

Outline

“01.07 Legal Considerations”

Overview

1. Legal Considerations
 - a. Federal Law
 - b. State Law
 - c. Torts
 - d. Criminal & Civil Law

Nursing Points

General

1. Federal Law
 - a. Health Insurance Portability and Accountability Act – HIPAA
 - b. American Disabilities Act – ADA
 - c. Emergency Medical Treatment and Active Labor Act – EMTALA
 - d. Restraints
 - e. Accreditation
 - i. The Joint Commission (TJC)
 - ii. Center for Medicaid and Medicare Care Services (CMS)
2. State Law
 - a. Boards of Nursing
 - i. State Practice Act
 1. Laws differ per state regarding scope of practice
 - ii. Licensure
 - b. National Council of State Boards of Nursing (NCSBN)
 - i. Compact License
 1. Must follow laws in state of active practice

- ii. NCLEX

3. Torts

- a. What is a Tort?
 - i. Wrongdoing against a person
- b. Unintentional
 - i. Negligence
 - ii. Malpractice
- c. Quasi-Intentional
 - i. Defamation
 - ii. Privacy Breach
- d. Intentional
 - i. Assault / Battery
 - ii. False Imprisonment

4. Criminal & Civil Law

- a. Criminal
 - i. Fines / penalties
 - ii. Serve time
- b. Civil
 - i. Fines / penalties
 - ii. Payments

Nursing Concepts

1. Health Policy
2. Ethical & Legal Practice
3. Professionalism

Patient Education

1. Educate the patient on their rights