

## 1202NRS Written Assignment: Case Study Essay

Word limit: 1500 words

Weighting 40%

### Aim:

In your role as a registered nurse, you will be faced with complex and challenging situations. There will at times be a legal solution that can be applied to the situation. It is important that you are aware of what this might be so that you can confidently practice within these legal boundaries. Almost always there will be differing ethical positions that need to be considered. The purpose of this case study is to enable you to practice identifying a legal issue and possible outcomes and consider why an ethical conflict arises.

This assignment addresses the following course learning outcome/s:

1. Describe the sources of law in Australia and Singapore that apply to healthcare practice.
2. Identify legal and ethical terminology as applied to health professional practice.
3. Identify and discuss relevant legal and ethical principles that apply in healthcare.
4. Analyse the tensions that may exist between legal and ethical principles in everyday nursing practice.
5. Select and discuss appropriate legal and ethical principles that apply to a range of healthcare case studies.

### Instructions:

You are required to write a 1500 word **essay**. In your essay, you must **identify and discuss** the legal and ethical issues presented in the case study that follows. In your discussion, you must address the questions posed at the end of the case study.

You are expected to submit your essay with appropriate grammar, spelling, sentences, paragraphs and references. It should be structured using the following 'APA Level 2' headings:

- Introduction
- Legal Issues
- Ethical Issues
- Conclusion

**Formatting the Case Study:** Please refer to the [Health Group Writing & Referencing Guide](#) that describes how your case study is to be formatted.

**1202NRS Assignment Trimester 2, 2019  
Case Study Scenario**

Adam and Hetty who are now both in their early 80's have two adult children: Sue and Bryan. Both have families of their own. Bryan lives in the United States of America, while Sue lives close by and visits her parents most days. Before they retired, Adam worked as an engineer and Hetty was a retail manager. Although Adam is relatively well for his age he has poor eyesight and is waiting for cataract surgery; he wants to wait until Hetty's health has improved if he can. Hetty suffers from type two diabetes and has a chronic venous ulcer on her left shin. The community nurse, Kiki, visits three times a week to dress Hetty's wound and to help manage her unstable diabetes.

Hetty is scheduled to have a hernia repair for a left inguinal hernia. This procedure has been postponed twice previously; once due to Hetty having a chest infection and once because the theatre was unavailable due to unplanned high demand for acute procedures following a major road traffic accident in the city.

During her routine visit, Kiki notices that Hetty appears pale, lethargic and slightly confused. Hetty cannot recall Kiki's name or the reason for her visit. RN Kiki observes Hetty test her blood sugar levels and notes that the reading is normal. She then records Hetty's vital signs, noting a slightly elevated temperature. Concerned that Hetty may be developing a wound infection, Kiki suggests that Hetty may need to see her usual General Practitioner (GP). Before leaving for the day, the RN discusses her concerns with Adam who says that he has also noticed that Hetty has recently become quite forgetful. Adam assures RN Kiki that he will mention these symptoms to the doctor during the consultation as Hetty has an appointment the following day.

The appointment that Hetty had scheduled, however, was not with her usual GP but with Dr Lin, the surgeon who will be performing her hernia repair. Hetty was keen to have the hernia repair, as the hernia is causing her some discomfort and concern. Adam and Hetty both attend the consultation with Dr Lin. While Hetty is very keen to proceed with the surgery, Adam is a little hesitant. He raises his concerns regarding Hetty's forgetfulness and her elevated temperature with Dr Lin. Dr Lin assures Adam that Hetty's current symptoms are probably due to a possible wound infection in her leg ulcer which the community nurse is managing, he does however prescribe a broad spectrum antibiotic. Dr Lin then proceeds to arrange Hetty's admission to hospital for the hernia repair.

## 1202NRS Health Law and Ethics

On the morning of her planned admission, Hetty is taken to the hospital by Adam, accompanied by their daughter Sue. By this time her temperature appears to have resolved. However, Hetty remains a little confused and forgetful. Both Adam and Sue commented to Dr Lin that Hetty didn't really seem to be herself. Dr Lin assesses Hetty, and asks her whether she still wants the surgery. Hetty indicates that she is still keen to proceed. Just as Dr Lin is about to leave the room, Hetty asks Sue and Adam why she is in hospital. Sue reminds Hetty that she is having surgery to 'fix her hernia', to which Hetty responds, 'oh, that's good'. Adam looks at Dr Lin, and asks whether it would be best to postpone Hetty's surgery until she is less confused. Dr Lin reassures Adam that everything will be okay, and as Hetty has indicated that she is keen to proceed, the operation should go ahead. Adam looks at Dr Lin and nods his head.

When preparing Hetty for surgery the ward RN notices that the consent form in the medical record has not been signed. Hetty has already taken the pre-operative medication and has drifted off to sleep. She asks Adam if he would sign the consent form that Dr Lin had filled in. Adam signs the form.

Hetty's surgery proceeds as expected and after an overnight stay in hospital, she is discharged home. Several days later, during her regular visit, RN Kiki notices that Hetty has an elevated temperature, is tachycardic and much more disorientated than she was before the surgery. RN Kiki arranges for Hetty to be transferred back to hospital, where it was established that Hetty had developed a post-operative infection and sepsis. Despite optimum care, her condition rapidly deteriorated and Hetty died a few days later. Adam, Sue and Bryan are devastated. They believe that, given Hetty's confusion and possible wound infection Hetty should not have been operated on, and wish to sue Dr Lin.

### Full Details of the Task

Your essay is to be written in an academic style with appropriate grammar, sentences and paragraphs. You are not required to number each of the paragraphs, and you should not use dot points. You should structure your essay as follows and answer the legal and ethical questions included below.

### Introduction

A short introductory paragraph that outlines what you will be presenting in your case report.

*You **do not** need to include a detailed account of the facts in the scenario; the markers are aware of the facts and this is an unnecessary use of words.*

### Legal Issues

Using structured sentences and paragraphs, answer the following questions in relation to the legal issues around consent, raised by the case.

1. If Adam Sue and Bryan decided to sue Dr Lin, what type of legal action would that be?

What are the elements of the offence that Adam, Sue and Bryan need to prove for the action to be successful? What is the standard of proof required in this case?

2. Describe the defence that Dr Lin could raise. This includes describing the elements of a valid consent (with supporting case law and legislation), **and** the process for obtaining consent in those circumstances when an adult cannot provide it themselves.

3. What are the possible outcomes of this case?

### Ethical Issues

With reference to Beauchamp and Childress' (2009) four principles of bioethics:

4. Identify **two** principles that are relevant in this scenario and describe how they apply to the facts in the scenario.

5. Describe where a conflict between these principles may arise by considering the different values of stakeholders in the scenario.

6. Apply the Kerridge et al. (2013) model for ethical problem solving to address the conflict.

### Conclusion

Write a short concluding paragraph that brings it all together.

NB\* you are **not required** to decide the outcome of this case – in relation to the legal issues this would be a role for the courts. In relation to the ethical issues, there will **not** be one “right” answer, so the focus for this task is the *process* that you are being asked to apply.

## Other elements:

- Always refer to the [Griffith Health Writing & Referencing Guide](#)
- Ensure that you use scholarly literature<sup>1</sup> (digitised readings, research articles, relevant Government reports and text books) that has been published within the last 10 years.
- Use academic language<sup>2</sup> throughout.
- Word limits for assessment items need to be strictly adhered to. The word limit for an assessment item includes in text citations, tables and quotations. The word limit DOES NOT include the reference list. Please note the marker will cease marking your submitted work once they have reached the allocated word limit.
- Refer to the [marking guidelines](#) when writing your assignment. This will assist you in calculating the weightings of the sections for your assignment.
- State your word count (*excluding your reference list*) on the Assignment title page.
- Submit your assignment via Turnitin as per the instructions on your Learning@Griffith course site. [Submit in the 'assessment' tab].

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<sup>1</sup> Scholarly or peer-reviewed journal articles are written by scholars or professionals who are experts in their fields, as opposed to literature such as magazine articles, which reflect the tastes of the general public and are often meant as entertainment. Cornell University Library (2016). Distinguishing Scholarly from Non-Scholarly Periodicals. <http://guides.library.cornell.edu/scholarlyjournals>. Retrieved Feb 18, 2016

<sup>2</sup> Everyday language is predominantly subjective. It is mainly used to express opinions based on personal preference or belief rather than evidence. Written academic English is formal. It avoids colloquialisms and slang, which may be subject to local and social variations. Formal language is more precise and stable, and therefore more suitable for the expression of complex ideas and the development of reasoned argumentation. Newcastle University (2016). Writing Development Centre: Language. <http://www.ncl.ac.uk/students/wdc/learning/academic/language.htm>. Retrieved Feb 18, 2016

## 1202NRS Health Law and Ethics

Criteria	Mark
<b>Legal Issues</b>	
Criterion one	
Correctly identifies the type of legal action that Adam, Sue and Bryan could bring. Correctly describes the elements that Adam, Sue and Bryan would need to prove if they are to be successful, and the standard of proof that would apply.	10
Criterion two	
Correctly describes the defence that Dr Lin could raise, including the elements of a valid consent (with supporting case law and legislation). Correctly describes the process for obtaining consent in those circumstances when an adult cannot provide it themselves.	20
Criterion three	
Correctly identifies the possible outcomes of the case.	10
<b>Ethical Issues</b>	
Criterion four	
Correctly identifies <b>two</b> principles that are relevant in this scenario and accurately describes how the selected principles apply to the facts in the scenario.	10
Criterion five	
Accurately describes where a conflict between these principles may arise by considering the different values of the stakeholders in the scenario.	10
Criterion six	
Accurately applies the Kerridge et al (2012) model for ethical problem solving to address the conflict.	20
<b>Presentation and structure</b>	
The case study essay is appropriately structured with a succinct introduction and conclusion. Coherent organisation of ideas presented under appropriate headings and formatted according to the <a href="#">Health Group Assignment Presentation Formatting Guidelines</a> . Essay is well presented, with correct spelling, grammar, and well constructed sentence and paragraph structure.	10
Referencing	
Evidence of extensive reading and use of relevant materials (case law, legislation, academic journals and text books) to support key points and argument. Correct in-text referencing and reference list consistent with the <a href="#">Health Group Writing and Referencing guidelines</a> (APA 6th Edition)	10
<b>Total Marks</b>	<b>100</b>