of nurses.

Introduction

Nursing practice is governed by many legal concepts. Knowledge of laws that affect nursing practice is needed to ensure nurses decisions and actions in work area and also it will protect the nurse from liability.

Law Definition :

The sum total of rules and regulations by which a society is governed. As such law is created by people and exists to regulate all persons.

Functions of law in nursing :

1-it provides a framework for which nursing actions in the care of clients are legal.

2- protect clients rights.

3-it helps to make boundaries of independent nursing action.

4- it assists in maintaining a standard of nursing practice by making nurses accountable under the law.

How to protect yourself :

- 1-Know your state laws affecting nursing practice.
- 2-Follow your states nurse practice act rules and regulations.
- 3-Deliver safe competent nursing care.
- 4-Develop and use your critical thinking abilities and skills.

Sources of law :

- Constitution.
- Legislation (statutes) (nurse practice act)
- Administrative.
- Common law.

Constitutional law :

**It is the supreme law of the country.*

**Fundamental law written or unwritten that establishes the character of government by defining the basic principle to which a society must conform.*

Legislation (statutory laws) :

*Laws enacted by and legislative body are called statutory laws.

*A written law passed by a legislature on the state of federal level.

Administrative law :

***When a state legislature passes a statute , an administrative agency is given authority to create rules and regulations to enforce the statutory laws.**

Common law :

- *Laws evolving from court decisions are referred to as common law.
- *Law developed by judges through decision of courts and similar tribunals.

Type of laws :

1-Public law :

It refers to the body of law that deals with relationship between individuals and the government and the governmental agencies. Important segment of public law is criminal law which deals with safety and welfare of the public.

2-Private law or civil law :

*It is the body of the law that deals with relationship among private individuals.

*It is again classified into **Contract law** and **Tore law**.

***Contract law:**

is the enforcement of agreements among private individual.

***Tort law:**

it defines and enforces duties and rights among private individuals that are not based on the contractual agreement for example invasion of privacy , assault and battery.

Regulation of nursing practice

- Regulation for nursing practice helps to bring a standard in nursing care and thus to protect the public.

1 nurse practice act.

2 credentialing.

3 standards of care.

1-Nurse Practice Acts

- Each state has a nurse practice act, which protects the public by legally defining and describing the scope of nursing practice and it is also legally control nursing practice through licensing requirements . But acts differ from country to country.

2-Credentialing

- Credentialing is the process of determining and maintaining competence in nursing practice.
- Credentialing process helps to maintain standards of practice & accountability for educational preparation of its members.

1-licensure

2-certification

Licensure

- A license is a legal permit that a government agency grants to individual to engage in the practice of profession & to use a particular title.
- Each country has its own method to grant or maintain and revoke the licensure.
- However a nurse can practice anywhere within the country with her state's licensure. This is known as mutual recognition model.

Certification

- Certification is the voluntary practice of validating that an individual nurse has met minimum standards of nursing competence in specialty areas such as maternal-child health nursing , pediatrics, school nursing ect.

Accreditation

- It is the function of a state board of nursing is to ensure that schools preparing nurses maintain minimum standard of education.

3-standard of care

Standard of care are the skills and learning commonly possessed by members of a profession.

These standards are used to evaluate the quality of care nurses provide and therefore become legal guidelines for nursing practice.

It can be

internal --- job description ,education ,policy &procedures.

External—nurse practice act , professional organizations.

It is important for a nurse remain competent through reading professional journals and attending continuing education and in-service programs.

Legal Roles Of Nurse

1. Provider of service.
2. Employee or contractor for service.
3. Citizen.

1-Provide Of Service

- The nurse is expected to provide safe & competent care.
- Nurse is liable to his/her action. Liability is the quality or state of being legally responsible for one's obligations and to make financial restitution for wrongful act.

For example : a nurse can refuse a task if the nurse will feel that it may harm the client and it can be reported to the supervisor.

2-Employee or contractor for service

- It vary among practice settings.
- A independent nurse practitioner has an independent contractual relationship with the client.
- Nurse who is employed by agency works as an representative of the agency.

- The nurse in the role of employee or contractor for service has obligations to the employer ,the client , and other personal.
- Nursing care provided must be within the limitations and term specified

3-Citizen

- The rights & responsibilities of a nurse in the role of citizen are the same as those of any individual under legal the system.
- A right is a privilege or fundamental power.
- A responsibility is the obligation associated with the right.

Selected legal aspect of nursing practice

- Informed consent.
- Violence, abuse ,neglect.
- Controlled substances.
 - Abortions.
- Death &related issues.
- Sexual harassment.

Three question about presentation

- 1-What's the different between the Contract law and Tort law ?
- 2-Mention the Legal Roles Of Nurse ?
- 3-Mention the regulation of nursing practice and explanation one this ?

Thank You!

