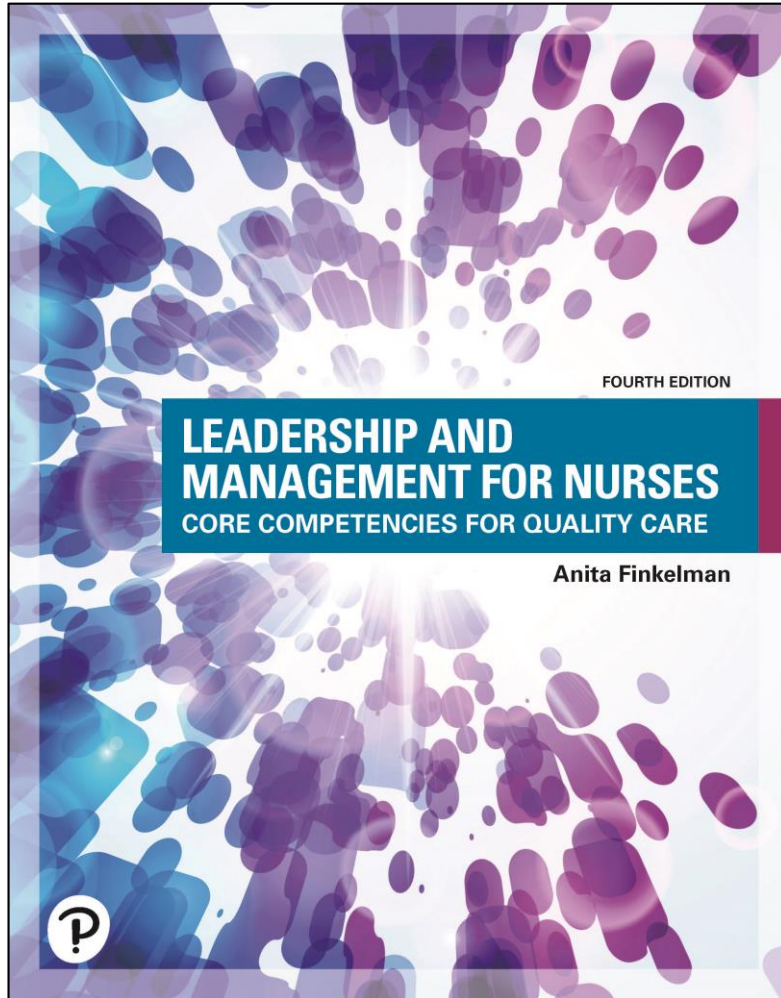


Leadership and Management for Nurses: Core Competencies for Quality Care

Fourth Edition



Chapter 2

Healthcare Policy, Legal
Issues, and Ethics in
Healthcare Delivery

What's Ahead

- When nurses assume a leadership role in policy development, this better ensures that both nurses' and patients' needs are included in critical healthcare policies, legislation, and regulation, all of which are directly connected to ethical decision-making and legal issues in the healthcare environment.

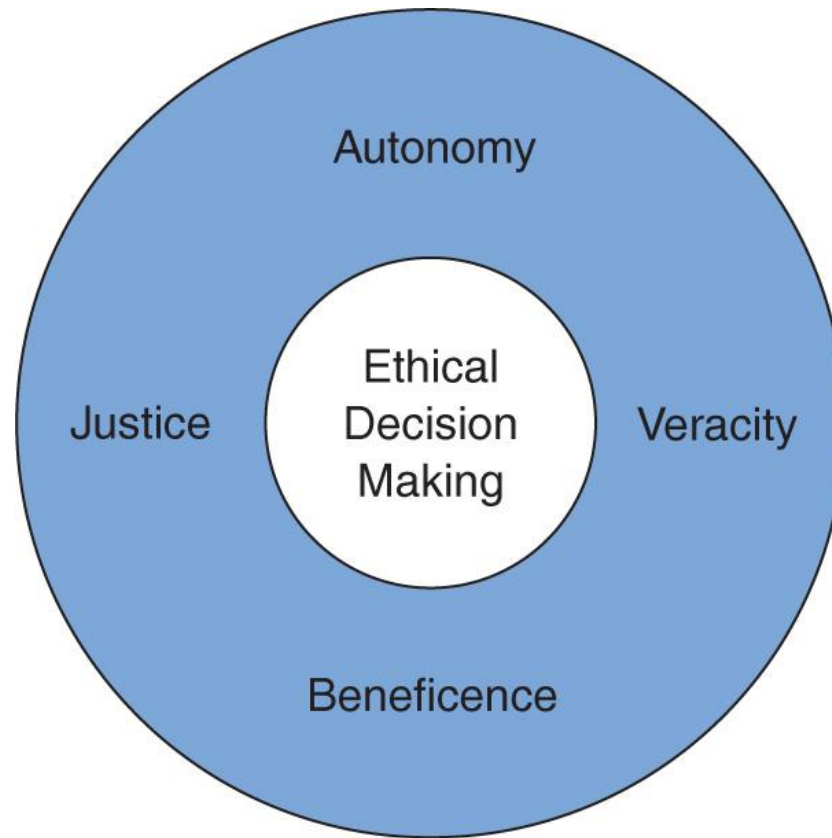
Learning Outcome 4

Explain the impact of ethics on decision making in management and practice.

Ethics: Impact on Decision-Making in Management and Practice

- In healthcare, ethical decision making focuses on the right and just thing to do
- It is guided by four principles
 - Autonomy
 - Beneficence
 - Justice
 - Veracity

Figure 2-5 Ethical Decision Making



Professional Ethics (1 of 2)

- Professional ethics apply to both nursing management and clinical issues
- **Code for Nurses** (American Nurses Association) provides a guide for nurses
- Some ethical dilemmas include:
 - Staffing levels and mix situations
 - Developing/maintaining standards of care
 - Allocating/rationing of scarce resources
 - Incompetent physicians and nurses
 - Demotion/termination of employees

Professional Ethics (2 of 2)

- Employee relations
- Selection/hiring of employees
- Treatment versus non-treatment
- Promotion of employees
- Diversification of services
- Downsizing services
- Access to care for the indigent

Board of Nursing

- Each state board of nursing has the responsibility to protect public health in its state
- Nurses who are licensed in a state can and should make complaints to the board when they are concerned about patient health and safety

Healthcare Reimbursement and Ethics

- Impact of managed care on healthcare ethics
- Business ethics and healthcare
- Insurance: Do ethics apply?
- Contractual relationship between the insurer and the consumer/patients and providers

Healthcare Rationing

- No formalized rationing system in the United States
- Resource allocation: Is it the same as rationing?
- A difficult issue

Healthcare Advertising

- Advertising healthcare services and drugs
- Honesty in advertising
- Media
- Comparison of U.S. and other countries
- Role of the Food and Drug Administration (FDA)

Healthcare Fraud Increases

- Growth of healthcare corporations
- Current status of healthcare fraud and abuse
- Whistleblowing
- Strategies to address the fraud and abuse

Examples of Healthcare Fraud and Abuse

- Psychiatric hospitals
- Operation Restore Trust
- Veterans Health Administration
- Greater need for organizational ethics

Whistleblowers

- There are protections for nurses and all employees who act as **whistleblowers**, those who reveal wrongdoing within an organization
- If the employee is fired, demoted, or discriminated against for these actions, the employee can bring a claim against the employer for unlawful retaliation

Nurses Play a Role in Reducing Fraud and Abuse

- Know and use the **Code for Nurses**
- Recognize personal values and professional values
- Understand the decision-making process and how it applies to practice
- Recognize and understand the importance of policy and legal issues
- Be assertive

Healthcare Fraud and Abuse Control Program

- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) established a program to identify and prosecute healthcare fraud
 - This program is called Health Care Fraud and Abuse Control Program (HCFAC)
 - Current status

Organizational Ethics

- Monitoring and intervening
- Staff education
- Interdisciplinary ethics committees (typical issues are cost containment, end-of-life decisions, informed consent, incompetent/unethical/illegal professional behavior, access to care, financial conflicts and practice)

Nurses and Ethical Dilemmas

- **Code for Nurses** (ANA)
- Reaching a balance; need for analysis and compromise
- Participate in organization ethics committee
- Consider nonmaleficence in relation to the healthcare organization and nursing practice

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