

Legal Issues Affecting Practice

Objectives

- Compare and contrast the types of civil law immunity and the implications for nurses
- Discuss the four elements of the legal concept of negligence
- Describe how nursing board complaints are handled and the repercussions on nurses

Content Outline

1. Civil Liability Immunity
 - A. Absolute
 - B. Qualified
 - C. Charitable
 - D. Good Samaritan
 1. Federal protections
 2. State protections
 3. Volunteer protection
2. Legal Concepts of Negligence
 - A. Torts
 1. Intentional
 2. Strict
 3. Negligence
 - B. Four Elements of Negligence
 1. Duty
 2. Breach of duty
 3. Causality
 4. Malpractice
 - C. Nursing Board Complications
 1. Notifications
 2. Resources for response
 3. Decision process
 4. Aftermath

Reading Material Resources

Module WB2331: Legal Issues Affecting Practice is based on the 4 resources listed below. A copy of each resource is included with the module.

Immunity from Civil Liability, Part 1, Brous, Edie, American Journal of Nursing, Vol. 121, No. 4, April 2021, 61-64

Immunity from Civil Liability, Part 2, Brous, Edie, American Journal of Nursing, Vol. 121, No. 5, May 2021, 53-55

Demystifying the 4 Elements of Negligence, Cypher, et al., Journal of Perinatal and Neonatal Nursing, April/June 2020, 108-109

What Nurses Need to Know About Professional Licensure Complaints from State Board of Nursing, Butler, Shawna, Journal of Radiology Nursing, 39 (2020), 77-79