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Why Nursing Law & Ethics? Three Perspectives

Editors' Note:

For our inaugural issue, we asked three leaders in health law and ethics — a nurse, a lawyer, and a physician — to comment upon the need for a new nursing publication to deal with these issues: Anne Davis, R.N., Ph.D., Professor of Nursing at University of California, San Francisco; Nathan Hershey, J.D., Professor of Health Law at the University of Pittsburgh Graduate School of Public Health; and Elliot Sagall, M.D., President of the American Society of Law and Medicine.

A Nurse's View

by Anne J. Davis,
R.N., Ph.D., F.A.A.N.

Nurses confront a variety of ethical and legal issues in both practice and education, and questions of rights, obligations, and duties arise which can have life and death consequences. Questions reflect the conflict between patients' rights and professional obligations, and between the use of resources for one individual at the expense of others.

Nurses often find themselves caught in the middle of situations where they have loyalties to many individuals and groups — the patient and his family, the nursing profession, the health care institution, the physicians, etc. The ANA Code of Ethics indicates that the nurse has a primary obligation to the patient. But what does the nurse do — or refrain from doing — in those cases where one loyalty conflicts with another or with her own personal value system? How and on what basis does one make such a decision? Can we move beyond

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A Physician's View

by Elliot L. Sagall, M.D.

Nursing has come a long way. Today's professional nurse is intimately involved in virtually all areas of our expanding health care system — in the community, in industry, in clinics, in education, in hospitals, and in government. The practice of nursing today frequently entails making and participating in important and critical decisions, as well as performing a wide variety of modern clinical functions. All of this requires a sound base of sophisticated medical knowledge and a high degree of technical skill. This is a major change from the nurse of the past, who practiced primarily within the hospital setting, doing what she was told, providing bedside "service" to patients, and rarely, if ever, asking questions or making decisions.

The struggle which has brought nursing to its present position has been long and hard. The profession is to be commended for its perseverance and commitment to quality health care often in the face of opposition from the medical community, the public, and even from its own ranks. Unfortunately the advancement of the nursing profession has been perceived, by some physicians and nurses, as being in competition with the physician's place in our health care system. Nurses and physicians alike want to provide comprehensive and competent health care to the public — a public whose knowledge and awareness of health care problems are rapidly increasing and who rightly demand high quality care. This shared goal unites nurses and physicians at a time when our entire health care system is undergoing intense scrutiny and significant change.

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A Health Lawyer's View

by Nathan Hershey, J.D.

I felt honored when I was invited to contribute to this first issue of *Nursing Law & Ethics*. Thinking about what I might say, I noted that it is only about two years less than twenty since I began a series entitled, "The Law and The Nurse" in the *American Journal of Nursing*. It appeared for more than ten years before the AJN and I came to a parting of the ways. The end of my relationship with AJN was not due to what I said in its pages. Rather it was the result of adverse reactions to my views regarding licensure of health personnel.

In preparing to write this piece I reviewed some of the articles that I had written in that series. With the lack of

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