

ODESSA COLLEGE ASSOCIATE DEGREE NURSING PROGRAM
SYLLABUS RNSG 1146
Summer II - 2011

COURSE TITLE: LEGAL AND ETHICAL ISSUES FOR NURSES
CREDIT HOURS: 1 CREDIT HOUR; THIS COURSE IS AN ON-LINE COURSE
PREQUISITES: NONE
COREQUISITES: NONE

CERTIFICATION AGENCY: TEXAS BOARD OF NURSING (BON)

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COURSE DESCRIPTION: Study of the laws and regulations related to the provision of safe and effective professional nursing care; attention given to the development of a framework for addressing ethical issues; and topics to include confidentiality, the Nursing Practice Act, professional boundaries, ethics, and health care legislation. (SCANS 5, 7, 9, 10)

LEARNING OUTCOMES: Recognize the impact of selected laws and regulations on the provision of safe and effective professional nursing care; explore key ethical concepts regarding the provision of health care; and identify the roles and responsibilities of the nurse in provision of health care within the legal parameters of the state of Texas.

COURSE OBJECTIVES: Course objectives utilize the framework of Differentiated Entry Level Competencies of Graduates of Texas Nursing programs. At the completion of the course, the student will be able to: (PO=Corresponding Program Objectives).

As Provider of Care:

1. Utilize critical thinking to analyze the influence that the law, legal issues, and the field of ethics have on the professional practice of nursing. (PO 7)2. Examine current legal concepts, applying these concepts within an ethical framework, providing for improved patient care. (PO 3,9)

As Coordinator of Care:

3. Address legal and ethical issues that affect nurse managers, staff nurses, and administration. (PO 9,11).
4. Analyze HIPPA, and environmental safety issues. (PO 8,11)

As Member of Profession:

5. Examine the Texas Nursing Practice Act, licensure, and advanced nursing practice. (PO 7, 9, 11)

SPECIAL NEEDS: Odessa College complies with Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. If you have an special needs or issues pertaining to your access to and participation in this or any other class at Odessa College, Please contact Becky Rivera-Weiss in the Office of Disability Services at 432-335-6861 to request assistance and accommodations.

TEACHING/LEARNING METHODS:

This is an on-line course using Blackboard. Basic computer skills are required for this course. Students needing assistance with Blackboard should contact Corey Davis, Title V Technology Specialist, at 432-335-6781. Textbook assignments, on-line discussion, on-line testing and various on-line assignments may be used in this course. The Final Exam Must Be Taken In A Computer Classroom at Odessa College With An Instructor.

EVALUATION AND GRADING:

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|----------------------------|------|
| Discussion Questions | 20% |
| On-line Discussion Replies | 20% |
| Case Studies | 30% |
| Final Exam | 30% |
| Total | 100% |

GRADING POLICIES:

All lesson objectives, case studies, and on-line discussion for each unit MUST be submitted to the instructor in order to pass this course. No assignment is optional. All work must be submitted in order to earn a grade in this course unless the student has made prior arrangements with the instructor to receive a grade of “I”, Incomplete or “W”, withdrawal. Assignments are due on or before 11:59pm Central Time (Odessa College observes daylight savings time) on the due date. Late assignments will be graded 10 points off for each day, including weekends, the assignment is late. No assignments will be accepted after the last day of the course. Assignments must be submitted as .doc or .docx files. Files submitted in any other format will be returned to the student and not graded until submitted in the correct format. Late penalties will apply to documents not submitted in this format.

The Final Exam cannot be made up without prior arrangements being made with the instructor.

The final exam must be taken on campus with an instructor during the assigned time finals week. Picture ID is required for admission. No electronic devices, not limited to but including mobile phones, iPods, MP3 players, or scanning devices, are allowed in the classroom during the final exam.

On-line discussion must relate to course topics and should not be a forum for personal conversations. On-line discussions containing items of a personal nature will receive a grade of “0”. Any derogatory statements addressed towards the opinions of classmates during on-line discussions will also result in a grade of “0”.

Case Studies are based upon actual disciplinary action cases from the Texas Board of Nursing website <http://www.bon.state.tx.us/disciplinaryaction/recentaction.html>

Grading Scale:

The grading scale for RNSG 1146 is consistent with that of the Odessa College Nursing Program:

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|-------------|---|
| 90- 100 | A |
| 80- 89.99 | B |
| 75- 79.99 | C |
| 60- 74.99 | D |
| Below 59.99 | F |

A minimum grade of “C” must be attained for the student to pass the course.

REQUIRED TEXTS:

Guido, Ginny (2006). Legal & Ethical Issues in Nursing. (5th Ed.) Pearson Prentice Hall: New Jersey. ISBN-13: 978-0-13-507998-0

Texas Nursing Practice Act - May be purchased in Odessa College Bookstore or may be found on line at [http://www.bon.state.tx.us/effective September 2007](http://www.bon.state.tx.us/effective%20September%202007)

TOPICAL OUTLINE AND UNIT OBJECTIVES:

Upon completion of this course the student will be able to meet the objectives of each of the following units: CO = Corresponding Course Objective

Unit I. Introduction to Ethics

Ethics

1. Distinguish law from ethics. (CO1)
2. Compare and contrast the three different ethical theories of deontology, teleology, and principlism. (CO1)
3. Define and apply to nursing practice the either ethical principles of autonomy, beneficence, nonmaleficence, veracity, fidelity, justice, paternalism, and respect for others. (CO1)

Application of Ethics in Nursing Practice Settings

1. Examine professional codes of ethics. (CO1)
2. Analyze and apply decision-making models in resolving ethical dilemmas, with specific application of the MORAL model. (CO1)
3. Analyze the role of advocacy from an ethical perspective. (CO1)

Introduction to the Law and the Judicial Process

Unit II. Introduction to the Law and the Judicial Process

Legal Concepts and the Judicial Process

1. Define the term law and describe four sources from which law is derived, including constitutional, statutory, administrative, and judicial (decisional) law. (CO2)
2. Define classifications of law including common, civil, criminal, public, and private law. (CO2)
3. Distinguish between substantive law and procedural law, and state why each is important to professional nursing. (CO2)
4. Discuss due process and equal protection of the law. (CO2)

Anatomy of A Lawsuit

1. List and explain the purpose of the six procedural steps in the trial process. (CO2)
2. Examine alternate means of resolving controversies, including alternate dispute resolution, mediation, arbitration, and prelitigation panels. (CO2)

Unit III. Liability Issues

Standards of Care

1. Define standards of care from a legal and a nursing perspective. (CO5)
2. Discuss the concept of the reasonably prudent nurse in defining standards of care. (CO5)
3. Describe the importance of standards of care to the individual nurse. (CO5)

Tort Law

1. Distinguish negligence from malpractice. (CO2)
2. List the six elements of malpractice and give examples of each element in professional nursing practice, including ways to avoid or lessen the potential of future malpractice cases. (CO2)

Nursing Liability Defenses

1. Define the term *defense* and give examples of defenses that may be used. (CO2)
2. Review the concept of statute of limitations. (CO2)
3. Examine the Good Samaritan laws and their relevance for health care deliverers. (CO2)

Informed Consent

1. Define informed consent. (CO 3)
2. Describe one's right to refuse consent for medical care. (CO3)

Documentation and Confidentiality

1. Discuss purposes of the medical record. (CO3)
2. Analyze the concepts of:
 - a. Alteration of records
 - b. Retention of records
 - c. Ownership of the medical record
 - d. Access to medical records
 - e. Computerized charting. (CO3)
3. Describe important aspects of incident reports. (CO3)
4. Define and analyze applications of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (CO4)

Professional Liability Insurance

1. List elements common to all professional liability insurance policies and list and refute reasons given against having individual coverage. (CO1)

Unit IV. Impact of the Law on the Professional Practice of Nursing

Nurse Practice Acts, Licensure, and the Scope of Practice

1. Define licensure, including mandatory, permissive, and institutional licensure. (CO5)
2. Discuss in detail and analyze the Texas Nursing Practice Act. (CO5)
 - a. The mission of the Texas Board of Nursing
 - b. The roles and functions of the BON
 - c. The role of the employer versus the role of the BON
 - d. The role of the Texas Legislature in relation to the state statutes that related to Nursing.
 - e. Use of a temporary permit to practice nursing.
 - f. The nurse licensure compact
 - g. Good professional character
 - h. Professional boundaries and violations
 - i. Supervision and roles of the LVN
 - j. Nurse's duty to the patient
 - k. Scope of practice
 - l. Six Step Decision Making Process
 - m. Peer Review
 - n. Safe Harbor
 - o. Whistleblower Protections
 - p. Mandatory Reporting
 - q. Differentiate between delegation, assignment, and supervision.
3. Define three separate issues concerning temporary staffing from the aspect of legal liability. (CO5)

Advanced Nursing Practice Roles

4. Outline the roles of advanced practice nurses. (CO5)

Corporate Liability Issues and Employment Laws

5. Describe the doctrines of respondeat superior, borrowed and dual servant. (CO3)

Nursing Management and the Nurse-Manager

6. Analyze the concept of corporate liability, including the nurse-manager's role in preventing such liability. (CO3)
7. Define three separate issues concerning staffing from the aspect of the nurse-manager's legal liability. (CO3)

Delegation and Supervision

8. Differentiate delegation from assignment. (CO5)
9. Discuss the concept of supervision in effective delegation and distinguish between direct and indirect supervision. (CO5)

Federal Laws: The Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991

10. Describe the various sections, necessary definitions, and intended purposes of the two acts. (CO3)

Unit V. Impact of the Law on Nursing in Selected Practice Settings

Nursing In Acute Care Settings

1. Differentiate two types of restraints, and describe the difference between those restraints, including nursing management of the restrained patient. (CO3)
2. Describe the nurse's responsibility in medication errors and five means to avoid such errors. (CO3)
3. Analyze the potential liability for nurses when using technological advances and specialized equipment. (CO3)

Nursing in Ambulatory and Managed Care Settings

4. Describe the area of ambulatory nursing, including its emergence, the role of risk management, and the focus on patient educations in ambulatory nursing. (CO3)

Community Health Settings

5. Describe legal responsibilities of community health nurses. (CO3)

Long-Term Care Settings

6. Discuss areas of professional liability in long-term care settings, including:
 - a. Falls and restraints
 - b. Quality care (CO3)

COURSE POLICIES

Nursing Student Handbook

Students must follow the policies in the Nursing Student Handbook. The Handbook is available on the Odessa College home page (www.odessa.edu) under the Nursing Department. Individual copies may be made available to students on request in the Nursing Office.

Exam Question Policies

No test question challenges are permitted on the final exam.

Course Calendar

The course calendar is also available in the “Course Calendar” link under “Communication” on Blackboard. It is advisable for the student to place the assignment dates from the Course Calendar on your regular calendar as a reminder when assignments for this course are due.

Week 1: Units I & II: *Read Chapters 1 – 4 and accompanying Power Points*

Biography due Wednesday
Discussion Question due Thursday
Online Discussion Replies due Sunday
Case Study due Sunday

Week 2: Unit III: *Read Chapters 5 – 8 and accompanying Power Points*

Discussion Question due Thursday
Online Discussion Replies due Sunday
Case Study due Sunday

Week 3: Units III (cont') & IV *Read Chapters 9 – 12 and accompanying Power Points*

Discussion Question due Thursday
Online Discussion Replies due Sunday
Case Study due Sunday

Week 4: Units IV (cont') & V: *Read Chapters 13 – 17 and accompanying Power Points*

Discussion Question due Thursday
Online Discussion Replies due Sunday
Case Study due Sunday

Week 5: Unit V: *Read Chapters 18 – 20 and accompanying Power Points*

Read Unit Objectives with Chapters; Informal Discussion Ch 17-20 (as needed)
Final Review
Comprehensive Final Exam