

N.C. Nurse Aide I Curriculum

MODULE E

Laws and Ethics

Objectives

- Describe ethical conduct.
- Describe a resident's rights in the nursing home.
- Give examples of abuse, neglect, and misappropriation of property.
- Explain the role of the Health Care Personnel Registry.
- Explain the role of the nurse aide in securing informed consent prior to providing care to the resident.

Laws

Are rules made by the government to help protect the public

- Person liable if laws not obeyed and person may be fined or jailed
- Two types – criminal and civil



Legal – Key Terms

Tort – a wrong committed against a person or property

- Unintentional – did not mean to cause harm
- Intentional – did mean to cause harm

Malpractice – giving care for which you are not allowed legally to do – example?

Negligence – actions or failure to act or give proper care, resulting in injury – example?

Assault and Battery

Assault – act of threatening to touch, or attempting to touch a person, without proper consent – example?

Battery – touching a person without consent – example?



Consent

The right to decide what will be done to the body and who can touch the body

- Written consent
- Verbal consent
- Implied consent



Which of the three can a nurse aide obtain?

Invasion of Privacy

Violation of
right to control
personal
information or
the right to be
left alone

Examples?



Legal – Key Terms

False imprisonment – unlawful restraining or restricting a person's movement



Defamation – false statement made to a third person that causes a person shame or ridicule, or ruins the reputation

- Written is libel. Example?
- Verbal is slander. Example?

Legal – Key Terms

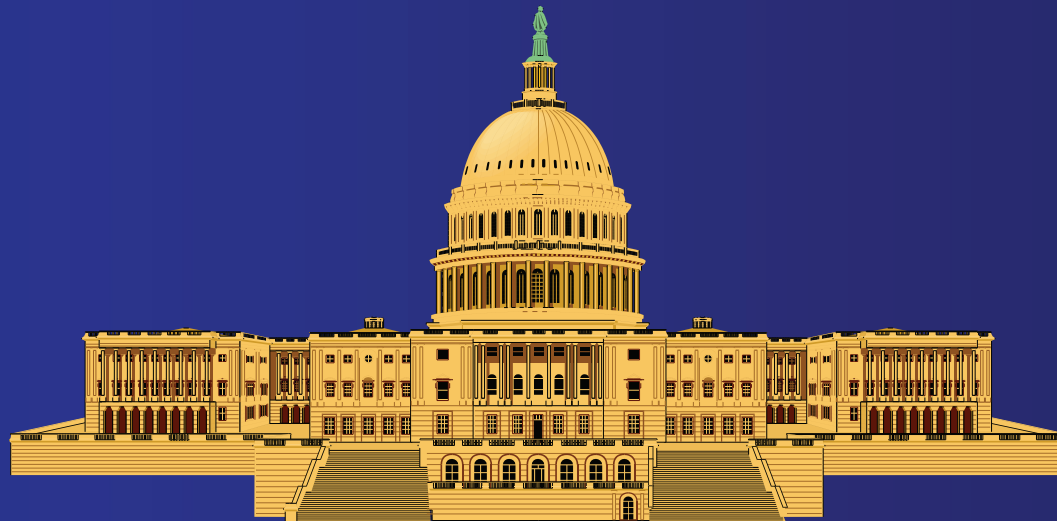
Diversion of drugs – unauthorized taking or use of any drug



Fraud – an intentional deception or misrepresentation resulting in some unauthorized benefit

Importance of Laws

Tell people what they can and cannot do



Are written to protect the public from harm

Legal – Nurse Aide's Role

- Understand range of function
 - Keep skills and knowledge current
- Keep resident's safety and well-being in mind
 - Understand directions for use
- Follow facility's policy and procedures
- Do no harm to resident or belongings
 - Report questionable practices
 - Know legal terms

Who are our Vulnerable Adults?

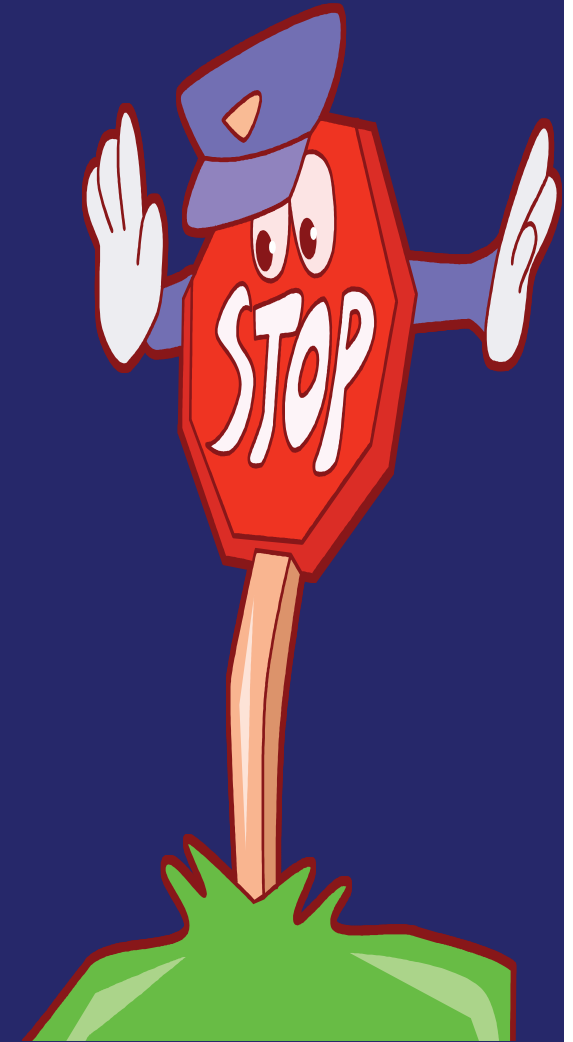


From What Must we Protect our Vulnerable Adults?

- Neglect
- Misappropriation of Property
- Abuse

Prevention of Mistreatment of Vulnerable Adult

- Care of personal property
- Review key terms and understand what must be reported to nurse
- Recognize signs/symptoms of neglect, misappropriation of funds, and abuse
- If abuse is observed by another health care provider, **stop abuse** and report immediately to nurse
- Report questionable practices

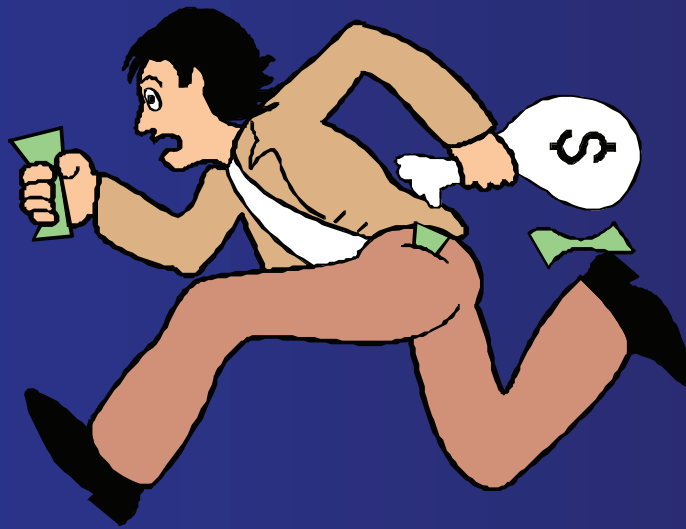


Neglect



- Signs and symptoms
 - Examples

Misappropriation of Property



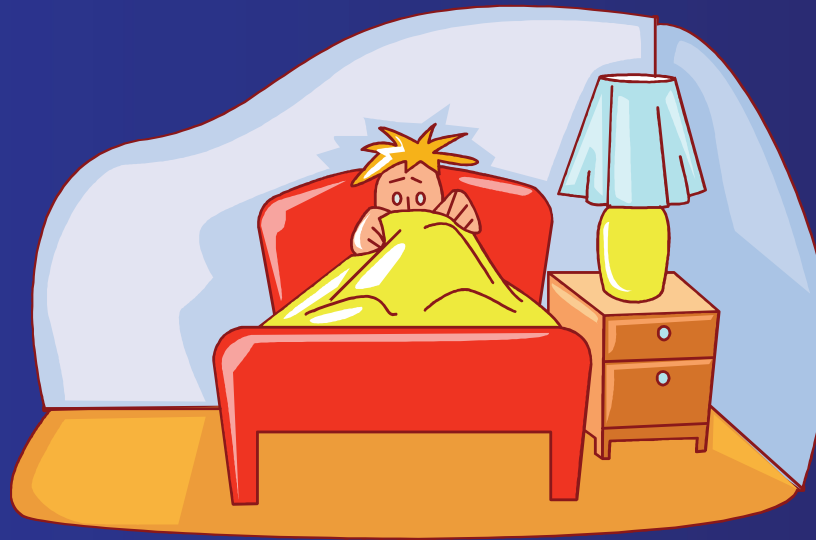
- Signs and symptoms
 - Examples

Physical Abuse



- Signs and symptoms
- Examples

Emotional or Psychological Abuse



- Signs and symptoms
 - Examples

Health Care Personnel Registry (HCPR)

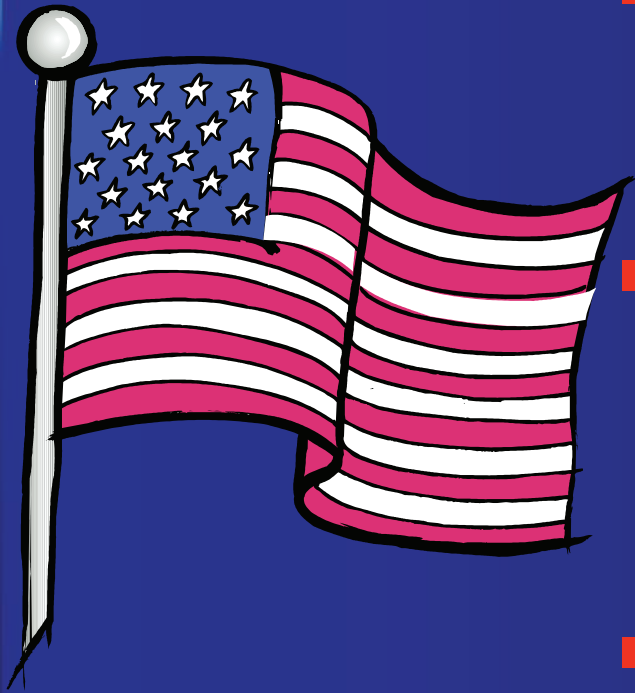
Mistreatment of the Vulnerable Adult – Points to Remember

- Abuse is cause for immediate dismissal and posted on Nurse Aide Registry, if substantiated
- **Not reporting abuse** is aiding and abetting



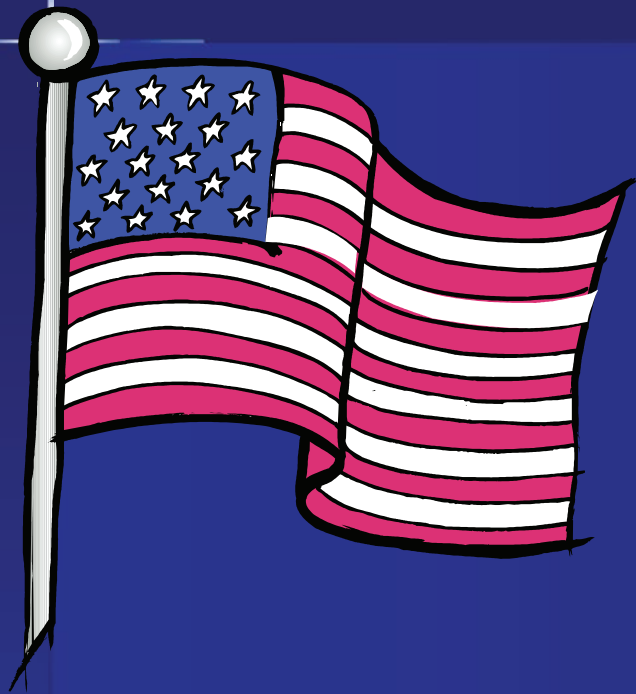
Ethics and Code of Ethics Key Terms

Basic Human Rights



- Are protected by the Constitution of the United States
- Right to be treated with respect, live in dignity, pursue a meaningful life and be free of fear
- Examples of infringement of these rights?

Resident's Rights



- Residents also have legally protected Resident's Rights
- OBRA identifies how a resident must be treated
- Provides a code of ethics
- Posted and provided in long-term care facilities

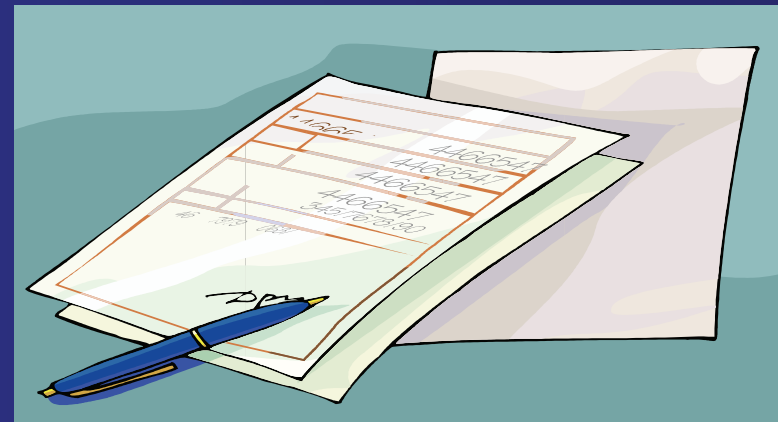
Who is an ombudsman?

Ethics – Importance

- Knowledge of right and wrong guides sense of duty and conduct
- Guides in providing quality care
- Governs actions of health care providers
- Vital to safety and well-being of residents

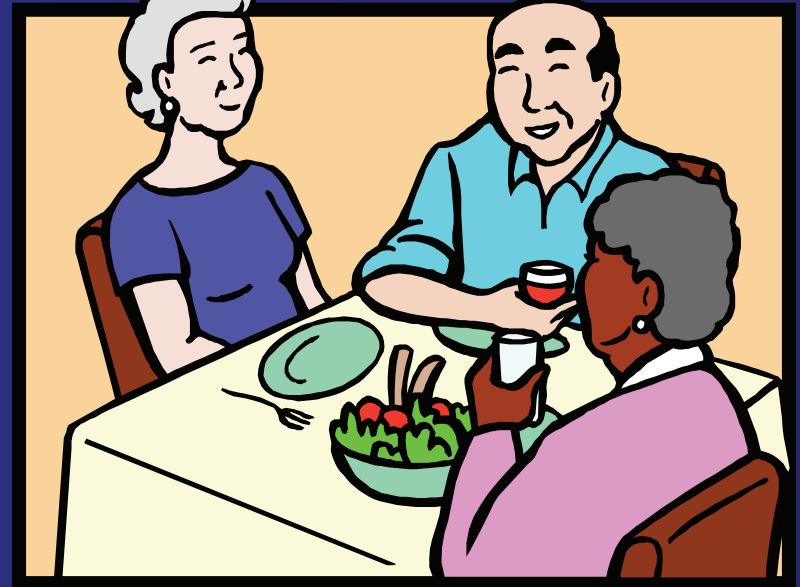
Ethics – Nurse Aide's Role

- Use good judgment
- Keep information confidential
- Document accurately
- Follow plan of care
- Be honest and trustworthy
- Report abuse or suspected abuse
- Understand and respect Resident's Rights



Ethics – Nurse Aide's Role

- Report observations and incidents
- Show empathy
- Respect residents equally
- Provide quality resident care
- Protect privacy
- Treat all professionally
- Avoid stereotyping
- Safeguard property
- Respect values and beliefs



Ethics – Points to Remember

- What is ethical behavior?
- When do nurse aides use ethical behavior?
- Ethical behavior can vary
- We are all individuals who think differently



Ethics – Points to Remember

End of life decision making usually follows resident's individual ethical principles

- Nurse aides must respect fact that resident has right to make own end of life decisions which may differ from nurse aide's
- Resident has
 - Right to refuse intervention
 - Right to request everything possible

The End