



The University of Southern Queensland

Course specification

Description: The Law and Health Care Practice						
Subject	Cat-nbr	Class	Term	Mode	Units	Campus
NUR	8340	44019	2, 2005	EXT	1.00	Toowoomba

Academic group:	FOSCI
Academic org:	FOS004
Student contribution band:	National Priority Nursing
ASCED code:	060399

STAFFING

Examiner: Jackie Doolan
Moderator: Roslyn Reilly

REQUISITES

Pre-requisite: Students must be enrolled in one of the following Programs: GCNP or GDON or MANP or MHEA or MMID or MMPO or MNUR or MNRS or MNRH or PCNP or PDON or PDEV or SING or CRPG or MMHN

RATIONALE

The expectations of an experienced Registered Nurse and Midwife include a cognisance of the law of their country. If they commit a crime unwittingly they cannot plead ignorance to exempt them from the consequences of their actions. In practice, Registered Nurses and Midwives are faced with many complex legal dilemmas that challenge them to make decisions that will both safeguard themselves and ensure safe practice. To do so effectively, these practitioners need to have a high level of understanding and knowledge of the relevant legal concepts and principles pertaining to their practice.

SYNOPSIS

This course focuses on law for the experienced Registered Nurse and Midwife. It will increase the students' knowledge and understanding of the legal aspects of the relevant Acts and Regulations with regard to their nursing practice.

OBJECTIVES

On successful completion of this course students will be able to, in their context of practice:

1. analyse the principles leading to an action in a claim of civil negligence;
2. distinguish principles of criminal negligence as compared to civil negligence;
3. evaluate the elements of a valid informed consent;
4. critically assess own position of being responsible at law;
5. critically assess their role in nursing practice in relation to Acts and Regulations governing their practice; and

- propose and evaluate strategies for safe practice in the form of risk management strategies.

TOPICS

	Description	Weighting (%)
1.	Professional Liability - Negligence/Malpractice/professional Misconduct; False imprisonment; Statutory law concerning practice; Documentation and reporting; Record keeping/confidentiality/privacy; Poisons Act/phone orders/transcribing AND	35.00
2.	Consent - ethical challenges to obtaining an informed consent; emergencies; informed valid consent, assault AND	35.00
3.	Criminal Law and Nursing or Midwifery Practice OR Mental Health Legislation OR Occupational Health and Safety Legislation	30.00

TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

Wallace, M 2001, *Health Care and the Law*, 3rd edn, The Law Book Co Ltd, Sydney.

REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

Journal of Law and Medicine, The Law Book Co Ltd,

Bennett, B 1997, *Law and Medicine*, LBC, North Ryde.

Breen, K, Plueckman, V & Cordner, S 1997, *Ethics Law and Medical Practice*, Allen & Unwin, St Leonards.

Edginton, J 1995, *Law for the Nursing Profession and Allied Health Care Professionals*, 3rd edn, CCH Australia Ltd, North Ryde.

Jones, S 1994, *Ethics in Midwifery*, Mosby, London.

Kloss, DM 1998, *Occupational Health Law*, 3rd edn, Blackwell Science, Oxford.

MacFarlane, P 2000, *Health Law: commentary and materials*, 3rd edn, The Federation Press, New South Wales.

MacFarlane, P 2003, *Queensland Health Law Handbook*, 13th edn, Department of Health, Queensland.

Queensland Government 2000, 'Mental Health Act' (Available: <http://www.health.qld.gov.au/mha2000>).

Rogers, B 1994, *Occupational Health Nursing: Concepts and Practice*, WB Saunders, Philadelphia.

Staunton & Whyburn 2003, *Nursing and the Law*, 5th edn, WB Saunders, Sydney.

Yoder-Wise, PS (Ed) 2003, *Leading and Managing in Nursing*, 3rd edn, Mosby, St Louis.

STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Directed Study	50.00
Private Study	120.00

ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ESSAY 1	100.00	35.00	19 Aug 2005
ESSAY 2	100.00	35.00	16 Sep 2005
ESSAY 3	100.00	30.00	24 Oct 2005

IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:
It is the students' responsibility to study all material provided to them or required to be accessed by them to maximize their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:
To complete each of the assessment items satisfactorily, students must obtain at least 50% of the marks available for each assessment item.
- 3 Penalties for late submission of required work:
If students submit assignments after the due date without prior approval then a penalty of 5% of the total marks available for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:
To be assured of a pass in this course, students must: (i) obtain an overall mark of at least 50%; and (ii) obtain an overall mark of at least 50% for each assessment item.
- 5 Method used to combine assessment results to attain final grade:
The final grades for students will be assigned on the basis of the aggregate of the weighted marks obtained for each of the summative assessment items in the course.
- 6 Examination information:
There is no examination in this course.
- 7 Examination period when Deferred/Supplementary examinations will be held:
There will be no Deferred or Supplementary examinations in this course.
- 8 University Regulations:
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL

<http://www.usq.edu.au/corporateservices/calendar/part5.htm> or in the current USQ Handbook.

ASSESSMENT NOTES

- 9 Topics: the first two topics are compulsory for all students. Students must then choose to study one of the topics in Topic 3 relevant to their Program enrolment.
- 10 The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner.
- 11 Students must retain a copy of each item submitted for assessment. If requested, students will be required to provide a copy of assignments submitted for assessment purposes. Such copies should be despatched to USQ within 24 hours of receipt of a request to do so.
- 12 The examiner may grant an extension of the due date of an assignment in extenuating circumstances.
- 13 The Faculty will normally only accept assessments that have been written, typed or printed on paper-based media.
- 14 Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the examiner of the course to negotiate such special arrangements.
- 15 In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 16 Students who have undertaken all of the required assessments in a course but who have failed to meet some of the specified objectives of a course within the normally prescribed time may be awarded the temporary grade: IM (Incomplete - Make up). An IM grade will only be awarded when, in the opinion of the examiner, a student will be able to achieve the remaining objectives of the course after a period of non directed personal study.

OTHER REQUIREMENTS

- 1 Attendance Requirements: It is the students' responsibility to actively participate in all electronic discussions scheduled for them, and to study all material provided to them or required to be accessed by them to maximize their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Topics: The first 2 topics are compulsory for all students. Students may then choose to study one of Topic 3 relevant to their Program enrolment.
- 3 Minimum Requirements to Pass the Course: To be assured of a pass in this course, students must: (i) obtain an overall mark of at least 50%; and (ii) obtain an overall mark of at least 50% for each assessment item.
- 4 Assignments: The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the examiner. Students must retain a copy of each item submitted for assessment. This must be produced within five days if required by the examiner. In accordance with University's Assignment Extension Policy (Regulation 5.6.1), the examiner of a course may grant an extension of the due date of an assignment in extenuating circumstances. This policy may be found in the USQ Handbook, the Distance Education Student Guide and the Faculty of Sciences' Orientation Handbook

for on-campus students. All students are advised to study and follow the guidelines associated with this policy. An assignment, submitted after the due date without an extension approved by the examiner, will attract a penalty of 20 percent of the assigned mark for each day (or part thereof) that the assignment is late.

- 5 Grading: Final grades for students will be determined by the addition of the marks obtained in each assessment item, weighted as in the Assessment Details.
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