

ODESSA COLLEGE ASSOCIATE DEGREE NURSING PROGRAM
SYLLABUS RNSG 1146
Spring 2013

COURSE TITLE: LEGAL AND ETHICAL ISSUES FOR NURSES

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

PREQUISITES: RNSG 1443

COREQUISITES: NONE

CERTIFICATION AGENCY: TEXAS BOARD OF NURSING (BON)

FACULTY: Sarah Shellenberger, MSN, RN, CLNC
Office Number: CT 208—Office hours will be posted on Blackboard and Web Advisor; students may also contact the instructor by telephone, cell phone, the OC nursing office, or email
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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 a Member of the Profession:

1. Utilize critical thinking to assess the nurse's legal scope of practice in relationship to policies, procedures, and delegation of medical acts (PO 1)
2. Determine professional characteristics, communication techniques, and management skills which maintain professional boundaries. (PO 2)

As a Provider of Patient-Centered Care:

3. Discuss how professional standards of practice, professional ethics, and professional characteristics and values provide safe, compassionate and effective care for patients and their families. (PO 8)
4. Determine delegation and supervision strategies which provide safe, compassionate, and effective care for patients and their families. (PO 8)

As a Patient Safety Advocate:

5. Examine the Texas Nursing Practice Act and Board of Nursing rules to determine nursing practices which provide safe care for patients. (PO 13)

As a Member of the Health Care Team:

6. Distinguish the role and responsibility of the nurse in maintaining public safety and welfare in conjunction with other members of the health care team (PO 20)
7. Analyze the nurse's responsibility in maintaining patient confidentiality when working with other members of the health care team. (PO 21)

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 special needs or issues pertaining to your access to and participation in this or any other class at Odessa College, contact the Office of Disability Services at 432-335-6861 to request assistance and accommodations.

"This course, Legal and Ethical Issues for Nurses, RNSG 1146, Spring 2013, has been identified as a course by Career, Technical, and Workforce Education as one in which teaching and learning strategies adopted by AVID will be implemented. As a student in the nursing program, you will be expected to develop an understanding of the strategies, to model the strategies, to maintain fidelity of implementation, and to examine how these strategies may impact your effectiveness as a professional in your chosen area of occupation, either through coursework or practicum experience as outlined by the course instructor."

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	20%
Discussion Questions	15%
On-line Discussion Replies	15%
Case Studies	30%
Final Exam	20%
Total	100%

GRADING POLICIES:

No assignment is optional. 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 11:59 pm 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, that the assignment is late. No assignments will be accepted after midnight the Monday of finals week. Assignments must be submitted as Microsoft Word documents unless otherwise specified (such as discussion questions on Blackboard). 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 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 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”.

Internet etiquette is expected in all postings, discussions, and emails. Please remember that internet communications do not have non-verbal cues, and sarcasm, kidding, jokes, teasing, slang and/or other indirect do not generally come across on email as intended and 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, 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

A. ETHICS

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

B. APPLICATION OF ETHICS IN NURSING PRACTICE SETTINGS

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

Unit II. Introduction to the Law and the Judicial Process

A. 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. (CO 1)

2. Define classifications of law including common, civil, criminal, public, and private law. (CO 1)
3. Distinguish between substantive law and procedural law, and state why each is important to professional nursing. (CO 1)
4. Discuss due process and equal protection of the law. (CO 1)

B. ANATOMY OF A LAWSUIT

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

Unit III. Liability Issues

A. STANDARDS OF CARE

1. Define standards of care from a legal and a nursing perspective. (CO 5)
2. Discuss the concept of the reasonably prudent nurse in defining standards of care. (CO 5)
3. Describe the importance of standards of care to the individual nurse. (CO 5)

B. TORT LAW

4. Distinguish negligence from malpractice. (CO 1)
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. (CO 1)

C. NURSING LIABILITY DEFENSES

6. Define the term *defense* and give examples of defenses that may be used. (CO 1)
7. Review the concept of statute of limitations. (CO 1)
8. Examine the Good Samaritan laws and their relevance for health care deliverers. (CO 6)

D. INFORMED CONSENT

9. Define informed consent. (CO 5)
10. Describe one's right to refuse consent for medical care. (CO 5)

E. DOCUMENTATION AND CONFIDENTIALITY

11. Discuss purposes of the medical record. (CO 6)
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. (CO 6)
13. Describe important aspects of incident reports. (CO 6)
14. Define and analyze applications of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (CO 7)

F. PROFESSIONAL LIABILITY INSURANCE

15. List elements common to all professional liability insurance policies and list and refute reasons given against having individual coverage. (CO 6)

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

A. NURSE PRACTICE ACTS, LICENSURE AND THE SCOPE OF PRACTICE

1. Define licensure, including mandatory, permissive, and institutional licensure. (CO 6)
2. Discuss in detail and analyze the Texas Nursing Practice Act. (CO 5)
 - 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. (CO 4)

B. ADVANCED NURSING PRACTICE ROLES

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

C. CORPORATE LIABILITY ISSUES AND EMPLOYMENT LAWS

5. Describe the doctrines of respondeat superior, borrowed and dual servant. (CO 4)

D. NURSING MANAGEMENT AND THE NURSE-MANAGER

6. Analyze the concept of corporate liability, including the nurse-manager's role in preventing such liability. (CO 4)
7. Define three separate issues concerning staffing from the aspect of the nurse-manager's legal liability. (CO 4)

E. DELEGATION AND SUPERVISION

8. Differentiate delegation from assignment. (CO 4)
9. Discuss the concept of supervision in effective delegation and distinguish between direct and indirect supervision. (CO 4)

F. 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. (CO 3)

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

A. 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. (CO 5)
3. Analyze the potential liability for nurses when using technological advances and specialized equipment. (CO 5)

B. 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. (CO 3)

C. COMMUNITY HEALTH SETTINGS

5. Describe legal responsibilities of community health nurses. (CO 3)

D. LONG-TERM CARE SETTINGS

6. Discuss areas of professional liability in long-term care settings, including:
 - a. Falls and restraints
 - b. Quality care (CO 3)

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. No test question challenges are permitted on the final exam.

Course Calendar:

The course calendar is also available in the "Course Documents" link on Blackboard. 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. Calendar and weekly assignments are posted on Blackboard.

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.

Expectations for Engagement – Online Learning

To help make the web-based learning experience fulfilling and rewarding, the following Expectations for Engagement provide the parameters for reasonable engagement between

students and instructors for the online learning environment. Students and instructors are welcome to exceed these requirements.

Reasonable Expectations of Engagement for Instructors

1. As an instructor, I understand the importance of clear, timely communication with my students. In order to maintain sufficient communication, I will
 - provided my contact information at the beginning of the syllabus;
 - respond to all messages within 24 hours if received Monday through Thursday and within 48 hours if received Friday through Sunday; and,
 - notify students of any extended times that I will be unavailable and provide them with alternative contact information (for me or for my supervisor) in case of emergencies during the time I'm unavailable.
2. As an instructor, I understand that my students will work to the best of their abilities to fulfill the course requirements. In order to help them in this area, I will
 - provide clear information about grading policies and assignment requirements in the course syllabus, and
 - communicate any changes to assignments and/or to the course calendar to students as quickly as possible.
3. As an instructor, I understand that I need to provide regular, timely feedback to students about their performance in the course. To keep students informed about their progress, I will
 - post grades for discussion postings within one week of the discussion thread closing.
 - provide grades for major assignments within 2 weeks of the due date or at least 3 days before the next major assignment is due, whichever comes first.

Reasonable Expectations of Engagement for Students

1. As a student, I understand that I am responsible for keeping up with the course. To help with this, I will
 - line up alternative computer and internet access in case my primary computer crashes or my internet services is unavailable;
 - recognize that the college provides free wi-fi and computer labs during regular campus hours to help me with accessing my course; and,
 - understand that my instructor does not have to accept my technical issues as a legitimate reason for late or missing work if my equipment or service is unreliable.
2. As a student, I understand that it is my responsibility to communicate quickly with the instructor any issue or emergency that will impact my involvement with or performance in the class. This includes, but is not limited to
 - getting “kicked off” of the system during tests or quizzes;
 - having trouble submitting assignments; and

- dealing with a traumatic personal event.
3. As a student, I understand that it is my responsibility to understand course material and requirements and to keep up with the course calendar. While my instructor is available for help and clarification, I will
 - seek out help from my instructor and/or from tutors;
 - ask questions if I don't understand; and,
 - access my course several times during the week to keep up with assignments and announcements.

Expectations for Engagement – Face to Face Learning

To help make the learning experience fulfilling and rewarding, the following Expectations for Engagement provide the parameters for reasonable engagement between students and instructors for the learning environment. Students and instructors are welcome to exceed these requirements.

Reasonable Expectations of Engagement for Instructors

1. As an instructor, I understand the importance of clear, timely communication with my students. In order to maintain sufficient communication, I will
 - provided my contact information at the beginning of the syllabus;
 - respond to all messages in a timely manner through telephone, email, or next classroom contact; and,
 - notify students of any extended times that I will be unavailable and provide them with alternative contact information (for me or for my supervisor) in case of emergencies during the time I'm unavailable.
2. As an instructor, I understand that my students will work to the best of their abilities to fulfill the course requirements. In order to help them in this area, I will
 - provide clear information about grading policies and assignment requirements in the course syllabus, and
 - communicate any changes to assignments and/or to the course calendar to students as quickly as possible.
3. As an instructor, I understand that I need to provide regular, timely feedback to students about their performance in the course. To keep students informed about their progress, I will
 - return classroom activities and homework within one week of the due date and
 - provide grades for major assignments within 2 weeks of the due date or at least 3 days before the next major assignment is due, whichever comes first.

Reasonable Expectations of Engagement for Students

1. As a student, I understand that I am responsible for keeping up with the course. To help with this, I will

- attend the course regularly and line up alternative transportation in case my primary means of transportation is unavailable;
 - recognize that the college provides free wi-fi, computer labs, and library resources during regular campus hours to help me with completing my assignments; and,
 - understand that my instructor does not have to accept my technical issues as a legitimate reason for late or missing work if my personal computer equipment or internet service is unreliable.
2. As a student, I understand that it is my responsibility to communicate quickly with the instructor any issue or emergency that will impact my involvement with or performance in the class. This includes, but is not limited to,
- missing class when a major test is planned or a major assignment is due;
 - having trouble submitting assignments;
 - dealing with a traumatic personal event; and,
 - having my work or childcare schedule changed so that my classroom attendance is affected.
3. As a student, I understand that it is my responsibility to understand course material and requirements and to keep up with the course calendar. While my instructor is available for help and clarification, I will
- seek out help from my instructor and/or from tutors;
 - ask questions if I don't understand; and,
 - attend class regularly to keep up with assignments and announcements.

“The SEI process for face-to-face and online courses will be scheduled near end of semester. Additional information will be provided.”

Information in this syllabus may change as needed during this semester.