

Legal nursing

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Introduction

Nurses remain a cornerstone of healthcare literacy and education in the society. It is worth noting that in the context of the complex and the changing world of genetics as well as genomics, the nurses have continued to maintain this position. Their positions in the society remain critical and they are regarded with honor because of the sensitive role they play in the society. The decisions made by nurses may mean either death or life and therefore they have to be precise while making decisions. What is more, the nurses have to maintain high degree of ethics and follow the laws governing the nursing profession to the letter. Failure to be precise in their actions and decisions may cost human life and therefore the need for the nurses to try their level best to offer the best. What is more, nurses should up their knowledge and skills to be able to offer the best services to the patients. The paper on Mar 8, 2013, on the Forbes site is among the important articles in the context of legal nursing. This paper discusses the article about a nurse who refused to give CPR, resulting to a death of a senior. The question to be answered from the article is whether the issue in this case is ethical or legal.

In this article, a licensed nurse refused to give CPR to an 87 years woman who collapses in the senior residence where she worked because of the policy of the company (Forbes.com, 2016). According to Abella *et al* (2005), CPR is an emergency procedure combining chest compression normally with artificial ventilation with the aim of manually preserving intact brain function until further measures are taken for restoration of the spontaneous blood circulation as well as breathing in a patient cardiac arrest. The failure of the nurse to go this extra mile was a great surprise because as per their profession, nurses not only understand what do in the course of such emergencies, they are required to care a lot and do it. According to Forbes.com (2016), there should be exceptions in the non-healthcare residences for such emergencies like the issue involving

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the senior, Lorraine Bayless. He further argues that a nurse on duty should do what any layperson can do, that is administering CPR when someone stops breathing. According to the press, there was no Do Not Resuscitate (DNR) direction in place.

According to the family, Lorraine Bayless wanted to die naturally and without any form of life prolonging intervention. The fact that the family revealed that Lorraine did not want to be resuscitated is clear that the nurse's action were ethical. The will of the patients need to be respected regardless of their condition. Even if the family was against the will of the patient, they should not be allowed to do their will rather the will of the patient should stand (the Guardian, 2013). For this reason, it is clear that nurse's action was ethical and what is she did was the right things.

Legal and ethical issues the nurse might have considered

To begin with, most patients especially the senior have their will that should be followed in case of the condition of their conscious. In the above case, the family presented that it was the will of the patient, Lorraine Bayless to die a natural death. For this reason, it would be unethical if the nurse and the family disrespected the will of the patient.

Based on the principle of Patient Autonomy, the patient has the power to consent or refuse an intervention such as CPR. In such nation like the U.S, the adult patients are presumed to possess the capacity to make decisions unless a court of law declared them not competent in making such decisions (Entwistle *et al*, 2010). For making truly informed decisions, the patients should receive and understand accurate information concerning their conditions as well as prognosis, the alternatives and risks and benefits. In addition, the patients need to be in a position to deliberately choose among the different alternatives and be in a position to relate the decision to a stable

framework of values. Based on this principle, the patient and the right of deciding the fate of her life rather than having the family or the nurse decide for her. According to her family member, she had indicated before her decision not to be put on any life support including CPR.

The nurse in this case also considered the autonomy of the patient. This is legal implication and requires the physician to respect the right of the patient. Since the patient had indicated her will not to be put on any life support before, the nurse had legal implication of respecting the will and the decision of the patient.

On the other hand, according to the principle of Surrogate Decision Makers, after the patients lose their mental stability any close friend or relative has the power of been the surrogate decision maker for the patient (Evans *et al*, 2009). Even though at the point the close relatives were not available, the court established from them that it was the decision of their relative not to be put on any life support. With the production of the documents concerning her will and wish, the case was termed as invalid and void. In such a case, the action of the nurse whether intentional or unintentional may be said to be legal and ethically right.

The implication of the healthcare policy is that the will and the wish of the patients need to be respected by both the close friends, family members and the nurses. In this case, the autonomy of the patient is what should stand against all odds especially in the case involving choosing between life and death.

Compared to my initial response, my second response after analyzing the legal and ethical issues is inclusive. I have realized the independence of the patients and their right and power to choose their line of life particularly concerning the elongating their lives.

Conclusion

From the above analysis, it is clear that the patients still have the right to choose the fate of their life particularly concerning CPR. According to the principle of autonomy, the patients have the right to nod to the decision of putting their lives on life support machines or not. In this case, the decision of the nurse not to place Lorraine Bayless on CPR was legally and ethically right. Her action made should that the will and wish of the patient stood. To wrap up, families, close friends and the legal provisions need to respect the will and wishes of the patient regardless of their conditions.

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