

Module 2 – Legal and Ethical Issues

Handout #1: Code of Ethics for Home Care Aides

Code of Ethics for Home Care Aides

-- Basic Principles --

- I. The safety and well-being of the client is the main concern in all decisions and actions.
- II. The highest level of honesty and integrity shall be maintained in all dealings with clients and the employer.
- III. Quality services shall be provided in a conscientious, competent, client-centered manner.
- IV. The person and property of the client shall be respected with confidentiality, security, kindness, and recognition of the client's individuality.
- V. All activities shall be carried out according to employer policies and any laws that apply with any actual or potential violation reported to the employer immediately.

Guidelines for Client's Rights ***Clients have the right to:***

- Be served by dependable and responsible caregivers;
- Receive services as contracted;
- Be treated with respect, consideration, and kindness;
- Have honest handling of personal property and money;
- Have privacy and modesty respected;
- Have confidentiality of financial, medical, emotional, family or other personal problems, or information about the client/family;
- Have acceptance of cultural and religious practices;
- Refuse any treatment or services;
- Dismiss any health team member for unsafe care practices, uncooperative attitude and/or careless work habits; and
- Not be abused physically, verbally, emotionally, or sexually by caregivers.

Guidelines for Home Care Aide's Rights

As a Home Care Aide, I have the right to:

- Be treated with respect and kindness;
- Provide services in a safe work environment;
- Be trained for tasks performed; and
- Not be abused physically, verbally, emotionally, or sexually by the client/family.

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Handout #2: Case Scenarios – Class Discussion

Scenario #1:

Sandra, a home care aide, has provided care for Mr. Jones for 2 years. Working with him for so long, she feels she has become a part of the family. Sandra is having a tough time with her finances and Mr. Jones offers to help. She accepts \$100 but promises to pay him back when she gets her next paycheck.

- What was acceptable or unacceptable about Sandra’s behavior?
- What was ethical/legal or unethical/illegal about her actions?
- What should have happened when Mr. Jones offered to help? Why?
- Should Mr. Jones have known about Sandra’s financial problems? Why or why not?

Scenario #2:

April, a home care aide, has provided care for Mr. Smith for the past 6 months. When she arrives to the home, she finds Mr. Smith with a black eye, sitting in his chair crying. He reports that his son hit him because he was frustrated that he would not bathe. He asked April not to report it to the office because he is fearful of his son and this is the first time this has ever happened. April promises that she will not report it.

- How do you feel about April’s promise?
- What was ethical/legal and/or unethical/illegal about her actions?
- What are her responsibilities to her agency and to her patient?

Scenario #3:

Luisa has cared for a 5-year-old girl who is disabled for several years. She feels strongly connected to the family and enjoys spending time with the child. She attends the child’s birthday party and posts pictures of the party on her Facebook page, including a picture of her and the child.

- What was acceptable or unacceptable about Luisa’s behavior?
- What was ethical and/or unethical about her actions?
- What should Luisa have done in this situation?

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Handout #3 – Terms and Definitions

Abuse - the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish. Examples include slapping or hitting a patient, yelling at a patient, threatening a patient with a punishment or rough treatment while giving care.

Neglect - a failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness. An example would be not changing a patient's soiled adult brief which may lead to skin breakdown and an infection.

Negligence - an unintentional wrong in which a person fails to act in a reasonable and prudent manner thereby causing harm to another person or the person's property. An example would be forgetting to lock the brakes on a wheelchair and the patient falls and gets hurt while being transferred to the wheelchair.

Misappropriation of resident property - the deliberate misplacement, exploitation or wrongful temporary or permanent use of a patient's belongings or money without the patient/resident's consent. Examples would be for the Home Care Aide to use the patient's lotion on his or her own skin or to keep the change from the patient's shopping money to buy his or her own lunch.

Misappropriation of the property of a health care facility - the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent. An example would be taking a blood pressure cuff and stethoscope for the Home Care Aide to use on family members or friends.

Fraud - an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State law. An example would be to take checks from the patient and write and cash them for use by the Home Care Aide.

Diversion of drugs - the unauthorized taking or use of any drug. An example would be the Home Care Aide taking medication from a patient's home or the agency and using for himself or herself.

True or False

1. _____ Fraud is an unintentional deception which happens to benefit the Home Care Aide.
2. _____ Not changing a patient's soiled adult brief which leads to skin breakdown and an infection is considered negligence.
3. _____ The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent is considered misappropriation of the property of a health care facility.
4. _____ A Home Care Aide who takes drugs from a patient's home is committing diversion of drugs.

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Handout #3 – Terms and Definitions

True or False ANSWERS

1. _____ Fraud is an unintentional deception which happens to benefit the Home Care Aide.

False – it is INTENTIONAL

2. _____ Not changing a patient's soiled adult brief which leads to skin breakdown and an infection is considered negligence.

False – it is considered NEGLECT

3. _____ The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent is considered misappropriation of the property of a health care facility.

True

4. _____ A Home Care Aide who takes drugs from a patient's home is committing diversion of drugs.

True

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Handout #4: Role Play Activity

(This can be done in a simulated lab area)

Student 1 (HOME CARE AIDE): Good morning, Ms. Long. How did your husband do last night?

Student 2 (SPOUSE, looking disheveled, tired, and anxious): Oh, I had the worst night! He was up wandering around all night long. I am not getting any sleep. I really need some extra help!

Student 1 (HOME CARE AIDE): Well...I could really use the extra money. You could pay me to stay at night and it would be much cheaper than paying the agency. What do you think?

Discuss suggestions for a more ethical interaction...then REPLAY:

Student 1 (HOME CARE AIDE): Good morning, Ms. Long. How did your husband do last night?

Student 2 (SPOUSE, looking disheveled, tired, and anxious): Oh, I had the worst night! He was up wandering around all night long. I am not getting any sleep. I really need some extra help!

Student 1 (HOME CARE AIDE): First, let's call the office and speak to my supervisor. I am sure that she will be able to assist you. We don't want you to burn-out. We need to make sure that you are getting plenty of rest so that you can properly take care of your husband and yourself.