CHAPTER-I

In nursing practice, Professional Legal Responsibilities are gaining greater importance as the days are passing. Only a few nursing professionals are having specialised knowledge and skills to tackle legal terms and court procedures\(^1\).

In recent days of advanced World, every newspaper gives the information of sensational cases being judged in our courts. In every business, the concern about lawsuits and legal liabilities are increasing in number. Health care profession occupies the first place compared to other professions, where legal issues comprise the major area of concern. Nurses convey concern about their responsibilities and whether they are vulnerable to lawsuits. A competent and professional nurse perceives legal issues and problems in daily practice and deals cautiously by utilising the current knowledge of legal responsibilities before the questions of legal problems arise\(^2\).

1. INTRODUCTION

A nurse is supposed to have some degree of qualifications and competent enough to provide services to a patient. Mean while she/ he is also supposed to render those services within the determined limitations and with adequate tender loving care. Any shortage or failure in providing determined nursing services may lead to serious legal complications.\(^3\)

Nurses are expected to be efficient and should stand-up to the legitimate expectations in maintaining the required standards of care and limitations. If, the nurse fails to do so, she/ he is liable for getting used in the court of law. Many laws are there to deal with liabilities against nurses and nursing Profession. Since the past decade, the new legislation under the name of Consumer Protection Act 1986 has the provision for action against deficient services\(^4\). In the early 60’s, nursing leaders were trying to develop a unique professional identity, which was associated with developments of theoretical base for nursing. The clinical role of the nurse was extended and expanded in a number of specialist/specialised areas\(^4\).

As the professional standards are gaining greater importance with the extended and expanded role of nurse, she/ he must know the risks and dangers which arise while rendering nursing services to the human population. Nurses should know the law that governs the profession to prevent law suit against her / him\(^5\).
The knowledge of nurse related to the legal responsibilities has to be integral in relation to their expanding clinical roles. Nurses should be reasonable enough to plan systematically and apply knowledge of legal responsibilities in focusing and providing care to the patients, which must be the ultimate aim of Modern Nursing. An abundant knowledge of legal responsibilities is very important for the implementation of high quality of nursing practice in the World of latest medical and technological advancement.

The present study is a maiden attempt by the researcher-a nursing professional, in the area Legal Responsibilities of Nursing Profession with adoration.

II. SIGNIFICANCE OF THE STUDY

For number of years, the legal responsibilities of the practicing professional nurses in our country have been occasionally defined, besides, unawareness/poor awareness of patient and their relatives (citizens) about their rights of protection against harmful or negligent professional practice. The leaders in the nursing profession well aware of what they are legally responsible, but the same is not disseminating to the successors all the time. Hence, Nurses are rarely got involved in court action or other legal procedures. As the public and profession become more and more aware of the practicing law, both the patient and nurse are in need to protect themselves from legal actions. Hence, understanding of legal responsibilities has become greater important.

In the past, the patient care was entirely physician and hospital oriented. The role of patient was passive as recipient of care. Today’s patient is considered as an active member of health team. Average individual of today is having very good knowledge about the complicated mechanism of human body. He is aware that he has right to question, what treatment he is receiving, and information regarding his progress. In recent years, there has been active and increased consumer movement in the field of health. Increasing knowledge of public related to health issues and rising costs of health services are few factors contributing to the consumer movement. Hence, the patients need to be concerned in the treatment decision.
According to the Supreme Court, if any patient receives deficient and improper care from the health team, they can use the damages under the Consumer Protection Act 1986. This makes each and every nurse to be knowledgeable about legal responsibilities in case of patient to safeguard from legal problems.

Long past, the nurse has the only responsibility of carrying out physician orders. Since the past ten years, the role of nurse has been expanded tremendously to include expertise specialisation, self regulation and accountability. With the introduction of Consumer Protection Act 1986, brought all the professionals such as medical, architect, charted accountants, nurses etc., under the boundaries of this act. This has lead to the promotion of increased accountability on part of health care professionals including nurses.

Accountability may also involve liability, which refers to the state of being held responsible for the harm caused to the other individual. The recognition of professional liabilities determines the parameters of the profession and such standards of the professional conduct. Hence, nurses should update their professional and legal knowledge.

The professional practicing nurse must be knowledgeable about nursing standards, legal issues in nursing, legal limits of nursing and legal liabilities while caring the patients, if not, she/ he is the first person to be punished from the legal standpoint.

Nurses are more been used in patient care rather than physicians in recent cases. The following case can be taken as an example for court decisions. In one of the cancer research facility centre, the nurses administered lethal doses of intravenous chemotherapy drip continuously for three days, which in-turn lead to death of two patients. Here nurses are made legally liable for the incident, because nurses failed to re-question the physician’s illegible hand writing and to meet the professional standards of practice while providing care to the patients. This clearly denotes how nurses are facing legal liabilities in professional practice due to lack of up-to date knowledge.
In another case, both the doctor and the nurse are interrogated in the court, by the parents of 16 year old boy, who underwent knee surgery at the wrong site. The negligence and failure in following the standards of professional practice, both the doctor and the nurse in operation theatre, operated at the wrong site, which in-turn, the patient had drastic complications and future disability to the higher extent. This clearly indicates how health team members are get involved in legal actions due to negligence in practicing professional standards while caring the patient.10

Traditionally, the physicians were in need of nurses who have the capacity to think independently, co-operative in decision making while providing care to the patient. But majority of the nurses, practically face difficulties in thinking themselves as decision makers in the diagnostic and treatment process. Some of the nurses were actively involved in decision making process related to patient diagnostic and care needs, but they made physician to stand in front line as a responsible person due to fear of taking formal responsibilities in decision making process. This was due to the assumption of facing legal consequences if the decisions go wrong. Lack of competitive skills and legal knowledge pertaining professional practice are the main causes to do so11.

Public considers the nurses as a group of health care providers with the basic goal to understand, provide comfort, and helps patients under their nursing care. But, negligence in the professional practice of staff nurses is the major factor which was repeatedly decided in the courts as a legal dispute12.

In an average working day, an ideal nurse performs various activities such as administration of medications, carrying out number of physical assessments, and make different decisions which help in the well being of the individual patients. Nurses very uncommonly get the chance to fully inquire and think about all the ethical and legal implications for actions performed while caring the patients. Mistakes arises, when nurse make decision about the patients care under high-pressure working hours of the day. This gives way to seek legal action by the patients against nurses. This can be avoided only when the nurse is competent enough in her skills and knowledge regarding legal responsibilities in patient care and also practicing these with the highest professional standards12.
A competent nurse in the profession must identify the various risk factors which make them to involve in increased malpractice suits. As fear of legal liability and legal actions against nurses are increasing day by day, the nurses are interested to know the professional laws of nursing practice. The best and ideal way which acts as a defence for the nurse against legal complications is to remain competent in skills and knowledge, practicing nursing standards and documentation while caring the patients.

The curriculum of the basic courses in nursing teaches the legal responsibilities to the upcoming nurses, lacking knowledge and practices related to these aspects. Hence, it is imperative, that one must explore the knowledge, attitude and practices of nurses in encountering their legal responsibilities along with fault finding, so that effective strategies to maintain the legal standards can be developed.

III. OBJECTIVES

The very objectives of the present research are:

1. To assess the Knowledge, Attitude and Practices of staff nurses towards their Legal Responsibilities in patient care.

2. To determine the association of level of knowledge, attitude and practices of staff nurses towards their legal responsibilities in patient care in relation with their personal variables (viz, age, education awareness, educational qualification, work experience, exposure to in-service education programmes), etc.

IV. HYPOTHESIS

Adequate Knowledge on Legal responsibilities in nursing profession results in competent and cautious services in the role practice.

V. METHODOLOGY

Period of Study: The study is conducted during the period of 2012-2013.

Area of Study: The actual study area is IVth Zone of Andhra Pradesh which includes Chittoor, Kadapa, Anantapur and Kurnool districts.
Nature of data

The data collected, analysed, for the present research is both primary and secondary in nature.

Tool for data collection

A well Structured and Standardised (through Pilot Study) Interview Schedule is developed to collect information for the present study.

Sampling procedure

The IVth zone of Andhra Pradesh consists of four districts namely, Kurnool, Anantapur, Kadapa, and Chittoor. The sample population for the present study was drawn from these four districts. The Sampling unit of the present study is a Staff Nurse. According to the official records of Regional Director of Medical and Health Services, Kadapa, latest by 2012, there are 1082 recruited Staff Nurses working in Government Hospitals at the time of study in the IVth zone of Andhra Pradesh. This 1082 Staff Nurses includes General Nursing Midwifery (GNM) and B.Sc. Nursing / Post-basic B.Sc., Nursing. The GNMs are 909 and B.Sc. Nursing/Post-basic B.Sc. Nursing are 173, totalling 1082 as per official records.

At 1st stage, the researcher drawn 360 sample of Staff Nurses, out of the total Staff Nurses of 1082 as per official records cited above covering one third of the total population (Staff Nurses).

In order to have a much dependable and representative sample for the present study, one third of the total population of the Staff Nurses in the IVth Zone of Andhra Pradesh is surveyed.

At 2nd stage, these 360 sample were surveyed drawing almost equal sample from the Government Hospitals of each district of IVth Zone, viz., Kurnool (91), Chittoor (91), Kadapa (89) and Anantapur (89).

At the end, 330 samples are analysed excluding 30 interview schedules which are with incomplete information. Hence, a Stratified Simple Random Sampling Technique is used to draw a sample of respondents (Staff Nurses) to the present study. The total sample size of the present study is 330.
Sampling unit

The sampling unit of the present study is a Staff Nurse.

Research scholar has acquaintance with the VIth Zone of Andhra Pradesh during her course of education, training, job work and administrative activities when necessary as a Nursing professional, henceforth had a good rapport with the VIth Zone Staff. For a scholar, rapport build-up is an essential step with the Survey Area and also with the potential respondents in order to get permission to do survey and to get complete, authenticate information (data) on attitudes and practices for the subject under study, hence, the scholar has selected the IV th Zone for the study.

Summary

The first chapter has dealt with Introduction of the study, Significance of the study, objectives, hypnosis, methodology and conceptual model regarding “A Study of Knowledge, Attitude and Practice on Legal Responsibilities in Nursing Profession”.
DATA COLLECTION
CONCEPTUAL MODEL

Practice of Legal Responsibilities in Nursing Profession

In-service Training  Job Experience  Residence / District  Professional Education

Job Satisfaction  Monthly Income  Family Background
Practicing of Legal Responsibilities is an outcome of the components Knowledge and attitude development on various Legal Responsibilities in Nursing Profession among the Staff Nurses in their regular nursing practice (job activities). The same is depicted in the form of **Family Tree** (pictorial presentation).

The determinants / influencing / Causative factors of practicing legal responsibilities of nurses in their job practice are like strong foundation / roots of a nursing profession to withstand and flourish, which are may be very many. Certain of such factors identified in the present study are; Professional Education, Job Experience, Medical family background, Monthly income, In-service training and Job satisfaction. These factors have shown association with practicing of Legal Responsibilities of Staff Nurses understudy. This association is proved statistically significant.
REPORT WRITING:

While reporting the results of the study, results are categorized in six chapters as follows:

The **first chapter** deals with Introduction, Significance, Objectives, Hypothesis, Methodology and Conceptual Model of the present study.

The **second chapter** deals with Review of Literature of the study.

The **third chapter** deals with the Knowledge Component of Legal Responsibilities in Nursing profession of Staff Nurses of the study.

The **fourth chapter** deals with the Attitude Component of Legal Responsibilities in Nursing profession of Staff Nurses of the study.

The **fifth chapter** deals with the Practice Component of Legal Responsibilities in Nursing profession of Staff Nurses of the study.

The **Sixth chapter** deals with an overall presentation of the report and conclusions of the study.
REFERENCES (in the order of citation)


