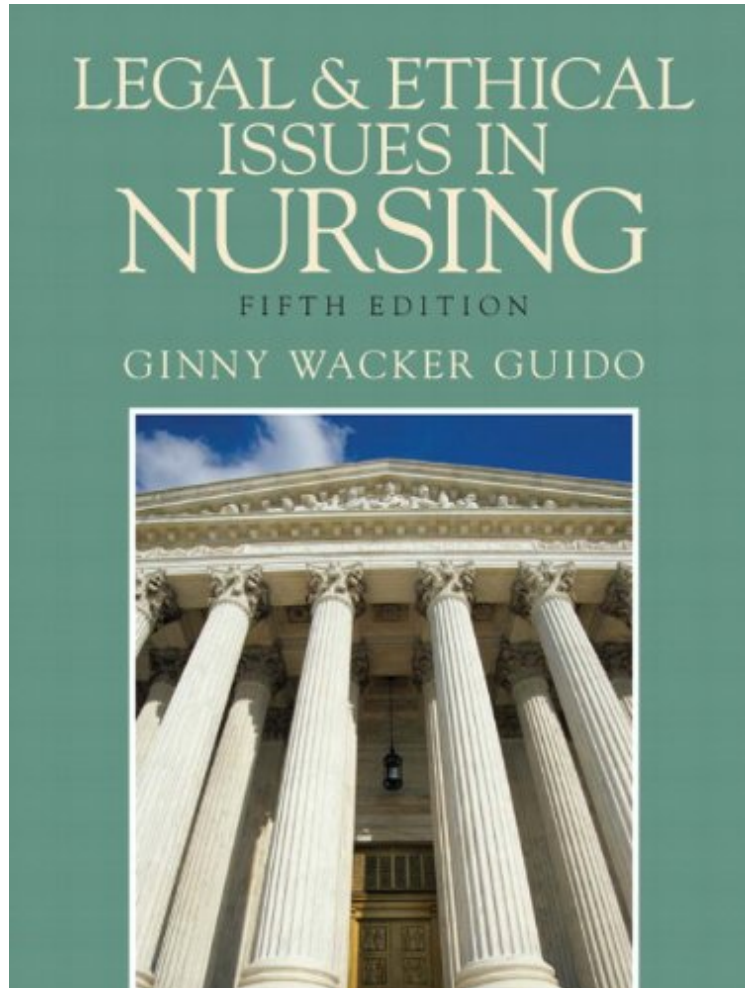


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## Legal and Ethical Issues in Nursing (5th Edition)

*Ginny Wacker Guido JD MSN RN*

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The fifth edition of *Legal and Ethical Issues in Nursing* is the essential book that combines legal and ethical knowledge for students and practicing nurses in one text. It reflects the continuing influence that the law, legal issues, and the field of ethics have on the professional practice of nursing. Readers familiar with earlier editions will recognize that much of the content in this book is new or updated to mirror changes in the practice of professional nursing. This edition also combines the field of ethics with legal issues, as these two aspects of professional nursing practice cannot truly be separated. This is a perfect resource for graduate nursing students or professional nurses needing an additional reference.

From the Back Cover *Legal Ethical Issues in Nursing Fifth Edition* Ginny Wacker Guido, JD, MSN, RN, FAAN Washington State University Vancouver The fifth edition of *Legal and Ethical Issues in Nursing* continues the tradition of the fourth edition as the essential title that combines legal and ethical knowledge for students and practicing nurses and how they influence the professional practice of nursing. This influence reflects the expanding autonomous roles of nurses, in the public and community health arena, in acute-care settings, or in long-term and hospice settings. It also reflects changes in the health care delivery structure, including mandatory nurse-patient ratios, the downsizing or closing of hospitals and other health care delivery agencies, and the continued shortage of professional nurses. New to this edition: Expanded ethical coverage, including a new chapter that applies ethical theories to situations that nurses encounter. A new ethical issues feature highlighting some of the more frequently encountered ethical issues within an area of the law or clinical practice site. Updated information on current laws and their application to nursing. New chapter summary format allows easy review of chapter content. Much of the content is new or updated to reflect the changes in the law and in the practice of professional nursing. Pearson Health Science Upper Saddle River, NJ 07458 [www.pearsonhighered.com](http://www.pearsonhighered.com) Excerpt. Reprinted by permission. All rights reserved.

Preface This third edition of *Legal and Ethical Issues in Nursing* (previously titled *Legal Issues in Nursing*) reflects the continuing influence that law, legal issues, and the field of ethics have on the professional practice of nursing. Professional accountability and responsibility are ever increasing, particularly as nurses become more autonomous with the shift from acute care settings to community and ambulatory settings Professional accountability and responsibility are ever increasing, particularly as nurses become more autonomous with the shift from acute care settings to community and ambulatory settings. Professional accountability and responsibility are also enhanced as advanced practice nurses gain more independence through state nurse practice acts and through the entire restructuring of the health care delivery system in the United States. Consumers continue to become more knowledgeable about their rights within the health care delivery system. Readers familiar with the first and second editions will recognize that much of the content in this text is new, reflecting various changes in the practice of professional nursing. The third edition also combines the field of ethics with legal issues, as these two aspects of the professional nurses' practice cannot truly be separated. This book is, once again, intended for practicing nurses and for nursing students As with the previous editions, the primary function of this text is to familiarize both nursing students and professional nurses with current legal concepts, allowing the reader to apply legal concepts within an ethical framework, and hopefully providing for improved patient care through the knowledge and understanding of the various means in which these issues affect clinical practice. Additionally, this text is intended to: Educate the beginning nurse, whether in the academic or practice setting, about legal issues, the functions of laws, and ethical application of legal principles. Serve as a resource for practicing nurses, regardless of the clinical practice area. Assist nurses in providing the most competent nursing care possible. An important caveat is that this book is not meant to take the place of professional advice from practicing attorneys, and nurses are cautioned to seek legal counsel before proceeding with any legal matters. The book is meant to augment the role of legal counsel and assist nurses in understanding the legal process and liability issues as they relate to the ethical practice of nursing. This edition of *Legal and Ethical Issues in Nursing* differs in several ways, while preserving the unique features of the former editions. The first three chapters acquaint the reader with basic legal knowledge, including sources and types of laws, the role of the court system in legal matters, and the role of case law in determining standards of nursing care. Completely revised, this first part emphasizes the vast impact that law has on the professional practice of nursing, the important role of nurse expert witnesses in defining professional standards of care, and major legal doctrines and rules that underlie nursing practice. The second part of the book contains a single chapter on ethics in health care. This part was moved from the last part of the book to more fully integrate ethical principles into the entire text. This chapter has been revised to emphasize ethical principles and usable ethical model for decision making in clinical areas, rather than evaluating various types of ethical issues that could arise in any clinical setting. This revision allows nurses to make realistic individual decisions

in everyday clinical settings, while challenging the reader to become more familiar with ethical decision making models. The third part of the book reexplores many of the more basic liability concepts common to all clinical practice areas. Chapters in this part of the book are rewritten, and include expanded sections on patient self-determination, the role of confidentiality and electronic applications in documentation, abuse issues, and the rights of patients in research. The final part of the book, comprising the bulk of the text, reflects nursing practice in a variety of clinical settings. New chapters in this part emphasize the vital role of ambulatory care nurses and the role managed care is playing into health care delivery system. Content has been rearranged so that issues pertinent to a specific area of practice flow within a single chapter. Content that has been added includes multistate licensure issues, telenursing, alternative therapies, and an entire section on long-term care nursing. Nursing issues are discussed from the perspective of staff nurses in hospital and clinic settings, nurse managers in both inpatient and outpatient settings, community health nurses' roles, and nurses in academic settings. Some readers may find the content of specific chapters could better have been placed in different chapters in this part. While writing the text, I attempted to find the most natural placement for the various content categories, and some of the material could have been placed in a variety of chapters. For example, telenursing could have been added to the chapter on nursing practice acts and licensure rather than being placed in the chapter on ambulatory care nursing. Many of the features of the earlier editions have been enhanced. Each chapter opens with a preview of the content to be covered and a listing of the key concepts to be explored. Guidelines are placed throughout the chapters for ease of usage, and many chapters have multiple guidelines. Perhaps the more useful aspect that current case law has been greatly enhanced, allowing nurses to better understand case examples of application of legal issues to professional nursing practice. Each chapter has several exercises that allow the reader to apply chapter content to actual clinical settings and assist readers in exploring their own state laws. Chapters conclude with a section entitled "After Completing This Chapter, You Should Be Able To:" that reinforces the main concepts and goals of the chapter and an "Apply Your Legal Knowledge" section that reflects critical thinking questions related to the specific chapter content. Most exciting are the new features of the book, in particular the incorporation of ethical applications in the final 16 chapters of the book. I have been asked by many readers to develop a text that incorporates both legal and ethical issues. Readers are encouraged to address pertinent ethical principles as they complete each chapter. Sections on patient education are incorporated into many of the chapters as nurses continue to assume more of the education and discharge planning aspects of patients' care. With the exception of Chapters 1 and 10, there is also a "You be the Judge" section in all chapters, allowing the reader to truly incorporate the legal issues addressed in the individual chapter. The two chapters where this new feature is not utilized are the chapters that deal with either complicated contract law (Professional Liability Insurance) or specific procedural law (Legal Concepts.) I am pleased to see this new edition of Legal and Ethical issues in Nursing a reality. I have truly learned a tremendous amount about the many aspects of nursing in its writing, and trust that you will learn as much in reading and using this text. Ginny Wacker Guido, JD, MSN, RN