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Legal and Ethical Aspects of Nursing Administration

Nursing Management & Leadership

Nursing ethics, professional accountability, legal responsibilities, documentation, informed consent, negligence, malpractice, professional regulations and nursing standards.

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CHAPTER 12 / NURSING MANAGEMENT AND LEADERSHIP 12. Legal and Ethical Aspects of Nursing Administration

1. Concepts and ethical principles

Ethics concerns moral principles guiding professional conduct; law consists of enforceable rules established through authorized legal processes. Nursing administrators should promote safe, ethical care, uphold patient rights and ensure staff practise within authorized competence. The ICN Code of Ethics for Nurses provides an international ethical framework emphasizing responsibilities towards people requiring care, practice, the profession and global health.

Principle	Nursing application
Autonomy	Respect informed patient choices and refusal within applicable law.
Beneficence	Act to promote the patient's welfare.
Non-maleficence	Prevent avoidable harm and assess risks.
Justice	Provide equitable care and fair allocation.
Veracity	Provide truthful, understandable information.
Fidelity	Honour professional responsibilities and commitments.
Confidentiality	Protect private information and disclose only on an authorized basis.

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B.SC. NURSING / CHAPTER-WISE STUDY NOTES

2. Accountability, scope of practice and professional regulation

Accountability is answerability for professional decisions and actions; responsibility is the obligation to perform duties safely. Verify professional qualifications, applicable registration, scope and competency before assigning clinical responsibilities. Nurses are accountable for their own practice, documentation and appropriate escalation; managers also have duties related to safe staffing, resources and supervision. India's regulatory framework includes nursing registration arrangements and legislation such as the Indian Nursing Council Act, 1947, and National Nursing and Midwifery Commission Act, 2023. The latter provides for a new framework; verify actual commencement provisions, notifications and state-level requirements before applying particular regulatory rules. Professional registration is distinct from hospital accreditation.

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3. Negligence and malpractice

Negligence generally concerns failure to exercise reasonable care. Professional negligence or malpractice concerns breach of the expected professional standard resulting in harm. Common teaching elements include duty, breach, causal connection and injury; legal tests and remedies depend on applicable jurisdiction. An adverse outcome alone does not establish negligence. Examples of possible unsafe practice include failure to assess and escalate deterioration, wrong-patient medication or failure to follow required monitoring. Seek designated legal or risk-management advice for actual cases.

4. Informed consent and patient rights

Valid consent generally requires adequate information, decision-making capacity, voluntariness and a decision about the proposed intervention. The responsible treating professional obtains procedure-specific informed consent as required. Nurses verify completion, support understanding, document the patient's concerns and alert the responsible clinician if questions remain, a patient refuses or consent appears invalid. Signing as a witness does not substitute for explaining risks by the responsible professional. Emergency exceptions, minors and substitute decision-making require applicable legal procedures. Maintain dignity, privacy, non-discrimination and access to information.

5. Documentation and incident reporting

Document care accurately, contemporaneously, objectively and with authentication. Record assessment, decisions, interventions, response, escalation and relevant communication. Never erase or falsify records; use approved corrections and late-entry procedures. Protect access to records and restrict disclosure to authorized purposes. Incident reports support internal safety review and should not replace clinical notes. After harm, prioritize immediate clinical care, notify designated staff, follow disclosure policy and preserve relevant evidence.

6. Ethical decision-making

Identify the issue, relevant patient preferences, available facts, professional responsibilities and legal constraints. Consider alternatives and potential benefits or harms, consult the multidisciplinary team or ethics committee, document the decision and reassess. Escalate unsafe orders rather than ignoring them or following blindly. Administrative pressures never justify concealment of harm, unauthorized practice or discriminatory care.

7. Important Examination Questions

Long Answer Questions

1. 1. Discuss ethical principles and legal responsibilities of nursing administrators.
2. 2. Explain informed consent, negligence, malpractice and professional accountability.

Short Answer Questions

1. 1. Confidentiality.

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1. 2. Patient rights.
2. 3. Scope of practice.
3. 4. Incident reporting.

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4. 5. Ethical decision-making.

Very Short Answer Questions (with answers)

1. 1. What is autonomy? - Respect for informed choice.
2. 2. What is non-maleficence? - Avoiding harm.
3. 3. Does adverse outcome prove negligence? - No.

8. Quick Revision

- Ethical and legal responsibilities underpin safe nursing management.
- Valid consent and accurate records protect patient rights.
- Current local laws, notifications and institutional procedures govern specific cases.

9. Conclusion

Ethical and legal responsibilities underpin safe nursing management. Valid consent and accurate records protect patient rights. Current local laws, notifications and institutional procedures govern specific cases.

Practice questions

Choose one best answer. The answer key and explanations follow the questions.

1. Which ethical principle concerns equitable care and fair resource allocation?

A. Justice
B. Veracity
C. Fidelity
D. Beneficence

2. Which combination is generally required for valid informed consent?

A. A signature alone without information or capacity
B. Adequate information, capacity, voluntariness and a decision about the intervention
C. Family agreement alone for every competent adult
D. A witness signature that replaces explanation of risks

3. Which statement about an adverse outcome and negligence is correct?

A. Every adverse outcome proves negligence.
B. An adverse outcome makes assessment of duty unnecessary.
C. An adverse outcome alone does not establish negligence.
D. An adverse outcome removes the need to examine causation.

4. A nurse notices identifiable patient information posted in a public group chat. What should be prioritised?

A. Forward the message to more groups for awareness
B. Ignore it because a colleague posted it
C. Follow the organisation's privacy incident process and promptly limit further disclosure
D. Delete all clinical records without authorisation

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Answer key and explanations

1. A - Justice

Justice applies fairness to care and allocation.

2. B - Adequate information, capacity, voluntariness and a decision about the intervention

Consent requires more than a signature; it involves informed and voluntary decision-making.

3. C - An adverse outcome alone does not establish negligence.

Negligence requires consideration of the applicable elements, rather than inference from outcome alone.

4. C - Follow the organisation's privacy incident process and promptly limit further disclosure

The priority is to contain further disclosure and report through the proper incident process while preserving required records and investigation procedures.

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