

# The Necessity of Legal Awareness of the Nurses in Health System

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## ABSTRACT

**Background:** Regulations are some guidelines that originate from the operational environment and lead to controlling the community. Nurses and related organizations should be aware of the international and national legal rules to be more effective in their operational environment.

**Aim:** In the present study, the necessity of legal awareness of the nurses is investigated.

**Methods:** In this qualitative study, the conventional content analysis was employed based on the semi-structured interviews with 18 participants including a judge, forensic medicines, nurse attorneys, nurses (with different specialties), a medical lawyer and forensic midwives.

**Results:** The category of "The necessity of legal awareness of nurses" with 7 sub-categories consisted of Lack of legal awareness of nurses, Challenges of getting informed consent, Increased nursing errors, Increased responding of nurses, Disregard for nurses' rights, Disregard for patients' rights and Insufficient reporting were obtained.

**Conclusion:** Considering the main role of the nurses in providing care in the health system and the necessity of knowing legal concepts by them, the teaching of these concepts should be included in nursing courses and curriculum for nursing students at different levels of academic education.

**Keywords:** Nursing, Legal, Education, Qualitative research, Iran

## INTRODUCTION

We live in a world with ever-increasing rules. These rules, which originate from an operational environment, result in control of the communities<sup>1</sup>. Law is considered as a system of rules that guide the lifestyle of people in society<sup>2</sup>. The health-related rules form the rights and tasks, express the policies, protect the people and society, and determine the norms and standards<sup>3,4</sup>.

In the health system, nurses as the largest group of health providers work in different health centers<sup>5</sup>. Since nursing is a profession that affects the life and health of the people in the society, some standards should be implemented to guide the nurse toward having a correct behavior, making the best decision, and performing the safe and proper measures<sup>6</sup>. Nursing is not only guided by scientific principles but also legal and moral standards, which are tools that give nurses new ideas and professional discipline<sup>7</sup>. The legal aspects of nursing affect the method of providing care. Legal concepts shape the work environment of the nurses and determine the way of documentation and sharing. Consequently, their performance is evaluated based on legal definitions of care standards<sup>8</sup>.

Nowadays, nursing has become an independent and decision-making profession and<sup>9</sup> they have a great influence on the health care team, care, decision making, patient protection, and information provision<sup>10-13</sup>. Developing the role of nursing has a beneficial effect on nursing care and enables them to perform their duties in the best way<sup>14</sup>. In order to have advanced nursing, in addition to nursing concepts, nurses must be familiar with legal concepts to be able to provide high-quality care<sup>15,16</sup>. Besides, legal awareness helps the nurses to know their legal rights<sup>17</sup>.

The graduated nursing students<sup>10</sup>, nurses, and related organization such as nursing forums should know the legal issues in the international and national level to be

more effective in their operational environments<sup>5</sup>. Many organizations, including the World Health Organization and the International Association of Legal Nurses, have stipulated that legal nursing content and concepts should be taught to undergraduate students and nursing graduates<sup>18</sup>. To the best of our knowledge, studies performed, showed the low information of nurses about legal concepts<sup>19-22</sup>, so in the present study we aimed to explain the necessity of the legal awareness of nurses in the health system of Iran.

## MATERIALS AND METHODS

**Study design:** This qualitative study was conducted between 2018 and 2019 in Iran using conventional content analysis with Graneheim and Lundman method<sup>23</sup>.

**Sample size:** Participants were 18 specialists in the field of health and law, selected via purposive sampling method. The inclusive criterion was familiarity with legal issues and with clients. First, the researcher called the participants and after introducing herself, explained the aim of the study. Then, the researcher and the participants who accepted to enroll in the study, determined time and location for the interview.

**Study Setting:** The research environments were nursing organization, health centers, emergency stations, nursing and midwifery faculties, doctors' offices, personnel offices and drug rehabilitation center.

**Data collection and analysis:** The data were collected by semi-structured interviews with open questions. After each interview, the whole text was listened to and then it was written down on paper word by word. The duration of the interviews varied between 18 and 126 min (mean time = 72 min). The entire text was carefully read to understand the overall sense of the text. After reading the text for several times and immersing in the data, the units of the analysis were characterized and the key meanings were extracted

and the initial codes were formed. These codes were then organized based on similarities and differences found in subcategories and category. The data were analyzed by MAXQDA V.10 software.

In order to ensure the accuracy of the findings, the four criteria of Lincoln and Guba were applied<sup>24</sup>. To provide credibility, the researchers reviewed all the steps from data collection and transcription to analysis via member as well as peer checks with colleagues, research team and observers outside the group. Probing questions, data immersion and sampling with maximum variation were considered. The researchers recorded and reported all the steps and decisions accurately for confirmability to enable others to follow up the research if needed. For trustworthiness, all stages of the study were explicitly described from the beginning to the end to provide audition for an external supervisor. For transferability, the authors attempted to describe the method section of the study in detail, including selection of the participants, data collection, and data analysis to enable the readers to evaluate the application of data in other researches.

**Ethics:** To conduct the research, the registration code of ethics was obtained (IR.SBMU.PHNM.1395.676) from Shahid Beheshti University of Medical Sciences and all ethical codes were observed. The interviews were audio-recorded with participants' permission. The researchers assured all participants regarding the confidentiality of the information and the safe retention of all documents.

**RESULTS**

Table 1 presents the demographic characteristics of participants. During analysis of the transcripts, the term "The necessity of legal awareness of nurses" was considered as the main category, which formed by 7 sub-categories (Table 2). In the following, the quotations of the participants that the sub-categories were extracted from were reported.

Table 1: Demographic characteristics of participants

Participants	Sex	Speciality	Educational level
1	Female	Nurse	Master of Science
2	Female	Nurse	PhD Degree
3	Male	Medical lawyer	Master of Science Student
4	Male	Nurse	Bachelor of Science
5	Male	Nurse lawyer	Master of Science
6	Male	Physician	Specialist in Forensic Medicine
7	Female	Nurse	PhD Student
8	Male	Judge	PhD Degree
9	Male	Nurse lawyer	Master of Science
10	Female	Nurse	PhD Degree
11	Female	Forensic Midwife	PhD Degree
12	Female	Forensic Midwife	PhD Degree
13	Female	Nurse	Bachelor of Science
14	Female	Nurse	PhD Degree
15	Male	Nurse	PhD Student
16	Male	Nurse	Bachelor of Science
17	Male	Nurse	Bachelor of Science
18	Male	Physician	Specialist in Forensic Medicine

Table 2: Category and sub-categories based on the experiences of the participants

Category	Sub-category
The necessity of legal awareness of nurses	Lack of legal information of nurses
	Challenges of getting informed consent
	Increased nursing errors
	Increased responding of nurses
	Disregard for nurses' rights
	Disregard for patients' rights
	Insufficient reporting

**Lack of legal awareness of nurses:** Today, organizational development and multidimensional growth of employees is one of the important issues of organizations. Lack of awareness is considered as one of the most important reasons of legal problems for nurses. One of the participants mentioned, "Considering the stressful condition of nursing profession because of dealing with the health of the people, they are faced with legal problems so that it is best to know the legal terms and related laws. Unfortunately, the legal awareness of the nurses is limited" (No.15.)

**Challenges of getting informed consent:** Although informed consent is one of the most fundamental concepts in medical ethics and patient rights in the world and it is prior to any diagnostic and therapeutic activity, there are some deficiencies in both health and treatment centers. Among them, one can name obtaining informed consent without the presence of a doctor, the lack of attention to personal circumstances in the consent, and the lack of patients' information from the cases indicated in the informed consent. One of the participants stated, "first of all, the content of the consent form should be clear to patients. Sometimes a paper is given to an illiterate patient and he/she without any information signs it. The form should be explained by nurses to the patient. Here the nurse is also guilty" (No. 3.)

**Increased nursing errors:** Nursing error is a shortcoming of nurses in performing their duties in comparison with the standard. Nursing errors are a harmful phenomenon and in many cases, they can be irreparable. Nursing false testimony, misdirection of medication, limiting the patient without a doctor's order, and the use of patients' records without their knowledge are some of the nursing errors. Among these errors, falling from the bed has taken the highest rate. One of the participants said, "The nurses should know the meaning of error, fault, incompleteness, crime, unconsciousness, and neglect. They should be aware of all the mentioned terms to avoid doing them and not make problems for other coworker" (No. 2).

**Increased responding of nurses:** Today, the level of dissatisfaction and complaints of patients is increasing and nurses deal with many legal issues. Dissatisfaction and patient complaints can occur for many reasons such as increasing public awareness, increasing professional independence, increasing the number of graduates, challenge between nurses, technology advancement, increasing the number of lawyers, livelihood, and increasing influence of the media that increases the legal information of the people. One of the participants stated, "increased responding has several reasons: today, people's health awareness is higher than the because of media which makes the people more aware of their rights. Also, livelihood and financial problems are other reasons.

For example, when a family member dies the mourner leaves the person and tries to find a way to compensate for the damage. In addition, the number of lawyers is more than in the past. Moreover, there are some behavioral issues in the nursing system, for example, when a nurse has a problem with her co-worker and sees her fault or errors she immediately reports it to the patient's company. Also, another reason is the increased number of nursing graduates and staff" (No. 4).

**Disregard for nurses' rights:** Being aware of their rights is one of the primary rights of the nurses. A part of the nurses' rights is being familiarized with organizational and professional rules, authorities dealing with medical misconceptions, and job descriptions, as well as having insurance. For example, one of the participants stated, "I had a patient who escaped and I didn't report it to the prosecutor. Next shift I found the patient and I was forced to bring the patient back. It was not my job to bring him back and when I tried to convince the patient to come back the patient attacked me with a shovel. If I had gotten hurt, who would have been responsible for it" (No.15).

**Disregard for patients' rights:** Nurses as a advocator of the patient should be aware of the concepts about their professional rules to help the patient in a good way. The legal awareness of the nurses along with enough knowledge and skill can provide the highest quality and the safest care to patients. Among the most important legal cases that participants expressed, we can point to the secrecy of personnel, patient privacy, patient safety, patient education, and the practice of nursing care and the consideration of different religious conditions in the implementation of care. One of the participants said, "First we should state the tasks of the staff toward the patient and the organization, then we want them to obey the rules. Therefore, basic concepts such as laws and regulations related to patient rights, professional rights, and organizational rights should be taught" (No. 9).

**Insufficient Reporting:** The nurse, as a member of the health care team, needs to record patient information in an appropriate manner and transfer it to other colleagues. In some cases, nurses ignore the record of legal issues in the reporting, which is probably due to their lack of legal awareness from the consequences of non-standard documentation. In this regard, one of the participants said, "nurses should know how to write a report and which points should be mentioned to use them in the court. For example, they don't know the difference between bruise and redness in the legal term" (No. 18).

## DISCUSSION

The present study explained the necessity of legal awareness of the nurses in the health system of Iran. The extracted category from the data was "The necessity of legal awareness of nurses", which included 7 sub-categories such as Lack of legal awareness of nurses , Challenges of getting informed consent, Increased nursing errors, Increased responding of nurses, Disregard for nurses' rights , Disregard for patients' rights and Insufficient reporting were obtained.

The results indicated that one of the main reasons and of course the first sub-category for the legal awareness

of the nurses is lack of knowledge about laws. Lack of the nurses 'awareness from legal concepts not only makes problem in care service but also legal problems for nurses. It should be noted that law and ethics are the main part of the nursing profession<sup>25</sup>. All patients should know the job-related legal concepts and be aware of their consequences. Nurses should be familiar with regulations to avoid lawsuits against them<sup>22</sup>. Numerous studies indicated the low legal awareness of the nurses and it is necessity of teaching legal terms to them<sup>19-22</sup>.

According to the participants, the challenges of obtaining informed consent from the patient is one of the factors that show the legal education of nurses is of central importance. The patient rights to participate in medical decisions results from the individual's legal rights in choosing a personal plan for life and work<sup>26,27</sup>. Informed consent does not mean getting a signature from the patient; it is providing information for the patient about health status, diagnosis, treatment choice, and prognosis. The process of obtaining informed consent to provide high-quality care for patients is essential<sup>28</sup>. The informed participation of patients in decision-making leads to an increase in knowledge and improved treatment outcomes.

Doctors and nurses should be aware that providing proper and complete information to patients not only raises their awareness, but also reduces their concern and enhances their recovery<sup>29</sup>. Being aware of what the health staff is doing is the legal and moral right of patients. If the information is not provided and an informed decision is not made, it leads to facing legal consequences such as trials and revocation of professional and organizational licenses<sup>28</sup>. The nurses are responsible for presenting the ethical report of patient's information and supporting the patient rights<sup>30</sup>. Nurses have to learn all methods, regulations, and rules of medical staff, as well as rules related to informed consent<sup>28</sup>.

The nursing errors are the third sub-category of the present analysis. Nursing errors are defined as the occurrence of mistakes in providing care and treatment to patients<sup>31</sup>. Lack of awareness and not obeying the regulations lead to increasing the nursing errors, thereby increasing the patient's complaints, reducing the work validity, increasing the costs, stress, anxiety, disappointment, feelings of guilt, and legal prosecution<sup>9</sup>. Becoming involved with patients 'complaint is a painful and disabling experience for nurses, which negatively affects their clinical work and causes work burnout, obsessions, compulsion, disability, and subsequent disillusionment, fear and anxiety, emotional and physical fatigue, embarrassment, and detraction<sup>32</sup>. Legal awareness helps to prevent legal problems<sup>17,33</sup>.

Another sub-category is increased nursing readings. The behavioral problems<sup>34</sup>, increased financial problems, mental problems of patients to provide poor services in government hospitals, abuse of patients from the economic position of the medical staff, unauthorized interference in health and nursing affairs ,guiding the patient to complain against other colleagues, the role of mass media in making a complaint<sup>35</sup>, and increased legal awareness of the people<sup>21</sup> lead to increasing the follow-up of nursing errors. Today, nurses deal with numerous legal issues, such as negligence, recklessness, malpractice, and other legal

matters so that legal training can largely prevent these problems<sup>19</sup>.

The fifth sub-category was nurse rights. Despite the importance of the issue, a limited number of studies have been performed in this field. However, in the last decade, the ever-increasing statistics about the harassment of nurses by doctors, patients, their families, and even other nurses have been reported<sup>36</sup>. Therefore, the misbehavior with the nurses directly or indirectly affects the care services negatively<sup>37</sup>. Moreover, an increase in violence towards nurses can lead to severance, losing the sources, and increasing the errors<sup>38</sup>. However, knowing the related law enable nurses to defend their rights when it is necessary<sup>17</sup>.

One of the important sub-categories was patient rights. Patient rights are the main aspects of human rights. Every person during the illness has definite and undeniable rights<sup>39</sup>. In addition, people's information on healthcare has increased and they are more aware of their rights<sup>40</sup>. Awareness of legal concepts not only improves care services and protects patient rights, but also reduces the legal constraints of nurses<sup>41</sup>.

The last sub-category was reporting, that is considered as one of the most important measures in the field of patient care<sup>42</sup>. Nursing reporting is of central importance for providing appropriate care services, communication between the health care team<sup>43,44</sup> improving the safety of nursing care<sup>45</sup>, implementing professional and legal standards<sup>3</sup>, and evaluating the quality of cares<sup>46</sup>. Today, nursing reports are one of the most important documents in patients' files. Nursing reports are considered as legal documents, which can be a nurse defender as necessary<sup>47</sup>. Nurses should ensure that all measures are properly recorded. Otherwise, nurses might be forced to deal with the negative consequences. Accurate reporting is one of the most important tasks of the nurses to support themselves against allegations of errors<sup>48</sup>.

## CONCLUSION

The health system of Iran, the same as many countries, has its own characteristics and advantages and deals with some challenges to perform the services in a proper way. The findings of the present research demonstrate the necessity of legal awareness among nurses in the health system of Iran. In this regard, the more we go ahead with planning and commitment to increase awareness and sensitize the legal concepts of the nursing profession, the more the inefficiency in this field will be reduced. Therefore, because of the essential role of nurses in the provision of care in the health and treatment system, it is necessary to give priority to putting legal concepts in the curriculum of nursing students.

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