

Ethical-legal dilemmas of nursing practice in emergencies and disasters: scoping review protocol

Dilemas ético-legais da prática de enfermagem em emergências e desastres: protocolo de revisão de escopo

Alex Coelho da Silva Duarte¹

ORCID: 0000-0002-1204-3943

Alexandre Barbosa de Oliveira¹

ORCID: 0000-0003-4611-1200

¹Federal University of Rio de Janeiro, Rio de Janeiro, RJ, Brazil

Editors:

Ana Carla Dantas Cavalcanti

ORCID: 0000-0003-3531-4694

Paula Vanessa Peclat Flores

ORCID: 0000-0002-9726-5229

Barbara Pompeu Christovam

ORCID: 0000-0002-9135-8379

Corresponding author:

Alex Coelho da Silva Duarte

E-mail: alexcsduarte@hotmail.com

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ABSTRACT

Objective: To map the ethical and legal dilemmas related to nursing practice in emergencies and disasters situations. **Method:** Protocol conducted from JBI methodology, using the extension of the PRISMA-ScR *checklist*. The search for the sources will be carried out in databases and portals of scientific information: LILACS, IBECs, BDNF, Elsevier, Embase and CINAHL, in addition to gray literature. The selection will take place by two reviewers, using Rayyan software. Disagreements will be dealt with by a third reviewer. The data extraction and synthesis will be guided by a form. In this sense, the following steps will be operationalized: Identification of research question; identification of relevant studies; selection of studies; data extraction separation, summarization and results report; dissemination of results. The final results will be presented in tables and narrative discussion. Revision record in the Open Science Framework: osf.io/zgpfw.

Descriptors: Nursing; Legislation as Topic; Disasters.

RESUMO

Objetivo: Mapear os dilemas éticos e legais relacionados à prática de Enfermagem em situações de emergências e desastres. **Método:** Protocolo conduzido a partir da metodologia *Joanna Briggs Institute* (JBI), com utilização da extensão *checklist* PRISMA-ScR. A busca das fontes será realizada em bases de dados e portais de informação científica: LILACS, IBECs, BDNF, Elsevier, Embase e CINAHL, além de literatura cinzenta. A seleção ocorrerá por dois revisores, utilizando o *software* Rayyan. As discordâncias serão tratadas por um terceiro revisor. A extração e síntese dos dados serão norteadas por um formulário. Nesse sentido, serão operacionalizados os seguintes passos: identificação da questão de pesquisa; identificação dos estudos relevantes; seleção dos estudos; extração dos dados; separação, sumarização e relatório dos resultados; divulgação dos resultados. Os resultados finais serão apresentados em tabelas ou quadros com discussão narrativa. Registro da revisão no Open Science Framework: osf.io/zgpfw.

Descritores: Enfermagem; Legislação como Assunto; Desastres.

INTRODUCTION

Emergencies and disasters, whether natural or technological, have been increasing exponentially in several countries of the world, especially among the most 30 vulnerable and impoverished, not only in frequency, but also in relation to the number of victims affected⁽¹⁾.

Whatever the source of disasters, everyone has practically in common human, material, economic and environmental damages and loss, which is determined by vulnerabilities, exposure, and preparedness and response capability⁽²⁾. In general the emergency care provided by health professionals, especially in the first moments after these events, has been proving fundamental to ensure the survival of the greatest possible number of victims⁽³⁾.

Among health operators, nursing professionals are commonly the most numerous who act in such circumstances, participating in all stages of one disaster, especially in the prompt response⁽⁴⁻⁵⁾.

It occurs that, in addition to the obstacles provided by external factors, such

as the adversities of access to affected areas, climatic effects, luminosity, temperature, quality and quantity of equipment available and conditions of use of the same, security, prior technical knowledge of the team members and even the planning and dimensioning of human resources involved, there are also the challenges related to ethical-legal dilemmas.

These dilemmas, sometimes, generated by fragile legislations not properly clear and specific, lead to a more limited pattern of performance, not necessarily by absence of technical-scientific basis of nursing professionals, but by fear of potential future legal sanctions. On the other hand, the lawyers and other law enforcement agents need to use legal analogies to justify the legality of the Procedures carried out.

The identification and scientific approach of these dilemmas may bring light to possible legal solutions and (re)definition of future norms that bring more legal security nursing professionals, when acting in situations of emergencies and disasters, possibly ensuring fewer limits to cares provided to affected individuals, families and communities.

To this end, the objective of the scope review to be developed through this protocol will be to map the ethical and legal dilemmas related to Nursing practice in emergencies and disasters situations.

METHOD

This protocol follows the steps established for scope revisions by Joanna Briggs Institute (JBI) by means of the method proposed by Arksey and O'Malley, complying with the Preferred Reporting Items Recommendations for Systematic and Meta-Analyses-Extension for Scoping Reviews (PRISMA-ScR)⁽⁶⁻⁷⁾.

The scope reviews do not have the function of analyzing the methodological quality of the findings, only to map the evidence on a particular subject, do not aim to find the best evidence, but how they were produced and in which contexts⁽⁸⁻⁹⁾.

In general, this methodological strategy is composed of six steps⁽⁶⁾, which are described in the following items. It should be noted that this protocol was registered in Science Framework (OSF) via link osf.io/zgpfw, Registration DOI 10.17605/OSF.IO/ZWTP2.

Identification of the research question

The review will seek to answer the following research question: what are the ethical and le-

gal dilemmas related to the Nursing practice in emergencies and disasters?

For this, the acronym PCC will be used, where "P" (population) refers to the nursing professionals; "C" (concept) is related to ethical and legal dilemmas related to the nursing practice; and "C" (Context) to emergency situations and disasters, be they of any origin, natural and/or technological.

Identification of the relevant studies

The search for the sources will be carried out in databases and portals of scientific information namely: Regional Portal of the Virtual Health Library (VHL) of responsibility of Latin American and Caribbean Center for Health Sciences Information (BIREME) in the main databases - Latin American and Caribbean Literature in Sciences Health (LILACS), Bibliographic Español em Ciências (IBECS), Database in Nursing (BDENF), Red Peruana de Bibliotecas en Salud among others. In the Pubmed of National Library of Medicine (NLM), Cumulative Index to Nursing and Allied Health Literature (CINAHL) and in the Scientific Electronic Library Online (SciELO).

As gray literature Google Scholar will be used and, for the purpose of finding a greater amount of information sources will be considered the references of selected articles.

Search strategies will be developed for each of the bases and electronics repositories indicated. As an example, the strategies are described below used in the first searches that were performed: BVS (English), SCOPUS and PUBMED. At BVS and SciELO, the strategies will be applied in Portuguese, English, Spanish and French (Figure 1).

The strategies sought to associate the sets of terms of each element of the acronym PCC, using the Boolean *OR* operator, which allows grouping of terms by item, and the *AND* operator, for the intersection of the terms of each acronym item. The search results will be exported to an *online* referral manager (EndNote), by which the identification of duplicate studies will be carried out and, subsequently, the Rayyan system of the Qatar Computing Research Institute will be used, QCRI, to assist the reviewers in the selection process of sources.

Selection of studies

Initially, the sources returned with the search will be analyzed by two reviewers, occasion when the title and summary will be considered through

BASES	STRATEGIES
BVS	(nurses OR nurse OR nursing OR nursings OR "Ethics, Nursing" OR "Nursing Ethic" OR "Nursing Ethics" OR "Legislation, Nursing" OR "Nursing Legislation" OR "Nursing Legislations") AND ("legal context" OR "ethical dilemmas" OR "ethical dilemma" OR "Ethical decision" OR "Ethical and legal challenges" OR "Moral experience" OR "ethical challenges" OR "ethical-legal dilemma" OR ethics OR ethical OR "Situational Ethics" OR "Moral Policy" OR "Moral Policies" OR "Natural Law" OR "Natural Laws" OR egoism OR metaethics OR "Ethics, Professional" OR "Professional Ethic" OR "Professional Ethics" OR "Liability, Legal" OR "Legal Liability" OR "Legal Liabilities" OR tort* OR "Personal Liability" OR "Personal Liabilities" OR "Professional Liability" OR "Professional Liabilities" OR "Institutional Liability" OR "Institutional Liabilities" OR "Medical Liability" OR "Medical Liabilities" OR malpractice OR negligence OR "Moral Obligations" OR "Moral Obligation" OR "Moral Duties" OR "Moral Duty" OR "ethical conflicts" OR legality OR "ethical dilemma" OR "ethical dilemmas" OR "ethical conflicts" OR "ethical quandaries" OR "moral dilemma" OR "moral distress" OR "moral doubt" OR "moral philosophy" OR "wedge argument" OR "physician impairment" OR "professional impairment" OR jurisprudence OR "Constitutional Law" OR "Constitutional Laws" OR "Court Decision" OR "Court Decisions" OR law OR laws OR "Legal Aspect" OR "Legal Aspects" OR "Legal Obligation" OR "Legal Obligations" OR "Legal Status" OR litigation OR litigations OR "Medical Jurisprudence" OR "State Interest" OR "State Interests" OR "Disaster Legislation" OR "Disaster Act" OR "Legal Process" OR "Civil Rights" OR "Civil Right" OR "Minority Rights" OR "Minority Right" OR "Legal Rights" OR "Legal Right" OR "Voting Rights" OR "Voting Right" OR "Due Process" OR "Equal Protection") AND (disasters OR emergencies OR catastrophe OR "catastrophic accident" OR calamity OR "Events with Potential for Injury Creation" OR tragedies OR sinister OR urgences OR urgency* OR "Mass Casualty Incidents" OR "Mass Casualty Incident" OR "Mass Casualties" OR "Mass Casualty" OR "Chernobyl Nuclear Accident" OR "Fukushima Nuclear Accident" OR "Chernobyl Nuclear Accidents" OR "Chornobyl Nuclear Disaster" OR "Chornobyl Nuclear Disasters" OR "Chornobyl Nuclear Accident" OR "Chornobyl Nuclear Accidents" OR "Fukushima Nuclear Accidents" OR "Fukushima Nuclear Disaster" OR "Fukushima Nuclear Disasters") AND (db:("LILACS" OR "BDENF" OR "IBECs" OR "BINACIS" OR "CUMED" OR "MULTIMEDIA" OR "WHOLIS" OR "SMS-SP" OR "LIPECS" OR "coleccionaSUS" OR "CidSaude" OR "DESASTRES" OR "PREPRINT-MEDRXIV" OR "RHS"))
PUBMED	(("Nurses"[mh] OR Nurse*[tiab] OR "Nursing"[mh] OR Nursing*[tiab] OR "Ethics, Nursing"[mh] OR "Nursing Ethic"[tiab] OR "Nursing Ethics"[tiab] OR "Legislation, Nursing"[mh] OR "Nursing Legislation"[tiab] OR "Nursing Legislations"[tiab]) AND ("Ethics"[mh] OR Ethic*[tiab] OR "Situational Ethics"[tiab] OR Moral Polic*[tiab] OR Natural Law*[tiab] OR Egoism[tiab] OR Metaethic*[tiab] OR "Ethics, Professional"[mh] OR Professional Ethic*[tiab] OR "Liability, Legal"[mh] OR Legal Liabilit*[tiab] OR Tort*[tiab] OR Personal Liabilit*[tiab] OR Professional Liabilit*[tiab] OR Institutional Liabilit*[tiab] OR Medical Liabilit*[tiab] OR "Malpractice"[mh] OR Negligence*[tiab] OR "Moral Obligations"[mh] OR "Moral Obligation"[tiab] OR Moral Dut*[tiab] OR "ethical conflicts"[tiab] OR legality[tiab] OR ethical dilemma*[tiab] OR "ethical quandaries"[tiab] OR "moral dilemma"[tiab] OR "moral distress"[tiab] OR "moral doubt"[tiab] OR "moral philosophy"[tiab] OR "wedge argument"[tiab] OR "physician impairment"[tiab] OR "professional impairment"[tiab] OR "Jurisprudence"[mh] OR jurisprudence[tiab] OR Constitutional Law*[tiab] OR Court Decision*[tiab] OR Law[tiab] OR Laws[tiab] OR Legal Aspect*[tiab] OR Legal Obligation*[tiab] OR "Legal Status"[tiab] OR Litigation*[tiab] OR "Medical Jurisprudence"[tiab] OR State Interest*[tiab] OR "Disaster Legislation"[tiab] OR "Legal Process"[tiab] OR "Civil Rights"[mh] OR "Civil Right"[tiab] OR Minority Right*[tiab] OR Legal Right*[tiab] OR Voting Right*[tiab] OR "Due Process"[tiab] OR "Equal Protection"[tiab] OR "legal context"[tiab] OR "ethical dilemmas"[tiab] OR "ethical dilemma"[tiab] OR "Ethical decision"[tiab] OR "legal challenges"[tiab] OR "Moral experience"[tiab] OR "ethical challenges"[tiab] OR "ethical-legal dilemma"[tiab])) AND ("Disasters"[mh] OR Emergencies[mh] OR Disaster*[tiab] OR Emergencies[mh] OR catastrophe*[tiab] OR catastrophic accident*[tiab] OR Calamity[tiab] OR Tragedies[tiab] OR Sinister[tiab] OR Urgence*[tiab] OR Urgenc*[tiab] OR "Mass Casualty Incidents"[mh] OR "Mass Casualty Incident"[tiab] OR "Mass Casualties"[tiab] OR "Mass Casualty"[tiab] OR "Chernobyl Nuclear Accident"[mh] OR Fukushima Nuclear Accident*[tiab] OR Chernobyl Nuclear Accident*[tiab] OR Chornobyl Nuclear Disaster*[tiab] OR Fukushima Nuclear Disaster*[tiab])

Source: Elaborated by the authors, 2022.

Figure 1 - Search strategies by bases. Rio de Janeiro, RJ, Brazil

Rayyan. All available sources of information on the bases that address the topic of study, will be criteria of inclusion, without idiomatic and temporal cutouts; and sources that are not available in full text will be excluded, which can be circumvented with attempts to communication with the authors of the same for access.

Data extraction

For data extraction, a table will be used in which the identifying data of the selected publications will be used and also the main ethical-legal dilemmas related to Nursing practice in emergencies and disasters. At first, the data will be displayed in charts and diagrams.

This initial extraction will be carried out independently and then subjected to a second reviewer. A third reviewer may participate in this action to resolve potential conflicts, when there is no consensus between the first two reviewers.

Separation, summarization and reporting of results

In this stage, a descriptive analysis from the mapped results will be sought, considering their bonds with the objective and the question of re-

search. From this summary it will be possible to structure a report of the results, in order to serve as a basis for reflection and review on ethical-legal needs to ensure greater legal certainty for nursing professionals in the future, who act in response to emergencies and disasters.

Results disclosure

The results from the implementation of this protocol involve the production of article(s) on the subject, development of guidelines that can instruct the review and publication of professional resolutions and regulations more aligned to the legal needs now reported, and expansion of the academic discussion of the problem with groups of professionals working on the front lines, in emergencies and disasters.

CONFLICT OF INTERESTS

The authors have declared that there is no conflict of interests.

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AUTHORSHIP CONTRIBUTIONS
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