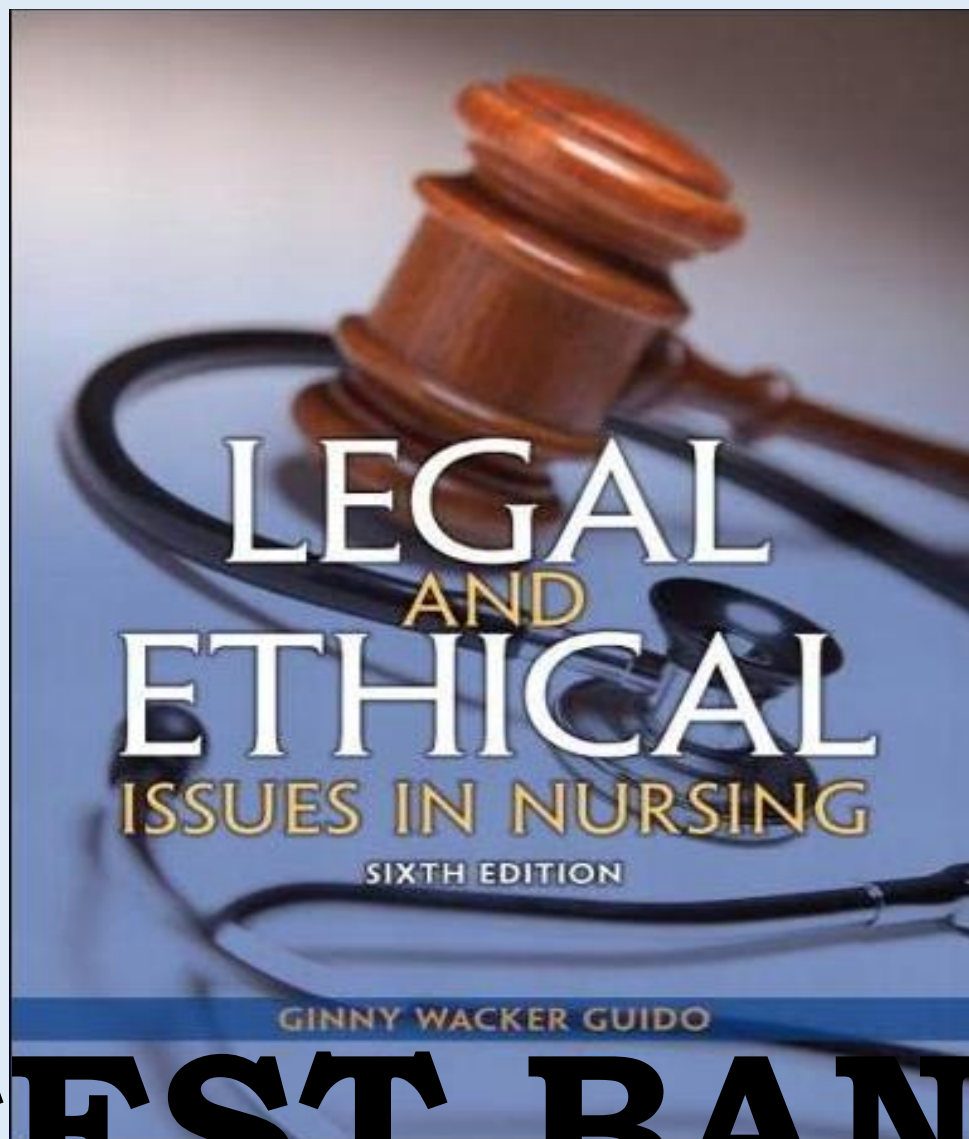


TEST BANK

LEGAL AND ETHICAL ISSUES IN NURSING

6th Edition By Ginny Wacker Guido



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**Test Bank Legal & Ethical Issues in Nursing, 6th edition by Ginny Wacker
Guido**

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Chapter 01: Legal Concepts and the Judicial Process

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Question 1

Type: MCSA

A nurse would like to advocate for a modification of the state's nursing practice act and believes the best strategy is to contact the persons with authority to write and change this statutory law. Whom should the nurse contact?

1. State board of nursing
2. State governor
3. State legislature
4. State nursing association

Correct Answer: 3

Rationale 1: State boards of nursing are involved in the implementation and enforcement of the nurse practice act but not charged with writing the law.

Rationale 2: Governors may appoint members of those on the state board of nursing, but are not involved in writing nursing practice acts.

Rationale 3: State legislative bodies create and pass the individual nursing practice acts (statutory laws) and create state boards of nursing or state boards of nurse examiners (state administrative agencies) to implement and enforce those acts.

Rationale 4: State nursing associations may promote or seek to change nurse practice acts, but they cannot do so independently.

Global Rationale:

Cognitive Level: Applying

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Implementation

Learning Outcome: 1.1 Define the term law and describe four sources from which law is derived, including constitutional, statutory, administrative, and judicial (decisional) law.

Question 2

Type: MCSA

A patient brought suit against a hospital for injuries sustained in a fall. The case went to trial and the jury found for the hospital. Can the patient take this same suit and evidence to another trial court in hopes of a different decision?

1. No, because of the doctrine of *res judicata*
2. Yes, *stare decisis* allows retrial
3. Yes, because of the doctrine of precedent
4. No, this is a landmark decision

Correct Answer: 1

Rationale 1: *Res judicata* means “a thing or matter settled by judgment” and applies when a legal dispute has been decided by a competent court of jurisdiction. This doctrine prevents the same parties in the original lawsuit from retrying the same issues involved in the first lawsuit.

Rationale 2: *Stare decisis* means to “let the decision stand” and is applied by courts of law in cases with similar fact patterns that have been previously decided by the court system.

Rationale 3: The doctrine of precedent means to “let the decision stand” and is applied by courts of law in cases with similar fact patterns that have been previously decided by the court system. Landmark decisions signify that precedent is changed by the current court decision.

Rationale 4: Landmark decisions signify that precedent is changed by the current court decision.

Global Rationale:

Cognitive Level: Analyzing

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Assessment

Learning Outcome: 1.2 Compare and contrast the doctrines of precedent (*stare decisis*) and *res judicata*.

Question 3

Type: MCSA

The circumstances of a lawsuit cause it to be under the jurisdiction of more than one court. In this case, the nurse expects that which court will have the greatest personal jurisdiction?

1. Federal Supreme Court
2. Federal district court
3. State supreme court
4. State trial court

Correct Answer: 1

Rationale 1: The federal Supreme Court is the highest court in the country and its decisions will affect all citizens. It passes across all state and federal district boundaries, thus having the highest impact on people.

Rationale 2: Federal district courts are the first of the three levels of federal courts. They are not the courts with widest jurisdiction.

Rationale 3: The state supreme court is the final authority for state issues, unless a federal issue or constitutional right is involved.

Rationale 4: A state trial court is often the first court to hear legal disputes. It does not hold the widest jurisdiction.

Global Rationale:

Cognitive Level: Applying

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Assessment

Learning Outcome: 1.3 Define and give an application of jurisdiction and a landmark decision.

Question 4

Type: MCSA

Several state nursing associations are working together in an attempt to change a constitutional law. These associations should ask for which action on this law?

1. Repeal
2. Expansion
3. Amendment
4. Redefinition

Correct Answer: 3

Rationale 1: Statutory laws can be repealed, but constitutional laws cannot.

Rationale 2: Statutory laws and administrative bodies can be expanded, but constitutional laws cannot.

Rationale 3: Constitutional law is a system of fundamental laws or principles for the governance of a nation, society, corporation, or other aggregate of individuals. It is the highest form of statutory law and is changed only by amendment.

Rationale 4: Administrative bodies may be redefined, but constitutional laws cannot.

Global Rationale:

Cognitive Level: Applying

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Implementation

Learning Outcome: 1.4 List four ways in which laws can be changed.

Question 5

Type: MCSA

An emergency department patient was injured while attacking his neighbor with a knife. After treatment the patient was arrested and charged with battery and assault. Which classification or type of law would determine the case against this defendant?

1. Criminal law
2. Civil law
3. Private law
4. Constitutional law

Correct Answer: 1

Rationale 1: Criminal law is appropriate in this case because the act against the neighbor was of a nature that was offensive and harmful.

Rationale 2: Civil law is concerned with the rights and privileges of a citizen.

Rationale 3: Private law is synonymous with civil and common law and is not the law of most importance in this case.

Rationale 4: Constitutional law is a system of fundamental laws and principles for the governance of a nation.

Global Rationale:

Cognitive Level: Applying

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Assessment

Learning Outcome: 1.5 Define classifications of law, including common, civil, criminal, public, and private law.

Question 6

Type: MCSA

A person who was injured in a motor vehicle accident sued the driver to recover hospital costs. Which type of law would be enforced in this situation?

1. Tort law

2. Public law
3. Constitutional law
4. Procedural law

Correct Answer: 1

Rationale 1: Tort law is the only option that has a process for allowing the determination of damages and compensation for damages in this case scenario. Tort laws govern wrongful acts that are harmful to an individual.

Rationale 2: Public law is the branch of law concerned with the state in its political capacity. There is no information in this scenario to indicate that a criminal offense occurred.

Rationale 3: Constitutional law is a system of fundamental laws or principles for the governance of a nation, society, corporation, or other aggregate of individuals. The purpose of a constitution is to establish the basis of a governing system.

Rationale 4: Procedural law concerns the process and rights of the individual charged with violating substantive law, and does not apply to this situation.

Global Rationale:

Cognitive Level: Analyzing

Client Need: Safe Effective Care Environment

Client Need Sub: Management of Care

Nursing/Integrated Concepts: Nursing Process: Assessment

Learning Outcome: 1.5 Define classifications of law, including common, civil, criminal, public, and private law.

Question 7

Type: MCSA

An emergency department nurse has agreed to testify as an expert witness in a lawsuit involving a child. The opposing attorney questions the nurse's qualifications as a pediatric nurse. Which type of law does this scenario reflect?

1. Due process of law
2. Private law
3. Substantive law
4. Procedural law

Correct Answer: 4

Rationale 1: Due process of law applies only to state actions and not to actions of private citizens.

Rationale 2: Private law is synonymous with civil or common law.