

Chapter 2: Legal and Ethical Aspects of Nursing

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MULTIPLE CHOICE

1. When a nurse becomes involved in a legal action, the first step to occur is that a document is filed in an appropriate court. This document is called a(n)
 1. deposition.
 2. appeal.
 3. complaint.
 4. answer.

ANS: 3

A document called a complaint is filed in an appropriate court as the first step in litigation.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 22
OBJ: 2 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

2. Assuming responsibility for a patient's care forms a legally binding condition that is described as
 1. nurse-patient relationship.
 2. accountability.
 3. advocacy.
 4. standard of care.

ANS: 1

When the nurse assumes responsibility for a patient's care, the nurse-patient relationship is formed. This is a legally binding "contract" for which the nurse must take responsibility.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 23
OBJ: 3 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

3. Universal guidelines are developed for all nursing interventions which define appropriate measures that should be observed during the performance of those interventions. These are known as
 1. scope of practice.
 2. advocacy.
 3. standard of care.
 4. prudent practice.

ANS: 3

Standards of care define actions that are permitted or prohibited in most nursing interventions. These standards are accepted as legal guidelines for appropriateness of performance.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 23
OBJ: 4 TOP: Legal KEY: Nursing Process Step: N/A

MSC: NCLEX: N/A

4. The document that defines and limits the scope of nursing practice in that state is
1. standards of care.
 2. regulation of practice.
 3. American Nurses Association code.
 4. nurse practice act.

ANS: 4

It is the nurse's responsibility to know the nurse practice act in his or her state.

PTS: 1 DIF: Cognitive Level: Application REF: Page 23
OBJ: 5 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

5. A nurse who failed to irrigate a feeding tube as ordered which resulted in harm to the patient could be found guilty of
1. malpractice.
 2. harm to the patient.
 3. negligence.
 4. failure to follow the nurse practice act.

ANS: 1

The nurse can be held liable for malpractice for acts of omission. Harming a patient is not a clear enough offense without its being labeled as malpractice or assault. The nurse practice act has general guidelines which can support the charge of malpractice.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 23
OBJ: 1 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

6. Patients have expectations regarding the health care services they receive. In order to protect these expectations, which of the following has become law?
1. American Hospital Association's Patient's Bill of Rights
 2. Self-Determination Act
 3. American Hospital Association's Standard of Care
 4. JCAHO rights and responsibilities of patients

ANS: 1

The American Hospital Association developed a Patient's Bill of Rights.

PTS: 1 DIF: Cognitive Level: Application REF: Page 24
OBJ: 8 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

7. The nurse is preparing the patient for a thoracentesis. She recognizes that which of the following is required before the procedure may be performed?
1. Physical assessment
 2. Interview
 3. Informed consent

4. Surgical checklist

ANS: 3

The patient agrees to allow a certain procedure to be performed after being fully informed of its benefits and risks.

PTS: 1 DIF: Cognitive Level: Application REF: Page 25
OBJ: 8 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

8. The nurse protects the information in a patient's record to fulfill the ethical responsibility for
1. privacy.
 2. disclosure.
 3. confidentiality.
 4. absolute secrecy.

ANS: 3

The nurse has an ethical and legal duty to protect information about a patient and preserve confidentiality. Some disclosures are legal and anticipated and may not be subject to the rules of confidentiality. None of the information in a chart is considered secret.

PTS: 1 DIF: Cognitive Level: Application REF: Page 25
OBJ: 8 TOP: Confidentiality
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

9. An older adult patient is admitted to the hospital with numerous bruises on her body. The nurse suspects elder abuse. The best nursing action would be to
1. cover the bruises with bandages.
 2. take photos of the bruises.
 3. ask the patient if anyone has hit her.
 4. report the bruises to the charge nurse.

ANS: 4

The nurse must be alert to signs of elder abuse and know procedures for reporting.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 27
OBJ: 8 TOP: Elder abuse KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

10. The nurse concludes that the best way to avoid a lawsuit is to
1. work overtime.
 2. spend time with the patient.
 3. provide compassionate, competent care.
 4. answer all call lights quickly.

ANS: 3

The best defense against a lawsuit is to provide compassionate and competent nursing care.

PTS: 1 DIF: Cognitive Level: Application REF: Page 27
OBJ: 7 TOP: Avoiding a lawsuit
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

11. The nurse, when seeking advice while attempting to make an ethical decision involving the patient's right to refuse medication, would most appropriately consult
1. a minister or priest.
 2. the hospital ethics committee.
 3. her supervisor.
 4. a more experienced nurse.

ANS: 2

The nurse should seek the advice of the hospital ethics committee.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 28
OBJ: 9 TOP: Ethics KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

12. Although the nurse may disagree with a DNR order, legally he or she
1. may question the doctor.
 2. may seek advice from the family.
 3. may discuss it with the patient.
 4. must follow the order.

ANS: 4

When a DNR order is written in the chart, the nurse has a duty to follow the order.

PTS: 1 DIF: Cognitive Level: Application REF: Page 30
OBJ: 11 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

13. The nurse has strong moral convictions that abortions are wrong. When assigned to assist with an abortion, the nurse has the right to
1. ask for another assignment.
 2. leave work.
 3. transfer to another floor.
 4. protest to her supervisor.

ANS: 1

The nurse should not abandon the patient, but ask for another assignment.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 30
OBJ: 13 TOP: Ethics KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

14. The new LPN/LVN is very concerned regarding what should or should not be done for patients. Select the answer that will provide this information for her.
1. state nurse practice act
 2. standards of care
 3. scope of nursing practice
 4. professional organizations

ANS: 2

Standards of care define what should or should not be done for patients.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 23
OBJ: 4 TOP: Standards of care
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

15. The nurse who diligently works for the protection of patients' interests is functioning in the role of
1. caregiver.
 2. health care administrator.
 3. advocate.
 4. health care evaluator.

ANS: 3

A nurse accepts the role of advocate when, in addition to general care, the nurse protects the patient's interests.

PTS: 1 DIF: Cognitive Level: Application REF: Page 23
OBJ: 15 TOP: Advocate KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

16. When asked to perform an intervention which she has never done before, to legally protect herself, the nurse should
1. just go ahead and do it.
 2. refuse to perform it, citing lack of knowledge.
 3. discuss it with her charge nurse, asking for direction.
 4. ask another nurse who has performed this procedure.

ANS: 3

The nurse cannot use ignorance as an excuse for nonperformance. The nurse should ask directions from the charge nurse, explaining she has never performed this procedure independently.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 29
OBJ: 7 TOP: Legal KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

17. The nurse is assisting a patient to clarify values by encouraging the expression of feelings and thoughts related to the situation. The nurse recognizes it is necessary to
1. compare her values with those of the patient.
 2. make a judgment.
 3. withhold an opinion.
 4. give advice.

ANS: 3

The nurse can assist the patient in values clarification without giving an opinion.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 28
OBJ: 10 TOP: Values clarification
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

18. When confronted with an ethical decision, the nurse must observe the first fundamental principle of
1. autonomy.
 2. beneficence.
 3. respect for people.
 4. nonmaleficence.

ANS: 3

The first fundamental principle is respect for persons.

PTS: 1 DIF: Cognitive Level: Analysis REF: Page 29
OBJ: 15 TOP: Ethics KEY: Nursing Process Step: N/A
MSC: NCLEX: N/A

19. Since a nurse's first duty is to the patient's health, safety, and well-being, it is necessary to report
1. unethical behavior.
 2. a worker who arrives late.
 3. favoritism.
 4. arguments among the staff.

ANS: 1

A member of the nursing profession must report behavior that does not meet established standards.

PTS: 1 DIF: Cognitive Level: Comprehension REF: Page 30
OBJ: 14 TOP: Unethical behavior
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

20. A nurse considering purchasing his own malpractice insurance should be aware that the malpractice insurance the hospital provides
1. only protects him while he is on duty.
 2. is limited in the amount of coverage.
 3. is difficult to renew.
 4. can be terminated at any time.

ANS: 1

Most institutional insurance only provides liability coverage if the nurse is on duty.

PTS: 1 DIF: Cognitive Level: Application REF: Page 24
OBJ: 6 TOP: Malpractice insurance
KEY: Nursing Process Step: N/A MSC: NCLEX: N/A

21. Which of the following is a nursing care error that violates the Health Insurance Portability and Accountability Act?
1. Administering a stronger dose of drug than was ordered
 2. Refusing to give a patient's daughter information over the phone
 3. Informing the person with the patient's medical power of attorney of a medication change
 4. Leaving a copy of the patient's history and physical in the photocopier

ANS: 4

Leaving the document in the photocopier exposed it to the public. Inappropriate drug administration is possible malpractice. Sharing information in person with the person who has power of attorney is legal, but not over the phone.

PTS: 1

DIF: Cognitive Level: Analysis

REF: Page 24

OBJ: 16

TOP: Health Insurance Portability and Accountability Act (HIPAA)

KEY: Nursing Process Step: N/A

MSC: NCLEX: N/A

22. A nurse could be cited for malpractice in the event of
1. refusing to give 60 mg of morphine as ordered.
 2. giving Compazine to a patient allergic to phenothiazines.
 3. dragging an injured motorist off the highway and causing further injury.
 4. informing a visitor about a patient's condition.

ANS: 2

Standards of care dictate that a nurse must be aware of all the properties of drugs administered. Compazine is a phenothiazine. Giving out confidential information or refusing to give an excessively large narcotic dose is not considered malpractice. Good Samaritan laws protect anyone giving aid to an injured motorist.

PTS: 1

DIF: Cognitive Level: Analysis

REF: Page 24

OBJ: 4

TOP: Malpractice

KEY: Nursing Process Step: N/A

MSC: NCLEX: N/A

23. A lumbar puncture was performed on a patient without a signed informed consent form. This may be a situation in which a patient could sue for
1. punitive damages.
 2. civil battery.
 3. assault.
 4. nothing, no violation has occurred.

ANS: 2

Civil Assault charges can be brought against anyone performing an invasive procedure without the patient's informed consent legally documented.

PTS: 1

DIF: Cognitive Level: Analysis

REF: Page 25

OBJ: 6

TOP: Informed consent

KEY: Nursing Process Step: N/A

MSC: NCLEX: N/A