

Ethical and Legal Issues in Evidence Based Nursing Practice**Dr. Dayanand Belagavi¹ , Dr. Manju John²**

¹Assistant Professor, Department of Paediatric Nursing, Sumandeep Nursing College, Sumandeep Vidyapeeth Deemed to be University, Vadodara, Gujarat

²Principal & HOD of Medical Surgical Nursing, Nishad College of Nursing & Allied Science, Satna, Madhya Pradesh

1. INTRODUCTION

In the nursing profession, the necessary of ethics is very important to plan for including in education system regarding ethics in nursing, practice ethically, find out ethical issues at work place, respond to ethical conflicts, prevent from falsely accused, protect from below standard practice and behave professionally. Nurses come across various critical situations of ethical and legal issues in today to day life during their practice and teaching period. It is therefore nurses must know and update the ethical principles, laws, dilemmas and evidences during their entire profession.

What is ethics?

“Ethics are the rules or principles that govern right conduct and are designed to protect the rights of human beings”
- Sister Nancy

Key Principles of Ethics in health Care System

- Autonomy: Independence or freedom, right of self-determination, right to health care decision.
- Justice: Commitment to the clear with all people.
- Fidelity: Responsibility of an individual to be faithful made to himself and to others.
- Veracity: - Tell truth
- Beneficence- Doing good for the patient
- Non-maleficence- Nurses or health care providers do not do any harmful action against their client either intentionally or unintentionally.

Code of Ethics In Nursing Practice: In any profession, a code of ethics means self-regulation and a source of direction for individual nature and their action. The code of ethics are very important in nursing clinical practice and commitment, respect, conserve integrity & safety, development of profession, co-workers, group effort of nurses with patient, , people, society, responsible for creating values, health and well-being, good choices, promote self-respect, keep privacy, fairness in work and liability in service.

Difference between Ethical and Legal issue

The ethical issues are based on the difference between rights or wrong. Legal issues are based on laws. To protect the human independence and rights, there are many laws are created with the help of ethical issues. It is observed that there are many laws that can be used in wrong ways. Ethical standard are depend on the individual health care principles of correct or incorrect. Legal standard are those standard that are well planned and applicable according to government laws.

Legal and ethical issues in Nursing Practice

- Patient privacy and confidentiality: The nurse should be maintained the patient's privacy confidentially because it is very important in legal and ethical issues. Nurse aware about patient privacy during nursing care and confidentially maintain conversation between physician and patient.
- The transmission of disease: Health care provider to protect themselves from common cold disease whether by direct or indirect contact with an infected patient.
- Relationship: Sexual relationships between medical practice nurse and patients or between nursing staffs are strictly forbidden at a health care facility. Sexual harassment can be harmful to all involved so code of ethics should be explicated about this.
- End of life issue: Terminally ill patient may have specific wishes about the way want their lives to and families may struggle with the decision to end life support for a loved one. Health care practice nurse and a clinical leader need to be prepared to handle end of life issues as well as problems. Encounter in dealing with elderly patients who may not be able to make rational decision on their own.
- Professional conduct: The nurses must behave professionally, responsible, accountable, maintain good interpersonal relationship, efficient nursing practice, value human being and good administrator.

Barriers in evidence best nursing practice

- The main and frequently reported by practitioner about barriers to implementation of evidence based nursing practice were lack human resource or shortage of nurses in clinical field.
- Lack of internet access at work place
- Heavy workload among the nurses
- Lack of access to a rich library with nursing journals
- Lack of time to read current literature related to disease
- Insufficient proficiency in English for communication between physicians, patient and nurses.
- At the individual level only education in nursing course make barrier to implementation of evidence best practices

ETHICAL DILEMMAS

A dilemma is defined as a situation requiring a choice between two equally desirable or undesirable alternatives. Dilemmas are very much important in nursing practice in which nurses in situation that very critical position to decide the best alternatives. This kind of situation is experienced in practice as well as in their life. especially the critical nurses will be more exposed in difficulty situation, they learn by doing. Some of dilemmas are seen in hospital are withholding or withdrawing nutrition and fluids, starting or discontinuing life support in highly critical or end stage of life.

In this case of dilemmas, a nurse must make a prompt decision making which involves collecting thorough information, state the dilemma, consider the alternatives of action evaluate the merits and demerits of each action and finally make decision and act on it.

Roles of administrator in ethical issues

- Self awareness regarding own values and basic beliefs about the rights, duties and goals of human beings.
- Perceive that negative outcomes occur in ethical decision making despite high quality problem solving and decision-making.
- Demonstrates risk taking in ethical decision making.
- Actively advocates for clients, subordinates and the profession.
- Communicate expected ethical standards of behavior.
- Utilize a systematic approach to problem-solving or decision making
- Find outcomes in ethical decision-making

Law in Nursing

- Common law: Created by judicial decisions made in courts when individual cases are decided.
- Felony: Is a crime of serious nature that has a penalty of imprisonment for greater than one year or even death.
- Misdemeanor: Is a less serious crime that has a penalty of a fine or imprisonment of less than one year.
- Civil law: Protects the rights of individual persons within our society and encourage fair and equitable treatment among people.
- Contract Law: It is the very powerful agreement among private individual.
- Criminal law: Prevent any danger to society and provides penalty for crimes.
- Torts are civil improper committed by one person to another. A tort law allows an injured person to seek damages a person who caused the injury.

Some Legal Issues: There are some legal issue still observed in clinical practice such as errors in medication, fail to monitor patient, fails to assess the client appropriately, fail to record and report, informed consent, abortions, prenatal screening, In vitro fertilization (IVF), Surrogacy, Female foeticide and infanticide, selling the newborn for the benefit of money, burns, falls, injury due to use of defective equipments, assault and battery, over looked sponges, instruments needles, informal admission, restraints and torts etc.

Four ethical concerns were found in the literature on Evidence Based Practice

- Some types of knowledge are not included in EBP.
- EBP runs counter to patient-centered care.
- Testable by "Randomized Control Trail" is not the same as "most effective"
- Decisions based on EBP can be unjust

Evidences of Malpractice

- A cross sectional study conducted in a tertiary care private sector hospital in Lucknow, among 141 staff nurses showed that approximately three fourth of the nurses have ever been exposed to the violence and verbal abuse. The intense workload, high patient expectation and substance abuse were the three important contributing factors.
- A study done in Cairo, Nurses to know the workplace violence, observed that nurse's negligence and malpractice were noted to be around 40% and 36% respectively.
- According to WHO, between 8% and 38% of health workers suffer physical violence at some point in their life.

**EVIDENCE 1: KNOWLEDGE REGARDING LAW AND ETHICS AMONG NURSES AT
A TERTIARY CARE HOSPITAL IN RURAL INDIA
PICO ANALYSIS**

P (Population)	I (Intervention)	C (Comparison)	O (Outcome)
50 Staff Nurses with more than one year experience	A pre-tested questionnaire covering socio-demographic information & questions regarding law and ethics	No Comparison	(78%) had inadequate knowledge, 7% had moderate knowledge and 4% were had adequate knowledge regarding law and ethics in Nursing. Need for increase in awareness regarding ethical issues associated with clinical practice & research.

**EVIDENCE 2: INDIAN NURSING COUNCIL – IT'S ROLE IN EVOLVING AND
ADMINISTERING PARAMEDICAL PROFESSIONAL ETHICS**

PICO ANALYSIS

P (Population)	I (Intervention)	C (Comparison)	O (Outcome)
1200 nurse educators, final year nursing students and nurse clinicians	Assessed the knowledge on professional ethics and role of Indian Nursing Council by using structured questionnaire	No Comparison	Majority of nurse educators had 63.0% adequate knowledge, few nursing students had 13.3% adequate knowledge, whereas staff nurses had only 7.0% adequate knowledge. Knowledge on ethical codes in nursing curriculum & providing continuing education will enhance the good quality of nursing care as nursing profession faces lawful issues and challenges.

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