

Leadership Essay on Legal Ramification in Nursing

Problem Statement

Leadership and decision-making are inseparable. Decision-making is not easy because it frequently involves opting for conflicting alternatives that may produce adverse effects on an organization. Nevertheless, this quality is desired in the modern workplace. Leaders must make decisions that constantly affect the work place, and have to cover the legal as well as ethical ramifications that exist within the context of a specific decision. The nursing profession, as a part of the larger healthcare system, has become vital in the United States. However, nurses encounter numerous challenges in their line of work, and often feel as if they are being underutilized, or their knowledge and expertise are unappreciated. This may be caused by the fact that many licensed vocational nurses only undertake supportive roles in a clinical setting. Even though some nurses have practical experience in performing several tasks such as wound suturing and laceration, many do not get the chance to apply this expertise.

The current case presents a conflict between nurses' desire to practice, ethical, and legal requirements. The debate whether to increase a registered nurses scope so as to perform some physician's role is still in progress. Though unrelated, the case at hand reflects an everyday scenario where the limitation of scope is simply a matter of bureaucratic policies. LVNs are not allowed to work independently but should be supervised by a registered nurse or a physician. Usually, licensed vocational nurse duties are limited to bedside care of patients. Some of the tasks the nurses at this level may perform include tracking patients' vital signs, collecting patient's history, changing beddings, and changing wound dressings. LVNs should not be concerned with any other task, unless under the direct supervision of a registered nurse or physician.

Why Is the Nursing Practice Regulated?

The regulation of the nursing practice is aimed at safeguarding the health, safety, and welfare of patients, as well as ensuring that the nursing profession has integrity. It is founded within the Nursing Practice Acts in each state. These statutes provide a framework of rules that guide the nursing practice. Licensure of nurses as LPNs, LVNs, or RNs, is performed through admission by the nursing boards of the respective states where the application is made. Furthermore, the boards are responsible for disciplining errant members. All the above mentioned mechanisms work for the purpose of ensuring that nursing is a dignified profession within the health care system.

Case Description

As described above, licensed vocational nurses are allowed to perform the tasks which do not refer to their scope of practice only under the supervision from a registered nurse or physician. In the case discussed, Maggie is working beyond her scope as a licensed vocational nurse. However, the LVN is under the supervision of a physician. While Maggie's action is wrong, she is within the requirements of her license conditions. Maggie's expertise and experience, especially as a medic in combat, individualizes her skills thus making it possible for the physician to trust her. Although the physician says he will take the responsibility for her action, the nursing profession and the doctor's profession are regulated separately. However, there is a necessity to understand the grounds for disciplinary action under the Nursing Practice Act. Below are the conditions under which the action can be taken against Maggie and the supervisor. The ideal approach in the current case is to keep a record of Maggie's activity, while at the same time communicate to the physicians the requirements of the Nurse Practicing Act regarding its members at different levels (Reising, & Allen, 2007).

Avoiding Liability

There is a need for documentation of Maggie's performance beyond her scope of practice since many physicians allow her to do it. Here, several implications may occur. For instance, if a patient suffers harm while Maggie is performing the action which is beyond her scope of practice, the supervisor will be jointly held responsible. Therefore, the best approach is to document Maggie's actions as well as communicate with the physicians that it is legally wrong to allow Maggie to perform beyond her licensed duties (Myers, 2014). As Maggie has not breached any conduct, she can defend her position by arguing that she took the actions under the physician's supervision. The purpose of documenting the errant nurse's action is to escape liability. However, this documentation will work in combination with the communication to physicians regarding the dangers of letting Maggie practice beyond her scope. The nursing supervisor can therefore escape any legal liability by showing evidence of warnings to Maggie (Myers, 2014).

Conditions for Disciplinary Action

When considering the legal ramifications, it is necessary to comprehend what the nursing board recognizes as the breach of conduct for all practicing nurses. Usually, a nursing board will only discipline its members under the following conditions.

1. Unprofessional conduct: the case when a nurse tries to falsify his or her license to increase her scope of duty (Lampert, 2015).
2. Unsafe practice where a nurse delivers care negligently, provides incompetent care, or lacks mental or physical capacity to attend to a patient (Lampert, 2015).
3. Unethical code of conduct which involves having sexual relationships with patients in the workplace, sexually harassing other staff and patients, breaching confidentiality policies, as well as any form of discrimination against a patient.
4. Conviction of a felony, in the case of which the nursing board will bar the nurse from practice for a given duration that can sometimes amount to about five years.

5. Substance and alcohol use that prevents a nurse from providing safe care to a patient.

Conclusion

As established above, there is no legal ramification for the nursing supervisor reason being that LVNs such as Maggie are allowed to practice under the supervision of a physician or RN. However, if the patient suffers from Maggie's action, the physician is responsible for allowing Maggie to perform the task in question. Maggie can prove her competence in the work by providing documentation of her work in the 10-year experience.

References

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