

Newell Innovative Teaching Award Application

“The Nurse’s Day in Court”

Sandy Brown
Associate Professor of Nursing

Leadership and Management in Nursing, NUR 430, is a course that is designed to teach the many aspects of administration in the health care setting. It is a senior level course taught in the spring semester prior to graduation. One of the major aspects covered in NUR 430 deals with the legal and legislative issues seen in the health care arena. We live in such a litigious society today, it is imperative that nurses understand the legal system and how to fully protect themselves from legal actions. My task was to try to develop a learning experience that would enhance the students' understanding and comprehension of this area of Leadership and Management in Nursing.

The objectives for this part of the course were:

1. Discuss nurse practice acts.
2. Define the role of the Tennessee Board of Nursing
3. Identify the components of professional negligence.
4. Relate specific legal issues that may be encountered by nurse managers.

With the objectives in hand, I sought ways to accomplish them in a way that would be meaningful to the students. A court room drama experience seemed to be one of the best ways to do this. I secured the assistance of a local attorney in this endeavor.

Description of the Project:

An actual case supplied by the attorney was presented to the class by me in the role of bailiff of the court. All identifying data was omitted. Students from the class were allowed to volunteer to be the defendant nurse. The student's name was drawn randomly weeks before the actual class and he was given the materials that would be utilized in the drama experience. The remaining students of the class formed the jury to hear the case. They were given instructions as to their roles. Once court convened, the witness was placed on the stand and cross-examined by the attorney. The jury, defendant nurse, and the attorney all had the supporting documents of the case. Throughout the cross examination, the attorney asked very poignant questions which demonstrated the intensity of an actual court experience. The defendant nurse had difficulty explaining the flaws of the documents he had created (i.e. charting of nursing care given in the situation and adherence to policy). As the cross examination concluded, one could see the attorney had successfully defended the plaintiff in this lawsuit. The jury was then asked to vote by ballot as to whether the defendant nurse was guilty or not guilty of negligence. If guilty, they had to decide the monetary award to be given to the plaintiff. When all deliberation was concluded, the attorney tallied the votes and rendered the

decision to the class. The class members, the jury, were astonished at the results of the decision. He discussed how monetary awards are established and how jury members are selected. He then led a discussion with the students on ways to decrease the risks of being in a lawsuit and the importance of working only within the confines of the Nurse Practice Act.

The session ended with an ethical dilemma experience. The attorney presented a case in which a nurse had developed a close relationship with patient and her family. The patient was a young woman who was in ICU and had two flat ECGs (no active brain activity) and was scheduled to undergo more invasive procedures the next morning. The outcome for this patient was not going to change with these additional procedures ordered by the physician. The nurse ventured out of her standards of practice in this case. The patient died and in the autopsy, it was discovered that she was pregnant. With this scenario, the attorney dealt with the ethical and the legal aspects of this case. The discussion emphasized the importance of nurses remaining within the standards of the Nurse Practice Act to avoid both legal and ethical problems.

How the project differs from current teaching ideas and methods in the field:

In reviewing the literature, I did not find articles related to such activities being utilized in the classroom arena. I feel this project is different in that it allows the students to experience the court room atmosphere. They were able to observe the legal system from both the plaintiff and defendant perspectives. They were able to transpose themselves to the witness stand and examine how they would respond if faced with this experience in the real world.

My opinion of the success of the project and how it can be improved:

I feel the project was very successful. Verbal evaluations and course evaluations by the students indicated the positive nature of the project and the learning that had occurred. The objectives of the session were met. Discussion of ethical and legal issues was very pertinent to the Senior Nursing students who will be launching their careers in May. I feel it stimulated the students to critically think about the issues presented.

I plan to incorporate this experience into Nur 430, Leadership and Management in Nursing, for the upcoming classes. I hope to expand the number and variety of cases presented. The attorney and I are working on this task together and will be incorporating new ideas to further enhance the students' learning.