



ESTABLISHING STANDARDS OF CARE IN PROFESSIONAL NURSING PRACTICE

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Establishing Standards of Care in Professional Nursing Practice

All nurses have a duty to know standards of care that apply to their professional practice. Knowing the resources available for obtaining the current information that apply to patient care issues is a major factor in delivering safe, quality of care. This resource will provide information and resources that will guide a novice and expert nurse in their professional practice regardless of the practice venue.

Registered nurses have more professional accountability now, than at any other time in the history of nursing. As a result, nurses must realize they owe a higher duty of care to their patients and are more vulnerable to claims for professional negligence and possible malpractice. If allegations of negligence are made, the plaintiff's attorney must demonstrate the defendant health care provider departed from an established nursing standard of care in a malpractice cause of action law suit. The standard of care is established by several methods: documentation in the medical record (hand-written or electronic), testimony of nurses who provided the care in question,

and testimony of nursing expert witnesses who help establish what the standard of care was at the time of the alleged injury.

Nurses are held accountable to safe nursing practice by law, regulation and standards. It is important to distinguish between them.

Law and regulation are passed by congress, or local legislative authorities and once signed by the president, governor, or local executive, the legislation becomes law. The Nurse Practice Act is a state law that regulates nursing practice.

Regulations are developed by governmental agencies and have the weight of the law; however, they are not passed by the legislative authority nor signed by the executive authority. In some cases, law require the development of regulations thus providing a framework for the governmental agency to follow. Federal regulations staffing Medicare and Medicaid services have influenced the development of standards.

Standards can be developed by both governmental and non-governmental consensus committees. After a public review, the recommendations of the agency then become standards. Some standards can be applied with the weight of the law. A standard has been defined as “a model accepted as correct by custom” and “a

model accepted as correct by custom, consent, or authority; a criterion for measuring acceptability, quality or accuracy". Standards may be defined as local standards or national standards. Nursing standards are not laws; however, the allegation that a nurse failed to meet the standard of care, and the breach of the standard caused harm to a patient, is the basic premise of every nursing malpractice lawsuit. The question *What would a reasonable prudent nurse, with similar or like training and experience, do under these circumstances?* is how nurses are judged by and through their peers. National standards such as those made through the American Nurses Association are frequently more influential than local standards or standards of other organizations.

A **Standard of Care** in the law of negligence, is the degree of care that a reasonable person should exercise; it is the rule against which the conduct of a health care provider is measured. Care as defined under the law of negligence is "the conduct demanded of a person in a given situation that typically involves attention to possible dangers, and mistakes and to ways to minimize those risks". The term *reasonable person* is a hypothetical person used as a legal standard to determine whether someone acted with negligence. In other words, "a person who exercises the degree of attention, knowledge, intelligence,

and judgment that society requires of its members for the protection of their own and of other's interests".

A **Standard of Practice** or standard of care is often a challenge to define by many professional associations. The ANA states that standards are authoritative statements by which the nursing profession describes the responsibility for which its practitioners are accountable. Standards reflect the values and priorities of the profession and provide direction for professional nursing practice and a framework for the evaluation of this practice. They also define the nursing profession's accountability to the public and the outcomes for which registered nurses are responsible. The public has a right to expect registered nurses to demonstrate professional competence throughout their careers, and to be individually responsible and accountable for maintaining professional competence.

The nursing profession has the responsibility to shape and guide any process for assuring nurse competence. Regulatory agencies define minimal standards for regulation of practice to protect the public; however, the employer is responsible and accountable to provide an environment conducive to competent practice. Assurance of competence is the shared responsibility of the profession, individual nurses, professional organizations, credentialing and certification

entities, regulatory agencies, employers, and other key stakeholders.

In the case of nursing, using the nursing process of assessment, diagnosis, outcomes identification, planning, implementation, and evaluation would be key components within the standard for practice. Many specialty organizations develop standards for practice within the specialty area of practice.

Why are standards of care so important?

They define patient care and healthcare provider functions that prevent everyone from doing their own thing and a violation of the standard of care may involve negligence on the nurse's part.

Standards of clinical practice may be developed through research or clinical trials as found from the National Guideline Clearinghouse (NGC), and the clinical outcomes may support the most efficacious treatment or lead to a change in clinical practice guidelines.

The absence of defined standards is what makes healthcare providers and facilities vulnerable to liability. If standards were defined many patients would have been protected in addition to the staff and the facility. Professionals and health care facilities will always be held accountable to the established standards in place.

Rachel Cartwright-Vanzant

Whitepaper March 2017

Applicable standards of care are published in the literature *at the time of the incident*.

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