

**NC Department of
Health and Human Services
NC Nurse Aide I Curriculum**

**Module E
Law and Ethics**

July 2024

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Objectives

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


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Laws

Rules made by the government to help protect the public

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



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



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Assault and Battery

- Assault
 - Act of threatening to touch without proper consent
 - Attempting to touch a person without proper consent
- Battery
 - Touching a person without consent
 - Performing a procedure or task the resident refused



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Consent

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

- Written consent
- Verbal consent
- Implied consent



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Invasion of privacy

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



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Legal – Key Terms (2)

- False imprisonment – unlawful restraining or restricting a person's movements
- Defamation – false statements made to a third person that causes a person shame or ridicule or ruins a person's reputation
 - Written is libel
 - Verbal is slander



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Legal – Key Terms (3)

- Diversion of drugs – unauthorized taking or use of any drug
- Fraud – an intentional deception or misrepresentation resulting in some unauthorized benefit



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Importance of Laws

- Informs people of what they can or cannot do
- Written to protect the public from harm



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Legal – Nurse Aide's Role

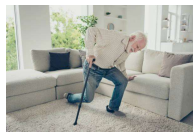
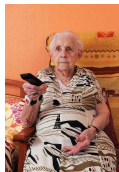
- Understand range of function
- Keep skills and knowledge current
- Maintain resident's safety
- Stay up-to-date on materials and supply use
- Follow facility's policies and procedure
- Do no harm to resident or belongings
- Report questionable practices
- Know legal terms

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Who Are Vulnerable Adults?



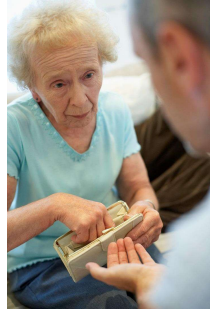
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We Must Protect Vulnerable Adults

- Neglect
- Misappropriation of Property
- Abuse
- Exploitation



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Preventing Mistreatment of Vulnerable Adults

- Care of personal property
- Recognize signs/symptoms of neglect, misappropriation of funds, abuse, and exploitation
- If nurse aide observes another health care provider abusing a resident, **STOP THE ABUSE**, and immediately report abuse to the nurse
- Report questionable practices

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Neglect Examples

- Dehydration, malnutrition, untreated pressure ulcers, and poor personal hygiene
- Unsanitary and unclean conditions, such as being dirty, having to lie in feces or urine, inadequate clothing
- Resident's report of neglect



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Misappropriation of Property



Indicators

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Physical Abuse



Signs and Symptoms

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Emotional or Psychological Abuse




Signs and Symptoms

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Exploitation



Signs and Symptoms

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NCDHHS

**Health Care Personnel
Registry (HCPR)**

**NC DHSR: Complaint Intake and Health
Care Personnel Investigations Section**
(ncdhhs.gov)

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Mistreatment of the Vulnerable Adult

Remember:

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



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Ethics and Code of Ethics Key Terms

- Ethics
- Code of Ethics
- Confidentiality
- Privacy



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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



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Resident's Rights

- Residents 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



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Ethics

Importance of Ethics:

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

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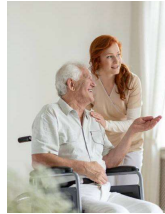
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Ethics (2)

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



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Ethics (3)

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



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Ethics (4)

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



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Ethics – End of life care

- End of life decision making usually follows resident's individual ethical principles
- Nurse aides must respect fact that resident has the right to make own end of life decisions which may differ from the ethics of a nurse aide
- Resident has...
 - Right to refuse treatment
 - Right to request everything possible



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The End

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