The Challenge of Conveying Legal Aspects of Gerontological Nursing

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In legal aspects stems from the general nursing profession's failure to require that legal aspects of nursing practice be integrated into basic baccalaureate educational programs.

Several reasons given for this lack of legal content have been: 1) the National League for Nursing (NLN) guidelines do not require the content in the curriculum; 2) the programs do not have qualified teachers for these courses; and 3) the National Council Licensing Exam (NCLEX) does not test on this topic (NLN, 1992).

The NLN does not require that legal aspects of practice be integrated into the nursing curriculum (NLN, 1992). However, required student skills that must be demonstrated at the completion of the program include skills in critical thinking. Critical thinking is described as the "students' skill in reasoning, analysis, research, or decision-making relevant to the discipline of nursing" (NLN, 1992, p. 26). Certainly students need to be able to demonstrate that they can articulate the principles of legal aspects of nursing practice to situations involving: the scope of practice as defined by the relevant nurse practice act, the professional definition of nursing practice, the prevailing standards of care, the impact of third party payment for services or lack of adequate health care coverage and the possibility that the patient or the nurse's colleague is chemically dependent. The profession expects that graduates will enter practice with this relevant legal information, however, these aspects of critical thinking are rarely explicitly taught as identifiable components of the nursing curriculum.

A second reason given for programs failing to provide identifiable legal content in the curriculum is the lack of qualified faculty members to teach legal aspects of nursing. The ideal faculty person for the integration and presentation of legal aspects would be full-time nurse attorney faculty members (TAANA, 1992). The number of nurse attorneys in the United States is unknown, however, The American Association of Nurse Attorneys (TAANA) is currently collaborating with the American Bar Association (ABA) and the ANA to develop a comprehensive database which would identify all nurse attorneys in the country. Once identified, nursing programs could search this database to identify potential faculty members for teaching legal aspects of professional practice.

The third barrier to the incorporation of legal aspects into nursing curriculum is that the NCLEX does not integrate legal aspects into the final examination. The impetus for explicit and recognized integration of legal aspects content into nursing curriculum must be based upon the student's need to master this information and not the content included in the final examination.
The practice environment, not the content for the final examination, should provide the driving force for the content in the nursing curriculum.

This Editorial hopes to serve the nursing profession in two ways. The first desired outcome is that all nurses, in all areas of practice, will use any forum available to demand that introductory legal content be required in the baccalaureate and, subsequently, in the advanced degree programs. The Journal, and all other educational forums, will have the maximum impact upon nursing practice if the emerging information regarding legal aspects of nursing care is integrated into a practitioner’s established knowledge base.

The second goal of this Editorial is to offer an open invitation to all readers to submit topics regarding legal aspects of gerontological nursing for discussion in the legal issues column or prepared written columns regarding legal issues (usually 2 pages in length) to me for publication in the Legal Issues column.

REFERENCES

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