

ETHICS AND LAW IN NURSING-FRIENDS OR FOES? REVISITED DURING NURSES WEEK-2026

written by Nancy Brent | May 6, 2026

Avoiding Liability Bulletin - May 2026

This week, May 6 through May 12, is National Nurses Week. Because of this, I decided to do a blog that is different from the ones I usually do that focus on legal liability cases. Instead, I would like to share some thoughts with all nurses in whatever role during this important week.

As you know, my initial profession was (and will always be) nursing, both clinically and as a faculty member in both undergraduate and graduate nursing education programs.

After I graduated from law school, it became apparent to me that although the law as applied to nursing was a new approach to analytical thinking as it pertained to the practice of safe, effective, and competent nursing practice, principles underlying those concepts have existed for ions in nursing.

For me, those principles exist in the ethical basis of nursing practice.

Yet, it was—and still is—unclear to me if the and ethics and they pertain to nursing practice are “distinct”.

I wrote about this very issue in a [2017 Blog](#) for CPH. The blog centered on a case where a nurse based his lawsuit for his termination on the state Conscientious Employee Protection Act (CEPA), the ANA Code of Ethics for Nurses, the Employee Handbook, and the Residents’ Rights Policy.

His case went to the state appellate court which did not rule in the nurse’s favor, basically citing that the CEPA and the ANA Code were not “laws”.

In short, the nurse’s real ethical concerns (and most likely legal ones as well) did not fit into the law’s legal “formula” to prove his trepidations.

The cited case was decided in 2017. Although the case settled, I wonder if the outcome would be the same today, but there is no clear cut answer to what I described as the “complex interplay” between ethics and the law.

As you are aware, in 2025 the ANA published a revision of the [Code of Ethics for Nurses](#). In my opinion, the Code is expansive, more detailed, and continuing emphatically depicts the importance of ethics in nursing practice.

Even so, there exists a “complex interplay” between nursing ethics and law. The question of “fiends or foes” remains clearly to be determined.

In view of this complex interplay, what I thought might be an interesting analysis of the new Code would be a comparison with its Provisions and any analogies to legal principles pertaining to the practice of nursing. Clearly, all of the Provisions contain examples of legislation, statutes and policies incorporating legal protections and applications. But how do they relate to your everyday practice?

Take, for example, Provision 3, “The nurse establishes a trusting relationship and advocates for the rights, health, and safety of recipient(s) of nursing care.”

Without looking at the subparts of this Provision, what laws, statutes, or regulations in your employment setting, your state, or the federal government, impact upon this Provision? Which ones have you personally experienced? What action(s), if any, would you take to protect this Provision for a patient or his family? Do conflicts exist between what you might want to do ethically and what is best legally?

Perhaps you have already made such a comparison. If so, kudos to you. If not, try doing so with one or more of the Provisions. I think you will find that nursing ethics and law are not strangers as they pertain to nursing practice, but they may not always co-exist.

So, I restate some of the guidelines I listed in that 2017 blog when you are confronted with a situation where you are both ethically and legally concerned about a patient care situation:

- Consult with a nurse attorney or attorney who concentrates his or her practice in employment law and who has experience in representing nurses in similar situations
- If possible, consult with a nurse ethicist about what might be your course of action
- Know that your state nurse practice act or other legal authority may require a different course of action than that of the Code, so following your attorney’s advice is crucial
- Your adherence to the ANA Code of Ethics and other nursing practice codes is paramount

Best wishes to you as you celebrate Nurses Week 2026. Hoping you experience all the attention and accolades you deserve!

This information is for educational purposes only and is not to be taken as specific legal or other advice by the reader. Nor does it create an attorney-client relationship. If legal or other advice is needed, the reader is encouraged to seek such information from a nurse attorney, attorney or other professional.