

# A Study on Knowledge of Legal Aspects Related to Cancer among Nurses

Hemam Sangeeta Devi<sup>1\*</sup> Dr. Mahadeo B. Shinde<sup>2</sup>

<sup>1</sup>Principal SEA College of Nursing, Bangalore

<sup>2</sup>KEISIE International University

**Abstract – Nursing is an integral part of the health care system and nurses direct their energies towards the prevention, promotion, maintenance & restoration of health. The role of nurses has expanded rapidly within the past two decades to include expertise specialization, autonomy & accountability. The patient is considered the consumer of nursing & health care. With the advent of the Consumer protection Act of 2006, which has been drastically widened by the amendment of 2003 all professionals i.e. medical, architects, solicitors, chartered accountants etc have come within the purview of the Act.**

**Keywords – Nurse, Cancer, Legal**

## INTRODUCTION

When nurses are aware of their legal responsibilities & obligations, will be better prepared to care for clients & it will also help her in acquiring a better efficiency & vigil in her services. Studies have shown that the climate & the knowledge about legal aspects in health care have led to the improvement in practice. In a study to assess the impact of malpractice litigation on physicians' personal and professional lives Although both sued and non-sued physicians reported changes in professional behavior sued physicians reported significantly more changes than non-sued physicians.

It has been found, however, the learning that results in increased self-awareness, changed behavior, and the acquisition of new skills must actively engage the individual in the learning process. Most adults spend a considerable time acquiring information and learning new skills. The rapidity of change, the continuous creation of new knowledge, and an ever-widening access to information make such acquisitions necessary. Much of this learning takes place at the learner's initiative, even if available through formal settings.

It is stated that changes have occurred over the past decade in legal responsibilities of nurses. These reforms have led to attitude changes toward nurses by the legal, medical, and public realms. To avoid legal charges of negligence, nurses must keep abreast of the rapidly changing areas of instrumentation, documentation, and patient care.

With regards to this it has been imperative for the nurse to safeguard herself & her client against negligence. Gardner SL & Hagedorn ME emphasize that regardless of the health care setting, professional nurses are morally, ethically, and legally accountable for their nursing judgments and actions.

Leaders in the nursing profession know that we are legally responsible for what we do but there have been very little specifically stated by the profession to serve as a guide. This was due to the fact that citizens of India were not aware of their rights of protection from harmful or careless professional practice. But with the growing awareness of the law by the public, an understanding of the legal responsibilities is becoming more important.

Though the legal aspects of nursing are included early in the syllabus very little emphasis is given on its use. Nurses must know the law that governs her profession to avoid lawsuits against her. Legal issues confronting nurses today are many but the nurse should view the law not with apprehension but as a helpful adjunct to define nursing practice. Nurses who are aware of legal rights & obligations will be better prepared to care for clients. Knowledge of the law is essential for all nurses in the present health care market.

## NURSING PRACTICE

When professional liability is recognized, it defines the parameters of the profession & the standards of professional conduct Nurses should therefore enhance their professional knowledge. The role of

nurses has expanded rapidly within the past ten years to include expertise specialization, autonomy & accountability. The patient is considered the consumer of nursing & health care. Thus the nurses who are in the clinical area need to be aware of patient's rights & nurse's responsibility towards them.

All the nursing personnel can be provided with a copy of self-instructional module that may help them for independent learning to improve their knowledge and integrate it into their practice. Nurses may be able to assume responsibility & accountability for their patients & eventually help to improve their practice. The self-instructional module will also serve as a ready reference in case there is any disparity between the nurse, patient & the management.

## NURSING EDUCATION

Education is the key to the development of excellent nursing practice. Education faces tremendous challenges in keeping pace with changes in nursing practice to maintain its high quality. Nurses must be lifelong learners and they should be given an opportunity for continuing education. Nurses with higher education deliver cost effective care. The educators need to remember that more emphasis is to be given when educating the students about the medico legal & ethical aspects of nursing.

Though the legal aspects are included in the curriculum of both the graduate & diploma nurses, not much importance is given on its use. Nurse educators when equipped with proper knowledge of medico legal responsibilities will prepare students who are aware of their medico legal responsibilities & will be prepared to be accountable for their actions. This will enhance the professional standards of nursing care & education.

## NURSING ADMINISTRATION

The nursing administrators may use the self-instructional module to improve their knowledge in order to ensure that the nurses may assume responsibility & accountability of patients under their care. A copy of the self-instructional module may be provided to staff nurses during orientation program. This shall ensure better professional standards of nursing. Moreover nurses who are knowledgeable about their medico legal responsibilities will be able to act as a patient's advocate & also help in saving a lot of hospital management's time & money which may arise due to consumers suing the hospital due to a nurse's negligence.

## NURSING RESEARCH

Health care environment is facing breaking changes. In order to maintain a comparative market share,

health services need to maintain quality and cost effectiveness. Research plays a vital role in nursing. There is a need for extended and intensive nursing research in the areas of medico legal responsibilities of nurses related to cancer patient care.

Especially in India where till now the nurses were sidelined because they were not accepting professional responsibility of the client under their care. It is also important to know how the patients feel about the nurse's accountability towards them. Extensive research is needed in this area so that nurses can become more aware of the medico legal responsibility & be accountable to their own activities.

Nurses began to place emphasis on particular ethical issues that stemmed from complicated bioethics, such as pain and suffering, relationships, and advocacy. In fact, nurses led the way in the 2000s in conducting empirical research on ethical issues (Pinch, 2009). These initiatives strengthened nursing's role in bioethics.

Nurses are to be advocates for patients and their rights; for public and community social justice areas of health care, policy, and economics; and for each other. In matters of patient care, nurses are in ideal positions for patient advocacy. Nurses can clarify and discuss with patients their rights, health goals, treatment issues, and potential outcomes, but they must realize some of the barriers to advocacy. These barriers arise as shadows from unresolved issues.

Hamric (2000) offered excellent ways for nurses to boost their patient advocacy skills:

- (1) Nursing educators need to convert basic ethics education to real-life application and action;
- (2) Practicing nurses need to continue their education on the ethical imperatives of advocacy; and
- (3) Institutions need to review their incentives, if any, to promote patient advocacy.

## OBJECTIVES OF THE STUDY

The objectives of the current research are as follows:

1. To assess the knowledge on medico legal aspects related to cancer among nurses employed in selected cancer hospitals.
2. To provide self-instructional module on knowledge of nurses regarding medico-legal responsibilities in patients care

3. To find the association between the knowledge score and selected demographic variables

## **HYPOTHESES OF THE STUDY**

The hypotheses of the current research are as follows:

1. There will be no significant change in knowledge score among nurses employed in oncology unit after providing self-instructional module.
2. There will be significant change in knowledge score among nurses employed in oncology unit after providing self-instructional module.
3. The nurses have limited knowledge regarding medico legal responsibilities in patient care.
4. This self-instructional module will be useful for self-learning & enhancing knowledge.

## **REVIEW OF RELATED LITERATURE**

Studies have shown that information booklet is effective as a teaching method in increasing the knowledge of patients and health care professional's especially nurses. A descriptive study was conducted on nurses on legal aspects, which revealed that the level of knowledge was very less, but there was significant increase in their knowledge after introducing planned teaching regarding legal aspects.

For nursing to be recognized as a profession, nurses need to be accountable for their own actions. As Nurses move towards more autonomous practice, professional responsibility is increasing and we are becoming more accountable for our clinical decision-making. As per the code of conduct, nurses are held accountable in varying degrees, the public, their employer, and their profession and most important their patient.

Nurses are practicing in an increasingly litigious environment and the law of negligence cannot be ignored. If a patient dies as a result of nurse administering the wrong drug under the orders of a doctor, the nurse could be liable for civil action since he/ she failed to deliver a reasonable standard of care expected of a nurse. Such nurses could also face disciplinary proceedings before the nursing council and their line managers because they failed to use due care and skill in carrying out their contract of employment.

A study was conducted on some cases where the nurses were found that they did not report near miss accidents. Reasons for failure to report adverse events

included fear of response from hospital administrators and personal fears of the reactions of the patient or of other staff members. These results show that both patient and staff adverse incidents are underreported. Strong quality management practices and administrative support to emphasize safety and a system response to address these adverse events may help to improve reporting.

Nurses are charged with four key tasks in relation to securing consent for nursing procedures: educating themselves about the risks and benefits of the procedures they propose to undertake; conveying this information to patients; assessing their understanding of the information given; and endeavoring to support the patient in his/her decision.

Now as the consumers are becoming better informed they are more likely to be aware of malpractice issue and to recognize insufficient or inappropriate care. Forensic pathologists are increasingly confronted with the need of expertise, which refer to neglected prevention of pressure sores in cases of suspected malpractice. In Hamburg, Germany, a monitoring system for advanced grade decubitus was established by use of routine post mortem examinations before cremation.

The issues cited by plaintiffs – who were either patients or family members – included complaints that they felt abandoned, that the patients discomfort had been ignored, that no explanations about their care or outcome were given, and that their opinions were discounted. It was also found that providers who showed compassion were often not named in the malpractice case. Being courteous to patients is not just a nicety.

## **RESEARCH STUDY**

The analysis shows that 88 % of the participants were female, 74% of them belonged to the age group of 20 – 25, 50 % were graduates & 50% were diploma holders. It was also seen that 62% of the samples had 2 – 3 years of experience & 48% of them are currently working in the medical oncology settings. 70% of them did not attend any in – service education regarding medico legal responsibilities of nurses & 96% of them were never involved in a legal case.

There was a significant (P0.05) association between the level of knowledge of the staff nurses and their professional qualification. Since the calculated value of p (0.04) is less than 0.05 it can be concluded that there is significant association between professional qualification & knowledge scores.

It was also found that 64% of graduate nurses scored in the range of 20 – 30. This also supports the finding by (Seema .B 2004), in which she also found a

significant difference in the knowledge scores of graduates & diploma nurses related to medico legal responsibility.

This may be due to the fact that in the graduate curriculum the medico legal & ethical aspects of nursing are more stressed upon. During this study it was found that 70% of the subjects did not attend any in-service education related to medico legal responsibility, even though working in a litigious climate.

This highlights the lack of regular in-service program for the staff nurses on all aspects of nursing specially to keep up-to-date which the emerging necessity of knowing their legal rights & responsibilities. This also underlines the need for regular in-service program.

Safeguarding patients and patient care is a moral priority, and positive nurse– nurse relationships promote the moral climate necessary for safe and competent care. Sometimes nurses or nursing leaders must take unpleasant, but not spiteful, action with regard to nursing behaviors and the protection of patients. Nurses serve as advocates when they take appropriate action to protect patients from unethical, illegal, incompetent, or impaired behaviors of other nurses (ANA, 2015).

For nurses who become aware of these behaviors, appropriate actions involve reviewing policies, seeking guidance from administrators in the chain of command, documenting the occurrences, and approaching the offending nurse in a constructive, compassionate manner. Gossip, condescension, or unproductive derogatory talk are negative tactics that do not help and serve only to damage reputations and relationships.

### LIMITATIONS OF THE STUDY

The few limitations of the study are listed below:

1. A limited time available for data collection.
2. The control group could not be incorporated due to limited period of study.
3. The limited sample size.

### SIGNIFICANCE OF THE STUDY

The findings on the opinionative showed that that 86 % of the nurses believed that the self-instructional module was a good source of learning. 82% of the samples said that the language used in the self-instructional module is simple to understand to some extent. 90 % said that the pictures used in the module have helped in some extent to understand the content.

86% of the samples found the module interesting to read to a great extent & 98% of the samples believed that the module should be made available to all the staff nurses.

This shows that opinion of the self-instructional module was accepted to a great extent. All over most of the nurses expressed acceptability “to a great extent” & some statements were expressed as ‘to some extent’. This confirms that a self-instructional module is a highly acceptable & beneficial than traditional methods of learning because it enables the reader to learn at their own pace & is non-stressful.

In 2003 the ICN adopted its first code of ethics for nurses. The multiple revisions illustrate the code is a globally accepted document for ethical practice in nursing. Since 2003 nurses in many countries have adapted the ICN code. The fundamental responsibilities of promoting health, preventing illness, restoring health, and alleviating suffering emanates from the role of nursing.

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**Corresponding Author**

**Hemam Sangeeta Devi\***

Principal SEA College of Nursing, Bangalore

E-Mail – [asia@ima.edu.in](mailto:asia@ima.edu.in)