

ODESSA COLLEGE ASSOCIATE DEGREE NURSING PROGRAM
SYLLABUS RNSG 1146
Summer 2012

COURSE TITLE: LEGAL AND ETHICAL ISSUES FOR NURSES

CREDIT HOURS: 1 CREDIT HOUR; THIS COURSE IS AN ON-LINE COURSE

PREREQUISITES: RNSG 1443

COREQUISITES: NONE

CERTIFICATION AGENCY: TEXAS BOARD OF NURSING (BON)

FACULTY: Carol Cates, MSN, MBA, RN, CCRN

Office Number: CT 214—The instructor has no formal office hours during the summer session; students may contact the instructor by telephone, cell phone, the OC nursing office, or email for an appointment.

Office Telephone: 432-335-6470

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OC Nursing Office: 432-335-6672

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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.

STUDENT SUCCESS: The Odessa College Student Success Coaches will help you stay focused and on track to complete your educational goals. If an instructor sees that you might need additional help or success coaching, he or she may submit a Retention Alert or a Starfish Alert. A Student Success Coach will contact you to work toward a solution.

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 the Blackboard help desk 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:

Mid-Term Exam	15%
Discussion Questions	15%
On-line Discussion Replies	15%
Case Studies	30%
Final Exam	25%
Total	100%

GRADING POLICIES:

All work must be submitted in order to earn a grade for the assignment 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 and holidays, that the assignment is late. No assignments will be accepted after midnight July 3, 2012. Assignments must be submitted using the submission text boxes under the assignments links or as threads in the discussion boards. Attachments under assignments or the discussions will not be accepted, and late penalties will apply to documents not submitted as requested. If you have questions regarding document submission or technical issues with submitting assignments, please contact Blackboard help or the instructor.

Failure to cite and reference sources within assignments will be considered plagiarism and significant penalties, up to and including a zero for the assignment, will be applied to assignments which contain plagiarized materials. It is highly recommended that students do not “cut and paste” materials into any assignment, but rather that the student put the materials in their own words and then cite the reference source used.

The Mid-Term Exam and the Final Exam cannot be made up without arrangements being made with the instructor before the date(s) of the exams.

The final exam must be taken on campus with an instructor during the assigned time finals day. Picture ID is required for admission (OC student ID or State Issued Identification such as a driver’s license is preferred). Students must sign-up for a final exam time no later than 3 business days prior to the exam. Students who have not signed-up for the final exam may not be admitted to an exam due to space issues. If there is not sufficient space for the student, that student will receive a zero for the final exam grade. 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”.

Internet etiquette is expected in all postings, discussions, and emails. Please remember that internet communications do not have non-verbal cues. Therefore, sarcasm, kidding, jokes, teasing, slang and/or other communication that depends on non-verbal cues do not generally come across on email as intended. Those emails can be taken by the recipient as very negative or rude. All caps (also known as flaming) should be avoided as this is considered shouting at someone. If you wish to emphasize a point, please use italics, an exclamation point, or underline. Points will be deducted from assignments and discussion boards that do not pay

attention to internet etiquette. Emails to the instructor that do not follow internet etiquette will be dealt with in accordance with OC policy regarding student behavior.

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:

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

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

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. (CO3)
2. Compare and contrast the three different ethical theories of deontology, teleology, and principlism. (CO3)
3. Define and apply to nursing practice the either ethical principles of autonomy, beneficence, nonmaleficence, veracity, fidelity, justice, paternalism, and respect for others. (CO3)

Application of Ethics in Nursing Practice Settings

4. Examine professional codes of ethics. (CO3)
5. Analyze and apply decision-making models in resolving ethical dilemmas, with specific application of the MORAL model. (CO2, 3)
6. Analyze the role of advocacy from an ethical perspective. (CO2, 3)

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. (CO1)
2. Define classifications of law including common, civil, criminal, public, and private law. (CO1)
3. Distinguish between substantive law and procedural law, and state why each is important to professional nursing. (CO1)
4. Discuss due process and equal protection of the law. (CO1)

Anatomy of A Lawsuit

5. List and explain the purpose of the six procedural steps in the trial process. (CO1)
6. Examine alternate means of resolving controversies, including alternate dispute resolution, mediation, arbitration, and prelitigation panels. (CO1)

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

4. Distinguish negligence from malpractice. (CO1)
5. 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. (CO1)

Nursing Liability Defenses

6. Define the term *defense* and give examples of defenses that may be used. (CO1)
7. Review the concept of statute of limitations. (CO1)
8. Examine the Good Samaritan laws and their relevance for health care deliverers. (CO6)

Informed Consent

9. Define informed consent. (CO5)
10. Describe one's right to refuse consent for medical care. (CO5)

Documentation and Confidentiality

11. Discuss purposes of the medical record. (CO6)
12. 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. (CO6)
13. Describe important aspects of incident reports. (CO6)
14. Define and analyze applications of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (CO7)

Professional Liability Insurance

15. List elements common to all professional liability insurance policies and list and refute reasons given against having individual coverage. (CO6)

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. (CO6)
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. (CO4)

Advanced Nursing Practice Roles

4. Outline the roles of advanced practice nurses. (CO4)

Corporate Liability Issues and Employment Laws

5. Describe the doctrines of respondeat superior, borrowed and dual servant. (CO4)

Nursing Management and the Nurse-Manager

6. Analyze the concept of corporate liability, including the nurse-manager's role in preventing such liability. (CO4)

7. Define three separate issues concerning staffing from the aspect of the nurse-manager's legal liability. (CO4)

Delegation and Supervision

8. Differentiate delegation from assignment. (CO4)

9. Discuss the concept of supervision in effective delegation and distinguish between direct and indirect supervision. (CO4)

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. (CO5)

2. Describe the nurse's responsibility in medication errors and five means to avoid such errors. (CO5)

3. Analyze the potential liability for nurses when using technological advances and specialized equipment. (CO5)

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 education in ambulatory nursing. (CO3)

Community Health Settings

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

Long-Term Care Settings

10. 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:

Any student who wishes to challenge an exam question must do so within a week of the exam. A test challenge form must be completed and submitted to the instructor. No test question challenges are permitted on the final exam.

Course Calendar:

It is advisable for the student to place the assignment dates from the Course Calendar on your regular calendar as a reminder as to when assignments for this course are due.

Week 1:

Biography due Tuesday, 6/5/12

Course check in under the discussion board with statement, "I (student's name) have read and understand the syllabus, including the penalties for late work, the assignment submission guidelines, examination requirements and the policy on plagiarism. I have examined the tabs within Blackboard to find the discussion board, my grades, and course materials" due Tuesday, 6/5/12

Discussion Question due Wednesday, 6/6/12

Online Discussion Replies due Thursday, 6/7/12

Case Study due Friday 6/8/12

Week 2:

Discussion Question due Tuesday, 6/12/12

Online Discussion Replies due Wednesday, 6/13/12

Case Study due Friday, 6/15/12

Week 3:

Discussion Question due Tuesday, 6/19/12

Online Discussion Replies due Wednesday, 6/20/12

Midterm exam completed by Friday, 6/22/12 (exam will open Wednesday, 6/20/12)

Week 4:

Discussion Question Due Tuesday, 6/26/12

Online Discussion Replies due Wednesday, 6/27/12

Case Study due Friday, 6/29/12

Week 5:

Case Study due Monday, 7/2/12

Final Exam July 5, 2012 at either 10am or 6pm. Please reserve 2 hours for the exam. A sign-in thread has been placed on Blackboard for you to reserve a space for the final.

