

Hospitals Responsibility For Delivering Authority Of Doctors To Nurses

¹Adi Nugraha, ²Hendra Nur Widayarsi, ³Arlene Sanjaya, ⁴Riza Ristiana Umami, ⁵Aris Prio Agus Santoso

^{1,2,3,4}Soegijapranata Catholic University of Semarang

⁵Duta Bangsa University of Surakarta

dradinugrahaspb@gmail.com¹ 20c20063@student.unika.ac.id²,
20c20065@student.unika.ac.id³ 20c20057@student.unika.ac.id⁴
arisprio_santoso@udb.ac.id⁵

ABSTRACT; In health services, hospitals place doctors and nurses as personnel who are most closely related to services to patients, so it does not rule out the possibility of frequent delegation of authority from doctors to nurses for actions taken to patients. In practice, many nurses carry out doctor's orders in the form of medical actions. The task of doctors without clear boundaries with the duties of nurses as nursing care providers, will ultimately have an impact on patient satisfaction in the services of health workers in hospitals. In such conditions nurses and doctors will be very risky to get into legal trouble. The purpose of this study was to determine the hospital's responsibility for the delegation of authority from doctors to nurses, and legal protection for nurses as recipients of delegation of authority. The approach method used in this study is a library research approach with secondary data collection. The nature of this research is prescriptive design, and the data obtained from this research is then analyzed qualitatively. Based on the results of the study, it was found that the hospital's responsibility for the delegation of authority from doctors to nurses, including: conducting guidance and supervision of the act of delegating authority between doctors and nurses, preparing a letter of delegation of authority which is part of the medical record, and fulfilling all the needs that become part of the medical record. the reason for the delegation of authority. Legal protection for nurses as recipients of delegation of authority is divided into 2 (two) parts, namely preventive and repressive efforts. Preventive legal protection, including; prepare, procure, and complete the letter of delegation of authority in writing between doctors and nurses, then carry out the obligations as instructed in the letter of delegation of authority without going outside the limits of authority and reasonableness. Repressive legal protection, including; there is a guarantee from the hospital to the nurse if things happen that are not desirable from the delegation of authority, then there is a responsibility that the hospital can implement towards the delegation of authority from doctors to nurses.

Keywords: Hospital Responsibilities; Delegation of Authority; Doctors and Nurses.

INTRODUCTION

Hospital services are continuously being improved, as an effort to improve services in hospitals, but in recent years hospitals have begun to receive a lot of attention from the public because of cases of poor service which resulted in hospitals being affected by being asked to be responsible for them. In terms of service, there are still many hospitals that do not have rules that are not in accordance with the specified rules and have resulted in the hospital getting serious lawsuits.

The hospital as one of the health care facilities is part of the health resources that are indispensable in supporting the implementation of health efforts. The implementation of

health efforts in hospitals has very complex characteristics and organization. Various types of health workers with their respective scientific devices interact with each other. Medical science and technology are developing very rapidly which must be followed by other health workers in the context of providing quality services, making the problems in hospitals increasingly complex. Hospitals have an important role in realizing optimal public health degrees. Therefore, hospitals are required to be able to manage their activities by prioritizing the responsibilities of professionals in the health sector, especially medical and nursing personnel in carrying out their duties and authorities.

In health services, hospitals place doctors and nurses as personnel who are most closely related to services to patients, so it does not rule out the possibility of frequent delegation of authority from doctors to nurses for actions taken to patients. This is also caused by the limitations of medical personnel (doctors) which creates a situation that requires nurses to take medical actions or take medical actions that are not their authority so that there is a delegation of authority.

According to Kramer and Schamalenberg "Various studies have shown that there are many positive aspects that can arise if the doctor-nurse collaboration relationship is good. The American Nurses Credentialing Center (ANCC) conducted research in 14 hospitals reporting that a doctor-nurse relationship is not only possible, but also has a direct impact on patient outcomes. There is a positive correlation between the quality of the doctor-nurse relationship with the quality of the results obtained by the patient.

Barriers to collaboration between doctors and nurses are often encountered at professional and institutional levels. Differences in status and power remain a major source of discrepancies that limit professional stances in collaborative applications. Doctors tend to be male, from a higher economic level and usually physically larger than nurses, so the climate and social conditions still support the dominance of doctors. In fact, the conflict between nurses and doctors lies in the differences in their professional attitudes towards patients and the way they communicate.

Nurses as one of the medical personnel in charge of providing health services to the general public. The main task of nurses is to provide health services or provide nursing care according to their skills and expertise. Nurses in providing health services have several roles. First, nurses have a role in overcoming problems faced by patients. Second, nurses have a responsibility to provide counseling to patients/clients. Third, nurses have a role in ensuring and monitoring the quality of nursing care. Fourth, nurses have duties as researchers in an effort to develop a body of nursing knowledge.

Nurses have the authority to practice nursing care in accordance with ethical standards and applicable professional standards. In practice, many nurses carry out doctor's orders in the form of medical actions. The task of doctors without clear boundaries with the duties of nurses as nursing care providers, will ultimately have an impact on patient satisfaction in the services of health workers in hospitals.

In such conditions nurses and doctors will be very risky to get into legal trouble. Treatment actions by nurses which have become a common sight in almost all hospitals, especially those in remote areas are carried out without any delegation of authority and written procedures. With the transfer of the nurse's function to the doctor's function, it is certain that the nurse's function will be neglected and of course this cannot be accounted for professionally.

Problem

Based on the background described above, the formulation of the problem in this study are:

1. What is the hospital's responsibility for delegating the authority of doctors to nurses.

2. How is the legal protection for nurses as recipients of authority delegation.

Research Methods

The approach method used in this study is a library research approach with secondary data collection obtained through the literature related to the research title. Researchers chose to do this method with considerations because it was constrained by funds and also time if the research was carried out with an empirical approach or in the field. The nature of this research is prescriptive design, which is a study that aims to get suggestions on what to do to overcome certain problems. The data obtained from this study were then analyzed qualitatively, namely to answer the existing problem formulation. Researchers use qualitative methods because there is very little information about the delegation of authority from doctors to nurses.

Discussion

1. The Hospital's Responsibility for Delegating The Authority of Doctors to Nurses

In the Indonesian Dictionary, responsibility is a condition where you are obliged to bear everything so that the obligation to bear, bear responsibility, bear everything or give responsibility and bear the consequences. The definition of responsibility is human awareness of behavior or actions, both intentional and unintentional. According to the law, responsibility is a consequence of the consequences of a person's freedom regarding his actions related to ethics or morals in carrying out an act.

WJS. Poerwodarwinto, said that responsibility is something that is an obligation (must) to be carried out, reciprocated, and so on. Humans who are responsible are humans who can declare themselves that their actions are good in the sense according to general norms. Meanwhile, Mudjiono said that responsibility is an attitude related to promises, or demands for rights, duties, obligations in accordance with the rules, values, norms, customs adopted by the community.

The implementation of the hospital's responsibility for all nursing actions in health services is an obligation that must be fulfilled so that every action, treatment and care received by the patient becomes more qualified and effective in order to heal and save the patient's life.

Article 2 of the Indonesian Hospital Code Of Conduct, states that the hospital must be able to supervise and be responsible for all incidents in the hospital. Then Article 17 states that the hospital must supervise so that the service is carried out based on applicable professional standards. This indirectly means that the hospital is also responsible for delegating the authority of doctors to nurses.

Article 46 of Law no. 44/2009 concerning Hospitals states that hospitals are legally responsible for all losses caused by negligence committed by health workers in hospitals. From this it is clear that in the event of negligence by the nurse on the delegation of the doctor's authority, the hospital will remain responsible.

Universally, if you look at the law above, the hospital's responsibilities are described as follows:

- a. Provide public access to health services;
- b. Provide protection for patient safety, community, hospital environment and human resources in hospitals;
- c. Improving the quality and maintaining hospital service standards; and
- d. Provide legal certainty to patients, communities, hospital human resources, and hospitals.

From this, it can be seen that the hospital's responsibility for the delegation of authority from doctors to nurses, including: conducting guidance and supervision of the act of delegating authority between doctors and nurses, preparing a letter of delegation of authority that is part of the medical record, and fulfilling all the needs that become part of the medical record. the reason for the delegation of authority.

2. The Legal Protection for Nurses as Recipients of Authority Delegation

Satjipto Raharjo stated that legal protection is to provide protection for human rights that are harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law. According to Soedikno Mertokusumo, legal protection is a guarantee of human rights and obligations in order to fulfill their own interests and in human relations.

According to Sukendar and Santoso, legal protection facilities are divided into 2 (two) types, namely:

- a. Preventive legal protection is a step or method taken to prevent an event that has legal consequences.
- b. Repressive legal protection is a step or method taken when an event that results in the law has occurred.

Legal protection for citizens from government actions in principle has the following objectives:

- a. Legal protection in order to ensure the fulfillment of the rights of citizens.
- b. Legal protection in order to prevent actions that harm the rights of citizens.
- c. Legal protection provides citizens with access to stop violations, obtain compensation or redress for violations of their rights.
- d. Legal protection in ensuring the availability of compensation or remedial action against the rights of citizens who have been harmed.

As a form of legal protection for nurses who take invasive actions in independent nursing practice, this has actually been seen in preventive legal efforts made by State Institutions, namely; Law No. 38/ 2014, and Minister of Health Regulation No. 26/2019.

As Article 36 letter a of Law no. 38/2014 concerning Nursing which reads: Nurses in carrying out Nursing Practices have the right to obtain legal protection as long as they carry out their duties in accordance with service standards, professional standards, standard operating procedures, and provisions of laws and regulations. This means that if the nurse carries out the duties of the delegation of authority as well as possible according to the standard, it can be ascertained that the nurse gets legal protection, but if not, the opposite will be, not getting legal protection.

From the description of the theory above, it is clear that legal protection for nurses as recipients of delegation of authority is as follows:

- a. Preventive legal protection, including; prepare, procure, and complete the letter of delegation of authority in writing between doctors and nurses, then carry out the obligations as instructed in the letter of delegation of authority without going outside the limits of authority and reasonableness.
- b. Repressive legal protection, including; there is a guarantee from the hospital to the nurse if things happen that are not desirable from the delegation of authority, then there is a responsibility that the hospital can implement towards the delegation of authority from doctors to nurses.

Conclusion

Based on the results and discussion described above, it can be concluded that:

1. The responsibility of the hospital for the delegation of authority from doctors to nurses, including: conducting guidance and supervision of the act of delegating authority between doctors and nurses, preparing a letter of delegation of authority which is part of the medical record, and fulfilling all the needs that are the reason for the delegation of authority. the.
2. Legal protection for nurses as recipients of delegation of authority is divided into 2 (two) parts, namely preventive and repressive efforts. Preventive legal protection, including; prepare, procure, and complete the letter of delegation of authority in writing between doctors and nurses, then carry out the obligations as instructed in the letter of delegation of authority without going outside the limits of authority and reasonableness. Repressive legal protection, including; there is a guarantee from the hospital to the nurse if things happen that are not desirable from the delegation of authority, then there is a responsibility that the hospital can implement towards the delegation of authority from doctors to nurses.

References

- Ampera, 2018, *Tanggung Jawab Rumah Sakit Terhadap Pasien Dalam Pelaksanaan Pelayanan Kesehatan*, Al-Ishlah: Jurnal Ilmiah Hukum, Vol. 21, No.2.
- Aris Prio Agus Santoso, et.all, 2021, *Legal Protection of Health Workers in the Task Force for the Acceleration of Handling Covid-19 from a State Administrative Law Point of View*, JISIP (Jurnal Ilmu Sosial dan Pendidikan), Vol. 5, No. 2.
- Aris Prio Agus Santoso, 2019, *Hukum Administrasi Negara (Sebuah Pengantar Bagi Mahasiswa)*, Yogyakarta: Nuta Media.
- , 2021, *Hukum Keperawatan (Sebuah Paradigma Kebebasan yang Berbasis pada Keadilan)*, Jakarta: Trans Info Media.
- Arrie Budhiartie, 2009, *Pertanggungjawaban Hukum Perawat Dalam Penyelenggaraan Pelayanan Kesehatan Di Rumah Sakit*, Jurnal Hukum, Vol. 11, No. 2.
- Ayih Sutarih, 2018, *Sinkronisasi Pengaturan Pelimpahan Wewenang Tindakan Medis Kepada Perawat Untuk Pelayanan Kesehatan Di Rumah Sakit*, Hermeneutika, Vol. 2, No. 1.
- Erni Susanty Tahir, and Aris Prio Agus Santoso, 2022, *Perlindungan Hukum Dokter Gigi Terhadap Ancaman Transmisi Virus Hepatitis Misterius*, JISIP (Jurnal Ilmu Sosial dan Pendidikan), Vol. 6, No. 3.
- Gerardus Gegen, and Aris Prio Agus Santoso, 2022, *Perlindungan Hukum Tenaga Kesehatan Di Masa Pandemi Covid-19*, Jurnal QISTIE, Vol. 14, No. 2.
- , 2021, *Analisis Yuridis Kewenangan Perawat Dalam Pengobatan Bekam Pada Praktik Keperawatan Mandiri*, JISIP (Jurnal Ilmu Sosial dan Pendidikan), Vol. 5, No. 3.
- Handari, Nawawi, 1983, *Metode Penelitian Bidang Sosial*, Yogyakarta: Gajah Mada University Press.
- Mutik Aromsin Putri, et.all, 2020, *Dampak Covid-19 pada Perekonomian Indonesia*, Prosiding HUBISINTEK, Vol. 1.
- Nadiah Ratnasari NST, 2019, *Skripsi: Pengalihan Tanggung Jawab Pekerjaan Dokter Kepada Perawat Dalam Rumah Sakit (Studi Di Rsu Permata Bunda)*,
- Nanda Putri Ramdani, 2019, *Skripsi: Kajian Yuridis Hubungan Hukum Antara Dokter Dan Perawat Dalam Pelayanan Kesehatan (Studi Di Rumah Sakit Bhayangkara Mataram)*, Mataram: Fakultas Hukum Universitas Mataram.
- Oktavia Eko Anggraini, et.all, 2020, *Perlindungan Hukum Bagi Konsumen Atas Garansi Produk Dalam Hukum Bisnis*, Prosiding HUBISINTEK, Vol. 1.
- Peraturan Menteri Kesehatan Nomor 755/MENKES/PER/IV/2011 Tentang Penyelenggaraan Komite Medik Di Rumah Sakit.

- Robert Valentino Tarigan, et.all, 2021, *Pertanggungjawaban Pidana Rumah Sakit Terhadap Malpraktek Medik Di Rumah Sakit*, IURIS STUDIA: Jurnal Kajian Hukum, Vol. 2, No. 1.
- Setya Wahyudi, 2011, *Tanggungjawab Rumah Sakit Terhadap Kerugian Akibat Kelalaian Tenaga Kesehatan dan Implikasinya*, Jurnal Dinamika Hukum, Vol. 11, No. 3.
- Tri Agus Yuarsa, 2019, *Perlindungan Hukum Terhadap Dokter Atas Pelimpahan Kewenangan Medis Dokter Spesialis Kepada Dokter Jaga Di Rumah Sakit*, Syiar Hukum: Jurnal Ilmu Hukum, Vol. 17, No. 2.
- Undang-Undang Republik Indonesia Nomor 44 Tahun 2009 tentang Rumah Sakit.
- Undang-Undang Republik Indonesia Nomor 38 Tahun 2018 tentang Keperawatan.