Description: The Law and Health Care Practice

Subject  Cat-Nbr  Class  Term  Mode  Units  Campus
NUR      5340    14494  2, 2002  EXT   1.00   TWMBA

Academic Group: FOSCI
Academic Org:   FOS004
HECS Band:      1
ASCED Code:     060399

STAFFING
Examiner: Jackie Doolan
Moderator: Roslyn Reilly

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:

- analyse the principles leading to an action in a claim of civil negligence;
- distinguish principles of criminal negligence as compared to civil negligence;
- evaluate the elements of a valid informed consent;
- critically assess own position of being responsible at law;
- critically assess their role in nursing practice in relation to Acts and Regulations governing their practice;
- propose and evaluate strategies for safe practice in the form of risk management strategies.
### TOPICS

<table>
<thead>
<tr>
<th>Description</th>
<th>Weighting (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The first 2 topics are compulsory for all students. Students have a choice to choose topic 3, 4 or 5.</td>
<td>0.00</td>
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<tr>
<td>2. Professional Liability - negligence/malpractice/professional misconduct - false imprisonment - statutory law concerning practice - documentation and reporting - record keeping/confidentiality/privacy - Poisons Act/phone orders/transcribing</td>
<td>35.00</td>
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<tr>
<td>3. Consent - ethical challenges to obtaining an informed consent - emergencies - informed valid consent, assault</td>
<td>35.00</td>
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<tr>
<td>4. Criminal Law and Nursing or Midwifery Practice OR</td>
<td>30.00</td>
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<tr>
<td>5. Mental Health Legislation OR</td>
<td>30.00</td>
</tr>
<tr>
<td>6. Occupational Health and Safety Legislation</td>
<td>30.00</td>
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### TEXT and MATERIALS required to be PURCHASED or ACCESSED:

Books can be ordered by fax or telephone. For costs and further details use the 'Book Search' facility at http://bookshop.usq.edu.au by entering the author or title of the text.


### 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,


**STUDENT WORKLOAD REQUIREMENTS**

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>Directed Study</td>
<td>50</td>
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<tr>
<td>Private Study</td>
<td>120</td>
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**ASSESSMENT DETAILS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Marks Out of</th>
<th>Wtg(%)</th>
<th>Required</th>
<th>Due Date</th>
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<tbody>
<tr>
<td>2000 WORD REPORT 1</td>
<td>100.00</td>
<td>35.00</td>
<td>Y</td>
<td>23 Aug 2002</td>
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<tr>
<td>2000 WORD REPORT 2</td>
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<tr>
<td>2000 WORD REPORT 3</td>
<td>100.00</td>
<td>30.00</td>
<td>Y</td>
<td>01 Nov 2002</td>
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</tbody>
</table>

**OTHER REQUIREMENTS**

1 Attendance Requirements: It is the students' responsibility to participate actively 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 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 a mark of at least 50% for each assessment item.

3 Assignments: The due date for an assignment is the date by which a student must dispatch the assignment to the USQ. The onus is on the student to provide proof of the dispatch 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.
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.