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Chapter 02: Professional nursing practice: legal and ethical frameworks

Koutoukidis: Tabbner's Nursing Care: Theory and Practice, 8th Edition

Test Bank

MULTIPLE CHOICE

1. The doctrine of vicarious liability refers to:
a. nurses who are self-employed.
b. acts committed by all employees during the course of their employment.
c. protecting members of the public from negligence.
d. protecting the community by deeming qualified nurses to be competent.

ANS: B

Healthcare institutions as employers are legally responsible for the acts committed by all employees during the course of their employment. This is referred to as the doctrine of vicarious liability and is relevant to all nurses.

2. A common law is:
a. a law made by politicians.
b. a law made by judges.
c. the local law of the land.
d. law that is not against society.

ANS: B

Judges create laws but also follow the laws made by other judges in the same jurisdiction (known as precedence).

3. Criminal laws are concerned with:
a. relationships between people.
b. offences against people and their property.
c. laws that are made by judges.
d. laws that are enforceable by jail terms.

ANS: B

Criminal laws are offences against society, or rather the members of society and their property. Examples include murder, rape and robbery.

4. Civil laws are concerned with:
a. legal disputes between people.
b. offences against people and their property.
c. laws that are made by judges.

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d. laws that are enforceable by jail terms.

ANS: A

Civil laws are concerned with legal disputes between people and/or organisations. Examples of civil laws include trespass, contract law and negligence.

5. Nurses should refuse to perform an activity if:
a. asked to do something beyond the realms of their practice.
b. they have not been prepared to perform a function safely.
c. directions are unclear or unethical.
d. all of the above.

ANS: D

Nurses should also refuse to perform an activity that is against the policies of the institution or is illegal.

6. An example of parties in an enforceable contract is:
a. mother and child.
b. two co-workers.
c. institution and employee.
d. unit manager and Enrolled Nurse.

ANS: C

For there to be an enforceable contract there must be an agreement, usually written. A contract of employment is the only example here that could be enforced under contract law.

7. Negligence is considered:
a. conduct that falls below the standard of care.
b. an omission of care.
c. when an injury is suffered.
d. all of the above.

ANS: D

Negligence is a tort and means a civil wrong that relates to incidents where a person who suffers injury through a negligent act or omission can seek compensation from the person responsible for the negligence.

8. Which case would *not* be considered under negligence law?
a. Nurse G clamped the chest drain under the bedrails while turning the individual, leading to tamponade.
b. Nurse G gave an oral antibiotic 2 hours late.

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c. Nurse G gave the incorrect blood type to Individual X.
d. Nurse G omitted the morning inhalers for Individual X who developed staticus asthmaticus.

ANS: B

There are three elements of negligence: that the defendant owed the plaintiff a duty of care, that the duty of care was breached and that the plaintiff suffered an injury as a consequence (which was reasonably foreseeable). Receiving an antibiotic 2 hours late, although a medication error, is not negligence as it would be highly unlikely that the individual would suffer an injury as a consequence.

9. Slander is a type of defamation that includes:
a. when the communication is spoken.
b. when the communication is printed in the paper.
c. when the communication is public.
d. when the communication is private.

ANS: A

Slander is the spoken word, whereas libel is the written form of defamation.

10. Assault (in the eyes of the law) occurs:
a. when a person has experienced direct physical contact.
b. when a person has experienced intentional and uninvited physical contact.
c. when a person is threatened with physical contact.
d. all of the above.

ANS: C

Assault is the threat of physical contact, according to the law, whereas battery is the actual contact.

11. False imprisonment refers to:
a. any communication about a person that injures their reputation.
b. the wrongful deprivation of a person's freedom of movement.
c. restraining a person to protect them from injury.
d. restraining a person to protect others from injury.

ANS: B

False imprisonment refers to the wrongful deprivation of a person's freedom of movement, such as restraining or detaining a person against their will.

12. Ethics is:
a. not as important as the legal system.

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b. a belief about the worth of a particular idea or behaviour.
c. concerned with ascribing moral values to or passing moral judgments.
d. all of the above.

ANS: C

Ethics is concerned with ascribing moral values to or passing moral judgments on such things as people, situations or actions.

13. The principles most commonly used in ethical principlism are:
a. autonomy and non-maleficence.
b. beneficence and justice.
c. autonomy and ethics.
d. a and b.

ANS: D

Ethical principlism is the view that ethical decision making and problem solving is best undertaken by appealing to sound moral principles, the most common of which are autonomy, non-maleficence, beneficence and justice.

14. Under nursing there are three classifications:
a. Nurse Practitioner, Registered Nurse, midwife.
b. Registered Nurse, midwife, carer.
c. Nurse Practitioner, Registered Nurse, Enrolled Nurse.
d. Registered Nurse, Enrolled Nurse, carer.

ANS: C

Note that the midwifery classification is separate to that of nursing. Under nursing there are three classifications: Nurse practitioner, Registered Nurse, Enrolled Nurse.

15. The scope of practice for a nurse is determined by four factors. Which of the following is not correct?
a. The nurse's level of training and demonstrated competence.
b. The nurse's context of practice and level of employment.
c. The nurse's registration with the Australian Nursing and Midwifery Board.
d. The employer's policy framework.

ANS: C

The scope of practice for a nurse is determined by four factors:
1 The nurse's level of training and demonstrated competence
2 The nurse's context of practice and level of employment
3 State and Commonwealth legislation
4 The employer's policy framework.

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