

Kewenangan dan tanggung jawab hukum perawat anestesi dan dokter spesialis anesthesiologi dalam tindakan pembedahan, analisis putusan no. 109/Pid.Sus/205/PN.Trt = The authority and law accountability of anesthesia nurse and anesthesiology in surgical procedure based on the analysis of verdict number 109/Pid.Sus/2015/PN.Trt

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Abstrak

ABSTRACT

Tindakan anestesi merupakan tindakan yang berisiko tinggi, yang diberikan kepada pasien pada saat pasien akan menjalankan tindakan pembedahan. Dokter yang berwenang memberikan anestesi ialah dokter spesialis anesthesiologi. Dalam memberikan pelayanan anestesi kepada pasien, dokter spesialis anesthesiologi dibantu oleh perawat anestesi, dan berdasarkan Peraturan Menteri Kesehatan No. 31 Tahun 2013 apabila dokter spesialis anesthesiologi berhalangan hadir, kewenangan dapat dilimpahkan kepada perawat anestesi secara delegasi. Namun dalam putusan nomor 109/Pid.Sus/2015/PN.Trt, perawat anestesi yang memberikan pelayanan anestesi kepada pasien tanpa adanya izin atau perintah dari dokter spesialis anesthesiologi maka perawat anestesi tidak berhak melakukan tindakan anestesi. Dengan menggunakan metode yuridis-normatif, penelitian ini bertujuan mengetahui pengaturan kewenangan dan tanggung jawab hukum perawat anestesi dan dokter spesialis anesthesiologi dalam tindakan pembedahan, serta deskriptif analisis pelimpahan kewenangan secara delegasi dari dokter kepada perawat dan tanggung jawabnya di dalam putusan nomor 109/Pid.Sus/2015/PN.Trt. Hasil penelitian yang diperoleh ialah dokter spesialis anesthesiologi berwenang untuk mengawasi dan mengatasi pelaksanaan pelayanan anestesi, perawat anestesi berwenang untuk melakukan pelayanan anestesi dengan berkolaborasi dengan dokter spesialis anesthesiologi. Dalam pelimpahan kewenangan perawat bertanggung jawab langsung kepada dokter anestesi sebagai pelaksana. Dan dapat bertanggung jawab secara mandiri apabila bertindak diluar dari kewenangan yang dilimpahkan.

ABSTRACT

Anesthesia is a high risk action which has delivered to patient while surgical procedure. A doctor who has authority to conduct anesthesia is named specialist of anesthesiology. To deliver the anesthesia services into patient, medical specialist of anesthesiology is accompanied by anesthesia nurse and refers to Minister of Health regulation Number 31 Year 2013; if medical specialist of anesthesiology is absent, his authority can be delegated to anesthesia nurse. Nevertheless, in verdict number 109/Pid.Sus/2015/PN.Trt, anesthesia nurse who delivers the services to patient without permission or command of medical specialist of anesthesiology, anesthesia nurse doesn't have authority to deliver services. Hereby juridical-normative method, this research aims to know about the authority and accountability of anesthesia nurse and medical specialist of anesthesiology in surgical procedure, moreover descriptive-analysis is regarding the delegation of medical specialist of anesthesiology's authority into anesthesia nurse and his accountability which stipulated in verdict number 109/Pid.Sus/2015/PN.Trt. The research outcomes are medical specialist of anesthesiology has the power to monitor and overcome anesthesia procedure and anesthesia nurse has authority to deliver anesthesia procedure by collaborating with medical specialist of anesthesiology. To delegate the authority, a

nurse has to responsible directly into medical specialist of anesthesiology as executor, then he has to responsible individually outside authority which delegated by.