



Chapter 6

Legal
&
Ethical Considerations



Objectives


- Differentiate the terms *ethics* and *bioethics*.
- Describe five ethical principles central to bioethics.
- Describe the legal process for admissions and discharges.



2

Ethical Concepts

Ethics: The study of philosophical beliefs about...
Bioethics: Used in relation to ethical dilemmas...
Ethical dilemma: Conflict between two or more...



3

Five Principles of Bioethics

- Beneficence: The duty to...
- Autonomy: Respecting the rights of others to...
- Justice: Distribute resources or care...
- Fidelity (nonmaleficence): Maintaining loyalty &...
- Veracity: One's duty to always communicate...



Admission Procedures

Informal admission—

Voluntary admission—

Involuntary commitment—

- 1
- 2
- 3



Involuntary Commitment

Emergency commitment (temporary admission)


- 1
- 2
- 3
- 4

Assisted outpatient treatment

- 1

LPS Involuntary Process


- Problem
- Assessment
- 72 Hour Hold [5150]
 - Application for assessment, evaluation, and crisis intervention or placement for evaluation and treatment
- 5150 Record of advisement
- 14 Day hold [5250]
 - Notice of certification for additional 14 days intensive treatment



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Involuntary Process (cont)


- Notice of certification for additional 14 days intensive treatment
 - Danger to Self ONLY
- 30 Day Hold
 - Gravely Disabled Only
- Temporary Conservatorship
- Conservatorship



8

Due Process in Involuntary Commitment

- 5150 Advisement
- 14 Day Hold Hearing
- Writ of habeas corpus
 - Anytime after 5150 served
- Riese Hearing
- Least restrictive alternative doctrine



9

Forensic Holds

- 1026-
- 1370-
- Murphy Conservatorship-
- 6600- Sexually Violent Predator-

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10

Discharge Procedures

- Conditional release
- Unconditional release
- Release against medical advice (AMA)



Objectives

- Discuss patient's rights including the patient's right to treatment, refuse treatment, and informed consent.
- Describe patient's rights and legal concerns in regards to restraint and seclusion.

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12

Patients' Rights Under the Law

Right to...

Right to...

Right to...

1

2

3



13

Seclusion & Restraint



Case Study—Discussion

The family of a patient asks if you can “force” him to take his medications. How do you respond?



15

Patients' Rights Under the Law

- Rights regarding involuntary commitment and psychiatric advance directives
- Rights regarding restraint and seclusion
- Right to confidentiality



Objectives

- Explain the importance of confidentiality in psychiatric care.
- Identify situations in which health care professionals have a duty to break patient confidentiality:



17

Patient Confidentiality

Legal considerations

- 1
- 2
- 3
- 4



18

Patient Confidentiality (Cont.)

Exceptions to the rule

- 1
- 2



Objectives

- Define laws (e.g., torts, negligence, malpractice) that are relevant to psychiatric nursing.
- Identify the steps nurses are advised to take if they suspect negligence or illegal activity in the provision of health care.

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20

Tort Law

Tort—a civil wrong for which money damages...

Intentional tort—willful or intentional acts that...

- 1
- 2
- 3
- 4



21

Tort Law (Cont.)

Unintentional tort—unintended acts against another...

1
2



22

Five Elements to Prove Negligence

- Duty
- Breach of duty
- Cause in fact
- Proximate cause
- Damages



23

Objectives

- Discuss the basic standards by which nurses are held including nurse practice acts, professional associations, organizational policies and procedures, and customary practice.
- Discuss the importance of clear and thorough documentation.

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24

Standards of Nursing Care

- State Boards of Nursing
- Professional Organizations
- Institutional Policies and Procedures
- Custom as a Standard of Care



Guidelines for Ensuring Adherence to Standards of Care

- Negligence, irresponsibility, or impairment
- Duty to intervene and duty to report
- 1
- 2
- 3
- 4



26

Documentation of Care

A records' usefulness is determined by evaluating—when the record is read later—how accurately and completely it portrays the patient's behavioral status at the time it was written.



27

Medical Records

- Used for quality improvement
- Used as evidence
- Growing use of electronic documentation



28

Forensic Nursing

Issues at stake may include

- 1
- 2
- 3
- 4

Other tasks

- 1
- 2
- 3



29

Violence in the Psychiatric Setting

- Employers are not typically responsible for employee injuries from violent patients.
- Nurses must participate in setting policies that create and maintain a safe environment
- Always document patient's potential for violence
- Communicate observations to colleagues

30
