HSPI The Open Access Publisher

J F S R JOURNAL OF FORENSIC SCIENCE AND RESEARCH
ISSN 2575-0186

Research Article

Fact-finding Investigation for the Activation of the Legal-forensic Nursing Consultancy Desk at the Order of Nursing Professions of the Province of Avellino

A Masucci[1]*, AA Di Gisi[2] and A De Sapio[3]

[1]Pegaso Telematic University, Naples, Italy
[2]Aorn Moscati, Avellino, Italy
[3]A.O. Rummo, Benevento, Italy

More Information

***Address for correspondence:** A Masucci, Department of Public Health, University of Federico II, Via Sergio Pansini n° 5, 80131 Pegaso Telematic University, Naples, Italy, Email: armasucci@virgilio.it

Submitted: January 23, 2023
Approved: June 09, 2025
Published: June 10, 2025

How to cite this article: Masucci A, Di Gisi AA, De Sapio A. Fact-finding Investigation for the Activation of the Legal-forensic Nursing Consultancy Desk at the Order of Nursing Professions of the Province of Avellino. J Forensic Sci Res. 2025; 9(1): 097-099. Available from: https://dx.doi.org/10.29328/journal.jfsr.1001086

Copyright license: © 2025 Masucci A, et al. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Keywords: Protection; Consulting; Advanced skills; Prevention; Training

Check for updates

OPEN ACCESS

Abstract

Healthcare professionals today increasingly find themselves operating in a healthcare context characterized by the progressive increase in claims for compensation, often unrelated and sometimes aimed exclusively at profit, often accompanied by real complaints with huge legal consequences. The survey aims to investigate the perception, of the nurses who have joined the study, of the need to activate the legal-forensic nursing consultancy desk at the Order of Nursing Professions of the province of Avellino, as a defense and protection body.

Introduction

The process of profound transformation and innovation of the National Health Service has led, in recent years, to a re-evaluation, by health professionals, of behavior, liability, and compensation for damages. The Nursing Profession enjoys its precise professional autonomy, from which derives a precise responsibility that must be the object of competent and above all pertinent evaluations. From this point of view, forensic nursing has proven to be able to provide adequate tools for the evaluation of every legal and jurisprudential aspect concerning the practice of the nursing profession [1-5] and has as its objective the study of the conceptual, methodological and practical aspects of the legal dimension and Nursing Legal [6-9]. The need, on the part of the nursing category, to obtain a protection body arises from the need to act: on risk prevention and management, on training, information, and communication with the health personnel involved, on consultancy, protection, and legal assistance of concerned, on relations with companies, trade unions, utilities and third parties, on compliance with contractual rules and conditions and on mediation between the parties involved [10-14].

Objectives

The project to activate a legal-forensic nursing consultancy desk at the Order of Nursing Professions of Avellino aims to achieve the following objectives:

- Analyze the professional context to identify the role and areas of activity of the legal-forensic nurse [15-17];
- Define the activities of the consultancy desk as well as the result indicators [18,19]: methods for activating the consultancy by colleagues, desk hours, preparation of documentation for data collection, activities, and traceability, etc...;
- Design training courses on issues that link current legislation to professional daily life [20].

Materials and methods

The tool adopted for data collection is an anonymous questionnaire created for the study, administered to nurses enrolled in the Order of Nursing Professions of the province of Avellino in the period from 1 January to 31 December 2022; the questionnaire consists of two sections: the first part, you

are asked to fill in some general information: gender, age, basic and post-basic training, experience and working reality. The second part consists of 9 questions that investigate the degree of knowledge by the nurses who took part in the survey of some of the most important legislative provisions concerning the nursing profession, as well as the knowledge of the main concepts concerning the responsibility professional [1,8].

The questionnaire therefore is made up of 9 questions, which provide only one possible answer, except question no. 5 instead asks the interviewee for an opinion on the concept of "competence"; questions no. 1 – 2 – 3 – 4 have 4 answer options, question no. 5 has 2 answer options, questions no. 6 and 8 provide 3 answer options, and questions no. 7 and 9 have 5 answer options.

1500 questionnaires were administered; of these, only 850 were completed, i.e. 56%. In compliance with the privacy legislation (Legislative Decree No. 196/2003) the anonymity of those who voluntarily joined the project was protected.

Results

The data extrapolated from the interviews were analyzed both from a quantitative point of view (epi - -info software) and a qualitative point of view (N-VIVO software). The data obtained were processed using the Excel data processing program for computers. At a statistical level, frequency measurements were carried out, from which the percentages shown in the graphs proposed below were obtained. Of the 850 nurses who completed the questionnaire, 66% are female and 34% are male. The age of the sample that emerged from the questionnaires is indicative of the type of study undertaken: only 6% of the participants are under the age of 25, 9% are between 26 and 35, 29% aged between 36 and 45, 40% between 46 and 55 and 16% between 56 and 65. As regards basic training, 66% have a regional diploma, 24% have a university diploma, and only 10% have a three-year degree in nursing. Of the interviewees, only 5% have a master's degree in nursing and midwifery, 20% have a first or second-level master's; none of the interviewees obtained a PhD, while only 1% obtained a postgraduate course. As regards the work experience of the interviewees, 45% have experience of over 15 years, 22% experience between 12 and 15 years, 15% between 8 and 11 years, 10% between 4 and 7 years, and 8% work experience between 1 and 3 years. The different work areas involved in the study produced the following data: 36% of the participants work in the Medicine area, 32% in Surgery, 14% in the Critical Area, 8% in the Operating Theater, and 10% in the Outpatient Clinic. As regards the second part of the questionnaire, there emerges a good level of knowledge, on the part of the nurses who took part in the survey, of some of the most important legislative provisions concerning the nursing profession, as well as knowledge of the main concepts concerning professional responsibility such as the D.M. 739/94, law 42 of 1999, law n.251/2000, and the Code of Conduct for Nurses [16,13].

Conclusion

If the Italian National Health Service really wants to become an instrument of well-being for civil society, but also for those who depend on it, it must regulate itself with a clearer regulatory system, setting up supervisory bodies aimed at streamlining the enormity of legal disputes that they economically, morally and all too often legally afflict the system and health care workers. In this context it is necessary:

Introducing clearer and more rigid legislation that governs with meticulous precision all the processes that gravitate around the subject of legal medical litigation;

Have the dispute managed by a control body set up ad hoc, which is given decision-making autonomy and managerial power on the subject, and is entrusted with the task of preventing, mediating, and training.

In this scenario, the forensic legal nurse represents an important point of reference for both the user and the professional, in the interest of pursuing public and community health. Legal nursing appears today as an opportunity to enhance the profession and its characteristics of autonomy, responsibility, and competence; without forgetting that the availability of increasingly specialized figures proceeds in the interest of both professionals and the users themselves. The value of Nursing Consultancy is to be considered an important tool of continuity of care, to be inserted in the assistance and care path of the patient and aimed, among other things, also at enhancing the professional who is always updated and offers his precious contribution to the healing process itself. Furthermore, consultancy represents a professional practice that also concerns the ability of "intra-professional collaboration", where the vision of an expert nurse is required on a specific problem, in order to make the assistance more effective and efficient and to monitor both from a quantitative and qualitative point of view the results through reporting.

References

1. Meena AK, Ahirwar RK. Introduction to Forensic Nursing and Indian Laws. New Delhi: Centrum Press; 2024. Available from: https://books.google.com/books?id=LRFLEQAAQBAJ
2. Malhotra P, Lal JP. Forensic Nursing. New Delhi: Centrum Press; 2023. Available from: https://books.google.com/books?id=xg2-EAAAQBAJ
3. Sharpe DK, Hall JK, Ochije S, Bailey RK. Understanding forensic psychiatry in healthcare practices and collaboration between legal nurse consultants and physicians. Med Leg J. 2018;86(4):32–35. Available from: https://doi.org/10.1177/0025817217740299
4. Pyrek KM. Forensic Nursing. Boca Raton (FL): CRC Press; 2006. Available from: https://books.google.com/books?id=-eDKBQAAQBAJ
5. Moore A, Mills J, Cooper M. Forensic nursing in acute settings: A critical ethnography. J Clin Nurs. 2020;29(13-14):2645–2654.
6. Edens B, Neddermeyer A. Risk and patient safety for the legal nurse consultant. In: Hammer R, editor. Legal Nurse Consulting Principles. 3rd ed. Boca Raton (FL): CRC Press; 2019;289–309. Available from: https://www.taylorfrancis.com/chapters/edit/10.4324/9780429283642-22

7. Lynch VA. Clinical forensic nursing: a new perspective in the management of crime victims from trauma to trial. Crit Care Nurs Clin North Am. 1995;7(3):489–507. Available from: https://www.sciencedirect.com/science/article/pii/S0899588518303770
8. Singh P, Rani V. The impact of forensic training in nursing education: A national survey. Indian J Forensic Med Toxicol. 2021;15(4):101–106.
9. Bradshaw R, Scott D. Ethical challenges in forensic nursing care: A scoping review. Nurs Ethics. 2023;30(2):226–239.
10. Van de Wall C. The role of professional nurses practising in the medico-legal field in South Africa [dissertation]. Stellenbosch (South Africa): Stellenbosch University; 2023. Available from: https://scholar.sun.ac.za/server/api/core/bitstreams/cb49f188-acaa-4e82-9727-718c7ff23b59/content
11. Ekroos RA. Exploring Forensic Nursing Ethics and Practice: Roles, Loyalties and Photodocumentation Practices [dissertation]. Seattle (WA): University of Washington; 2016. Available from: https://digital.lib.washington.edu/researchworks/handle/1773/37200
12. Ekroos RA. Exploring Forensic Nursing Ethics and Practice: Roles, Loyalties and Photodocumentation Practices [dissertation]. Seattle (WA): University of Washington; 2016. Available from: https://digital.lib.washington.edu/researchworks/handle/1773/37200
13. Nguyen TQ, Huynh M, Tran L. Legal awareness and nursing liability in emergency care in Vietnam. Int J Health Plann Manage. 2023;38(1):e98–e105.
14. Williams J, Thomas A. Medico-legal preparedness of nursing staff: A cross-sectional study. BMC Nurs. 2020;19:100.
15. Hyde EMC. The knowledge of critical care nurses regarding legal liability issues [thesis]. Pretoria (South Africa): University of Pretoria; 2006. Available from: https://repository.up.ac.za/bitstream/handle/2263/28720/dissertation.pdf
16. Kim J, Kim S. Legal responsibilities and risk management strategies among nurses in tertiary care. Asian Nurs Res (Korean Soc Nurs Sci). 2022;16(4):230–236.
17. Santos AP, Moreira JP. Forensic nursing practices in Portuguese hospital settings: Legal implications. Rev Lat Am Enfermagem. 2020;28:e3332.
18. Goyal M, Gupta R, Saini A. Role of legal nurse consultants in patient safety and litigation prevention. J Patient Saf Infect Control. 2021;9(2):47–51.
19. Al-Dossary R, Vellani S. Nurses' perspectives on liability and clinical documentation. J Nurs Manag. 2022;30(1):19–26.
20. Ruiz B, Navarro T, Ortega L. Enhancing nurse education through forensic risk simulation. Nurse Educ Today. 2021;99:104789.