

**UNIVERSITY OF WEST GEORGIA**  
**SCHOOL OF NURSING**  
**NURSING 4485 – LEGAL ISSUES**  
**SUMMER 2009**

**CREDIT:** 1-2-2

**HOURS:** Section N61, On-line.

**FACULTY:** Mary B. Williams, MS, RN  
Assistant Professor  
Office # 266 – A  
Office Phone: 678-839-5630  
Fax: 678-839-6553  
E-mail: Course Den E-mail only

**OFFICE HOURS:** Virtual Hours: Available via e-mail, cell-phone, or text messaging.  
Wednesday 1:00 – 4:00 PM Virtual Hours  
Thursday 09:00 AM – 3:00 PM Carrollton Office  
Friday 10:00 AM – 12:00PM Virtual Hours

**PREREQUISITES:** Junior or Senior Year.

**COURSE DESCRIPTION:** A self- programmed course designed to provide the learner with the functional principles of malpractice law with special applications to fact-based situations.

**LEARNING GOALS:** At the completion of this course the student will be able to:

1. Explore general principles, types, and sources of law. (4)
2. Analyze special rules of liability related to various aspects of patient care.

(1, 4)

3. Identify examples of negligent conduct and relate to patient care situations. (1, 4)
4. Examine various intentional wrongs related to issues of consent. (4, 6)
5. Analyze principles related to the regulation of nursing and the scope of professional practice. (6)
6. Discuss factors related to proving the issue of liability. (4, 6)
7. Explore the principles of malpractice and techniques aimed at its prevention. (4, 7)
8. Analyze a fact based situation and determine applicable legal principles/consequences. (4, 6)

\*Numbers in parentheses refer to BSN program objectives\*

**CONTENT OUTLINE:** The following content areas will be covered this semester.

I. Nursing Practice

II. Nursing & the Law

- a. Standards of Care
- b. The Law

III. Nursing Ethics

- a. Lobbying
- b. Ethics in Nursing Practice

IV. Liability in Professional Practice

- a. International & Quasi-International Torts
- b. Common Areas of Negligence & Liability
- c. Documentation & the Nurse
- d. Electronic Documentation

V. Risk Management

- a. Informed Consent
- b. Facility Liability: Employment Issues
- c. Liability of the Nurse Manager
- d. Nursing & Medical Malpractice Lawsuits
- e. The Expert
- f. Professional Liability Insurance

VI. Professional Issues

- a. The Nurse & The Contract

## b. Conflict Management & the Nurse

### **TEXTBOOKS:**

**REQUIRED:** Aiken, T. D. (2004). Legal, ethical, and political issues in nursing. Philadelphia: F. A. Davis.

**SUGGESTED:** American Psychological Association. (2001). Publication Manual (5<sup>th</sup> ed.). Washington, DC.

**LEARNING ACTIVITIES:** Assigned Readings, Independent Study, Case Analysis, Formal & Informal Writing activities, Responses via Discussion Board, Examinations, and Consultations with faculty.

### **The Nature of Online Learning:**

The teaching offered in this course is not designed to just instruct, but to enable students to fully participate in learning conversations. Interaction between and among students provide the power for this platform, thus students must take responsibility for creating a stimulating and engaging online learning environment. This will involve **checking email** on a regular basis by; **logging into the class website regularly (attendance)** to keep up with assignments, **participating fully in online discussions**, and scheduling regular blocks of study time each week.

(From: <http://www.westga.edu/~distance/distancestudents/2natureonline.htm>)

**This online course** is time and place-independent and is considered an “independent study” course, but is not entirely self-paced. **Deadlines for assignments and exams** are imposed to keep the student on track, but sufficient time is available to complete the assignments in a comfortable time frame. If the student finds them self in a situation where they are unable to meet an assignment deadline for any reason, it is the student’s responsibility to advise the professor of the delay prior to the assignment due date. Students failing to complete exams, discussion board topic postings, or written assignments by the published deadlines **WITHOUT** prior notification and permission will receive a grade of zero (0) for that exam or missed assignment.

The communication and coursework for this online class will occur online through Course Den. Although this course does not meet face-to-face for the 3 hours of course credit, it still has the required number of hour of instruction. For this reason, you should expect to spend 3 hours in this class plus any time that you would normally spend studying.

This is just a guideline which relates to the work needed to complete the more traditional style course that meets face-to-face. You may need more or less time depending on your learning style and experience. You will need time to accomplish the assignments and reflect on what you are learning. Please be sure your schedule allows for adequate time to maximize your chances for success in this course.

### **COMPUTER & COURSE DEN REQUIREMENTS:**

Students are encouraged to access Course Den at <https://westga8.view.usg.edu/webct/logon/>. Online and in-person [Student Orientations](#) to Course Den are available, see: <http://www.westga.edu/~online>

Support and Course Den questions can be answered electronically via email or by using the UWG Distance Education helpline at 678-839-6248. For any technical assistance, please contact the UWG Information Technology Services helpline at 678-839-6587, or by email at [helpdesk@westga.edu](mailto:helpdesk@westga.edu). \*After-hours- Course Den help:

<http://help8.view.usg.edu> 24 hrs/day – 365 days a year.

To ensure proper operation of Course Den you must complete a browser check-up and install all updates suggested by the check-up program. Course Den also makes use of pop-up screens. If you are having trouble opening course content, it may be due to your enabled pop-up blocker. Here is a suggestion for opening files that are slow or difficult to open while in Course Den; hold down the Ctrl key and click on the file that you are trying to open. Hold the Ctrl key down for the entire process until the file opens. When the file opens you are able to print notes, etc.

### **LIBRARY RESOURCES:**

As a student in the University System, you can search nearly 100 databases through GALILEO, the statewide virtual library. These databases enable you to identify books,

articles, dissertations, government reports, etc. - on any subject. Once you've identified the materials you need, check the nearest academic library. If there are some materials you can't find, call the Ingram Library at 1-800-295-2321, or e-mail

[offcamp@westga.edu](mailto:offcamp@westga.edu).

[Click here to access the UWG Distance Library Service page](#)

**ASSIGNMENT OF COURSE GRADES:** Grades for this course are based on a point system for the following:

Three (3) quizzes 50 points each\*

Participation 100 points\*\*

Legal Case Analysis Paper 100 points\*\*\*

**EXAMINATION REQUIREMENTS:**

\*There will be three examinations in this course. The practice exam will count 5 points. The **exams are open book and should be completed independently**. There is one hour allotted for each exam. Once you start the exam if you have prolonged periods of inactivity Course Den may time out and knock you out of the exam and off of the site. Please do not open the exam if you are not prepared to complete it. \*The 3 exams are worth the total number of items that are on the exam (points possible).

**DISCUSSION TOPICS PARTICIPATION REQUIREMENTS:**

\*\*Discussion topics and/or questions will appear and can be found in the briefcase for that week. **Students are responsible for posting professional, thoughtful, and respectful responses for all topics PRIOR to completing each exam.** Students **must also respond to a minimum of 50% of their classmate's responses.** Example: If there are 20 students enrolled in the class everyone must respond to the topic for that week and in addition each student is required to respond to at least 10 other student's posting. (Postings must be made for the discussion topic for chapters 1-5 before taking exam 1 in order to receive credit.) A point value will be posted with each discussion posting. Points will not be rewarded for responses posted after examinations.

\*\*\*Grading Rubric for Legal Case Analysis

Criteria	ABOVE AVERAGE 5 points	AVERAGE 4 points	BELOW AVERAGE 3 points	UNSATISFACTORY 2 points
Introduction (one paragraph)	Congruent, clear &, concisely stated	Clearly stated	Stated	Absent
Description of fact-based legal case	Described in detail	Apparent but vague	Not clear	Scattered thoughts/not easily identifiable
Application of course content in the discussion on the principles of negligence & malpractice	Examples used to support discussion of negligence & malpractice in context of case	Negligence & malpractice framework described in context of case	Negligence & malpractice framework described <b>but not</b> in context of case	Not present
Provides analysis of legal implications of nursing actions that affected the outcome of this case	Insightful, specific, new understanding of the case	General examination and assessment	Rehashes or repeats data taken from the case	Not present
Examines & discusses nursing behaviors that could prevent a recurrence of this event.	Significant	Some	Few	None
Suggestions for changes in professional behavior/practice that would assure conformity to legal standards and support high quality care for patients/clients. (must be supported by research data)	Included; stated with critical ones identified with follow-up suggestions	Included; stated with critical ones identified, but lacks follow-up suggestions	Some are included;, but lacks follow-up suggestions	Few or none are included; and lacks follow-up suggestions
Conclusion from the information presented in the case, preventative measures, and implications for practice. (One paragraph)	Specific, well stated conclusion with implications for practice.	The conclusion is present with a few implications for practice.	Very poorly organized conclusion with limited or few implications for practice	No conclusion or implications for practice.
Abbreviations spelled out and technical terms defined	Uses appropriate abbreviations & technical terms	Minimal use of appropriate abbreviations & technical terms	Uses abbreviations and technical terms inappropriately	Too many abbreviations and technical terms; paper difficult to read
APA Format	Appropriate use of APA style in writing and use of quotes, citations, & references	Minimal errors when using APA style in writing; quotes, citations, & reference minimal errors	Some errors in the use of APA style in writing and in quotes, references, & citations	Numerous APA style & format errors; Inappropriate use of quotes, references, or citations
Grammar/Spelling	Error free or minimal errors	A few errors but this does not interfere with meaning in paper	Few errors	Multiple errors

Created using material from the following sources: [Reise, Donna](#). "Guidelines for Academic Papers", [onlinelearning.tc.cc.va.us/faculty/tcreisd/resource/writing/guidpapr.htm](http://onlinelearning.tc.cc.va.us/faculty/tcreisd/resource/writing/guidpapr.htm), 2001 October 08. Fichman, Mark.

## OVERALL ASSESSMENT OF LEGAL CASE ANALYSIS

- **Above Average (45 - 50)** -- Logically organized and written in clear & concise format with correct use of spelling and grammar. Appropriate use of APA formatting and writing style. The report is easily read and does not invite many comments or requests for clarification. The grade rubric for this report usually falls in the above average column in 10 out of 10 of the listed criteria; or 5 out of 10 of the listed criteria and the remaining 5 criteria will fall in the average column.
- **Average (37.5 - 44.5)** -- The paper requires some rereading and some aspects of the paper will need clarification of points. The grade rubric for this paper usually falls in the average column in 10 out of 10 of the listed criteria; or 6 out of 10 of the listed criteria and the remaining 4 criteria will fall in the average column.
- **Below Average (30 - 37)** -- The paper is difficult to read and will often result in numerous comments requesting clarification and correction of spelling, or grammar, or APA. The grade rubric for this paper usually falls in the below average column in 10 out of 10 of the listed criteria; or 3 or more of the listed criteria falls in the below average column with the remaining 7 or less criteria falling in the average column.
- **Unsatisfactory (Below 30)** -- Report fails to meet any of the criteria in the rubric above and grades for each section of the paper consistently fall in the last column of the grading rubric in all areas. While rare, these tend to be reports based on emotions and not analysis.
- **Plagiarism** – Papers that have evidence of plagiarism will receive a grade of zero (0). Students who plagiarize are required to meet with the instructor in person at the University of West Georgia in the School of Nursing. The Dean of the School of Nursing or the appointed designee of the Dean will also be asked to attend the meeting. Evidence of plagiarism is grounds for dismissal from the School of Nursing.

## GRADE DISTRIBUTION:

A = 90-100

B = 80-89

C = 75-79

D = 60-74

F = 59 and lower

\*A minimum grade of 75 is required to successfully pass this course.

To calculate your grade, add the total number of points you have earned on each assignment & divide that number by the total number of points possible for all assignments (gives you a 0.? Number), take this number and multiply it by 100% to get a percentage grade. This is your numeric grade for the course. Compare that % number to the scale above to find you letter grade.

For example: Exam 1: 50/50, Exam 2: 40/50, Exam 3: 40/50, Participation 20/20 and Case Analysis paper 45/50.

$50 + 40 + 40 + 20 + 45 = 195$  points earned  $50 + 50 + 50 + 20 + 50 = 225$  possible points

$195/225 = 0.86666 \times 100\% = 86.66\%$  Final Grade

(\*\*\*\*\*This is an example only. The number of items on each test may change at the discretion of the instructor.)

### **Etiquette in the Online Classroom:**

Taking an online course and corresponding via the World Wide Web presents communicators with the task of overcoming the lack of non-verbal cues in communication. When taking a course online, it is important to remember several points of etiquette that will smooth communication between the students and instructors.

**1. Avoid language that may come across as strong or offensive.** Language can be easily misinterpreted in written communication. If a point must be stressed, review the statement to make sure that an outsider reading it would not be offended, and then post the statement. Humor and sarcasm may easily be misinterpreted as well, so try to be as matter-of-fact and professional as possible.

**2. Keep writing to a point and stay on topic.** Online courses require a lot of reading. When writing, keep sentences poignant and brief so that readers do not get lost in wordy paragraphs and miss the point of the statement. Also, do not introduce new topics; it may just confuse the readers.

3. **Read first, write later.** It is important to read all posts or comments of students and instructors within the course discussion before personally commenting to prevent repeating commentary or asking questions that have already been answered.

4. **Review, review, & then send.** There's no taking back a comment that has already been sent, so it is important to double-check all writing to make sure that it clearly conveys the exact intended message.

5. **An online classroom is still a classroom.** Though the courses may be online, appropriate classroom behavior is still mandatory. Respect for fellow classmates and the instructors is as important as ever.

6. **The language of the Internet.** Though still a fairly young type of communication, certain aspects of this form of communication are becoming conventional. For example, do not write using all capital letters, because it will appear as shouting. Also, the use of emoticons can be helpful when used to convey nonverbal feelings (example: :- ) or :- ( ), but avoid overusing them.

7. **Consider the privacy of others'.** Ask permission prior to giving out a classmate's email address or other information.

8. **If possible, keep attachments small.** If it is necessary to send pictures, change the size to an acceptable 100k.

9. **No inappropriate material.** Do not forward virus warnings, chain letters, jokes, etc. to classmates or instructors. The sharing of pornographic material is forbidden.

From: <http://www.kent.edu/dl/Technology/Etiquette.cfm>

### **Cheating, Plagiarism, Dishonesty and other Unprofessional Behavior:**

Cheating or any other form of dishonesty is considered a serious offense. Students should be cautious about becoming involved in any situation in which their integrity and honesty could be questioned. Any student found cheating on any exam, quiz, written assignment or activity will receive a grade of zero for that assignment.

Students displaying questionable behavior regarding honesty and integrity will be counseled immediately and appropriate actions will be taken. Students who are found to be involved in questionable behavior outside the academic area, i.e., any involvement in the Student Judicial System, will find their standing in the program in jeopardy pending the outcome of such activity. For definitions of academic irregularity (dishonesty), penalties, and appeals process, students should consult the Student Conduct Code found in Appendix A.I. and A.I 1. Of the University of West Georgia Student Handbook and see the DON Academic Dishonesty Statement included below:

### **What Is Academic Dishonesty?**

As you know, we value academic integrity very highly and do not permit any forms of dishonesty or deception that unfairly, improperly, or illegally enhance a grade on an individual assignment or a course grade. The following is a list of behaviors that constitute academic dishonesty. We are aware, however, that new forms of cheating, plagiarism and other forms of dishonesty may arise and therefore, we expect every student to interpret the requirement of academic honesty and integrity broadly and in good faith. If you have any doubt as to whether a particular act constitutes academic dishonesty, ask an instructor before you do it!

#### **Academic dishonesty includes but is not limited to;**

- Copying from others, using another persons work in part or in whole and presenting it as your own.
- Having or using notes, formulas or other information in a programmable calculator or other electronic device without explicit instructor review and permission.
- Having or using a communication device such as a cell phone, pager, PDA or electronic translator to send or obtain unauthorized information.
- Taking an exam for another student, or permitting someone else to take a test for you.
- Asking another to give you improper assistance, including offering money or other benefits for their services.

- Asking for or accepting money or any other benefit in return for giving another improper assistance. Taking an exam for another student, or permitting someone else to take a test for you.
- Providing or receiving information about all or part of an exam, including answers (e.g., telling someone in a subsequent period what was on your exam, or being told this information).
- Having or using a “cheat sheet” (a piece of paper or other object with answers, formulas, or other information or notes of any kind) that is not specifically authorized by the instructor.
- Altering a graded exam and resubmitting it for a better grade.
- Working together on a take home or online test, unless specifically authorized by the instructor.
- Gaining or providing unauthorized access to examination materials.

**Note:** Having possession of any prohibited or unauthorized information or device during an exam, whether or not it is actually used, is an act of academic dishonesty and will be dealt with as such.

**Plagiarism in Written Papers and Assignments:**

- Giving or getting improper assistance on assignments (papers or exams) that are assigned as individual work (not a group assignment). When in doubt ask.
- Including in any assignment turned in for credit any materials not based on your own research and writing which includes: using the services of a commercial term paper company, using the services of another student, and/or copying part or all of another person's paper and submitting it as your own for an assignment.
- Acting as a provider of paper(s) for a student or students.
- Submitting substantial portions of the same academic work for credit in more than one course without consulting both instructors (self-plagiarism).
- Failing to use quotation marks where appropriate.

- Failing to properly acknowledge paraphrased materials via textual attribution, footnotes, endnotes and/or a bibliography.
- Making up data for an experiment ("fudging data").
- Citing nonexistent sources (articles, books, etc.).

Note: This course may use plagiarism prevention technology. Students may be given the option of submitting papers online through a plagiarism prevention service or having the papers submitted by the instructor. The papers may be retained by the service for the sole purpose of checking for plagiarized content in future student submissions.

### **Other Types of Academic Dishonesty**

- Misrepresenting your academic accomplishments, such as by tampering with computer records.
- Deceiving an instructor or making up a false reason or excuse to get special consideration on an exam or an extension for an exam or paper.
- Failing to promptly stop work on an exam when the time allocated has elapsed.
- Forging a signature.
- Hoarding or damaging library materials.

Note: Attempted academic dishonesty, even if unsuccessful, will be treated as academic dishonesty.

**Inclement Weather:** In case of snow, ice, or other weird weather, please keep in mind that the weather may affect internet capabilities, causing you to be kicked off of Course Den or hindering your ability to log into Course Den or even the University of West Georgia Web Server. If this should happen, please notify the instructor as soon as possible via email, text messaging, or cell phone. Refer to the University ITS homepage or the My UWG announcements page for regularly scheduled maintenance or outages of Course Den.

Rev/MBW

Spring 09

## NURS 4481~Legal Issues Assignments

### Assignment # 1

1. Prepare a Word Document entitled "What I Hope to Gain from NURS 4481" and then write what you hope to gain from this class. It does not need to be any longer than one to two paragraphs. Please put it in APA format with a title page and then one page of writing. No reference page will be necessary. Send the instructor an email through CourseDen email with this document attached (2 pts). Due: January 16.
2. Take the Practice Assessment which will cover the material in the Syllabus. This is an exercise for you to get used to taking an online exam. When the exam is available an announcement will be posted and will pop up letting you know to go to Assessments. This will be in the first and second week of the semester.

### Assignment #2

1. Read Chapters 1-5 in Aiken, T.D. (2004). Legal, ethical, and political issues in nursing. F.A. Davis: Philadelphia.
2. Review Power Points for Chapters 1 - 5 posted on CourseDen.
3. Respond to discussion board postings for Chapters 1-5 prior to completing exam. All discussion board postings should be professionally written (e.g. proper grammar, spelling, etc). Your instructor and peers will be reading them, so please be sure to put time and effort into them so that they are understandable!
4. Access, complete, and submit Exam #1 on CourseDen no later than 5pm February 10, 2009.

### Assignment # 3

1. Read Chapters 6-12 in Aiken, T.D. (2004). Legal, ethical, and political issues in nursing. F.A. Davis: Philadelphia.
2. Review Power Points for Chapters 6-12 posted on CourseDen.
3. Respond to discussion board postings for Chapters 6-12 prior to completing exam.
4. Access, complete, and submit Exam #2 on CourseDen no later than 5pm March 10, 2009.

### Assignment # 4

1. Read Chapters 13-18 in Aiken, T.D. (2004). Legal, ethical, and political issues in nursing. F.A. Davis: Philadelphia.

2. Review Power Points for Chapters 13-18 posted on CourseDen.
3. Respond to discussion board postings for Chapters 13-18 prior to completing exam.
4. Access, complete, and submit Exam #3 on CourseDen no later than 5pm April 14, 2009.

#### Assignment # 4

##### Legal Case Analysis

This assignment requires that you prepare a legal case analysis for electronic submission no later than 5pm April 21, 2009. You will need to obtain information about an actual legal case. The case you choose may be accessed online at Nursing Service Organization ([http://www.nso.com/case/com\\_index.php](http://www.nso.com/case/com_index.php)) or from any other legitimate source.

The case may not be more than five years old (prior to 2005).

Your paper will need to contain the following parts:

- 1) A single paragraph introduction
- 2) A description of the fact-based nursing situation with legal and/or ethical considerations
- 3) A discussion of applicable principles of negligence and malpractice
- 4) An analysis of the legal implications of nursing actions that affected the outcome
- 5) An examination of nursing behaviors that could prevent the recurrence of a lawsuit in a similar situation
- 6) Suggestions for changes in professional nursing behavior that would assure conformity to legal standards and support high quality of care for patients
- 7) A single paragraph conclusion

The paper should be between 6 and 10 pages (including the title and reference pages). You will need to use 5-7 legitimate nursing/legal/professional sources (please remember that Wikipedia is NOT an appropriate source for professional papers). Use of correct spelling and grammar will also count toward your grade. A running head is required, but an abstract is not; otherwise, follow APA rules. For specific information on how the paper will be graded, please see the Legal Case Analysis Grading Rubric in the syllabus.

Please email your paper as an attachment via CourseDen. Papers submitted after the deadline will NOT be accepted or graded without prior approval of faculty except under

dire circumstances. I will be more than happy to answer any specific questions you have. Also, keep in mind that the UWG Writing Center is available to assist you. If you feel that your writing skills are not at an "A" level, I would highly encourage you to make an appointment with The Writing Center and have one of their experts help you with organization, wording, etc. in your paper.