

NC Department of Health and Human Services

NC Home Care Aide Curriculum

Module 2

Legal and Ethical Issues

July 2021

OBJECTIVES

1. Differentiate between legal and ethical issues
2. Relate legal and ethical issues to the home care aide role
3. Discuss the Home Care Aide Code of Ethics
4. Explain patient rights and responsibilities
5. Recognize home care aide rights and responsibilities
6. Give examples of ethical and unethical behaviors

LEGAL AND ETHICAL ISSUES

**What is the
difference
between a legal
issue and an
ethical issue?**



Agency-defined Code of Ethics

- **Guidelines and expectations for ethical behavior may be agency policy**
- **Agency code of ethics may address areas where ethical behavior is expected**
- **Important to agency that all employees demonstrate ethical behavior in every aspect of their organization**

ETHICAL AND LEGAL BEHAVIORS

- **Honesty**
- **Confidentiality**
- **Following patient's care plan**
- **Never performing a task outside of what you have been trained or cleared to do**
- **Reporting patient observations to your supervisor**
- **Politely refusing gifts or money from patients**

HANDOUT #1 - CODE OF ETHICS

The Home Care Aide Association of America established a *Code of Ethics* for Home Care Aides that includes five basic principles



BASIC PRINCIPLE #1

Code of Ethics for Home Care Aides

I. The safety and well-being of the client is the main concern in all decisions and actions

BASIC PRINCIPLE #2

Code of Ethics for Home Care Aides

II. The highest level of honesty and integrity shall be maintained in all dealings with clients and the employer

BASIC PRINCIPLE #3

Code of Ethics for Home Care Aides

III. Quality services shall be provided in a conscientious, competent, client-centered manner

BASIC PRINCIPLE #4

Code of Ethics for Home Care Aides

IV. The person and property of the client shall be respected with confidentiality, security, kindness, and recognition of the client's individuality

BASIC PRINCIPLE #5

Code of Ethics for Home Care Aides

V. All activities shall be carried out according to employer policies and any laws that apply with any actual or possible violation reported to the employer immediately

PATIENT RIGHTS

- **Written statement of patient rights and home care aide rights to be given to patients**
- **Document will vary by agency and include similar basic rights**



PATIENT RIGHTS (1)

Patients have the right to be treated with dignity and respect



PATIENT RIGHTS (2)

Patients have the right to make their own decisions

WHAT'S
YOUR
CHOICE?



PATIENT RIGHTS (3)

Patients have the right to privacy



PATIENT RIGHTS (4)

**Patients have the right to
quality care**



PATIENT RIGHTS (5)

Patients have the right to be informed of all financial information related to their care



Employee Rights

- **Just as patients have rights, employees have rights**
- **Visit the U.S. Department of Labor website at: www.dol.gov for a comprehensive listing and explanation of employee rights**



Written Consent

- **The patient and/or responsible party remains in control of decision making for care of the patient**
- **Patients make their own decisions even if they are not the best decisions**



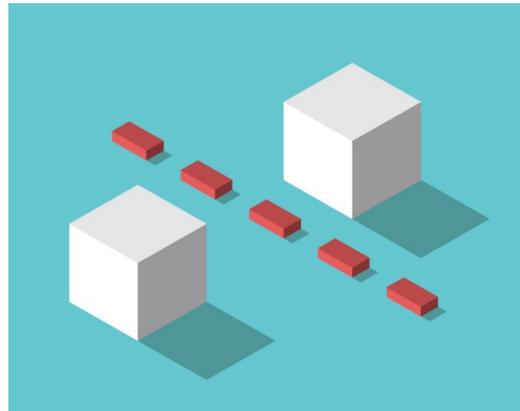
Patient Responsibilities

Examples of patient responsibilities include:

- **Notifying agency of changes**
- **Following care plan**
- **Treating aide with respect and kindness**
- **Keeping the home environment safe**
- **Not abusing any staff**
- **Keeping the agency informed of any problems or grievances with services**

Professional Boundaries

- **Maintain professional boundaries**
- **Examples of potential issues**
- **Boundary crossing is often unintentional**
- **Request assistance from supervisor when an ethical dilemma occurs**



HANDOUT #2 – CASE SCENARIOS

Class discussion



PATIENT ABUSE AND NEGLECT

- **Physical**
- **Sexual**
- **Psychological**
- **Financial**
- **Neglect**



Home Care Aide and Abuse Allegations

Abuse allegations involving home care aides

- Abuse
- Neglect
- Negligence
- Misappropriation of resident property
- Misappropriation of the property of a health care facility
- Fraud
- Diversion of drugs

Handout #3

Terms and Definitions/True or False

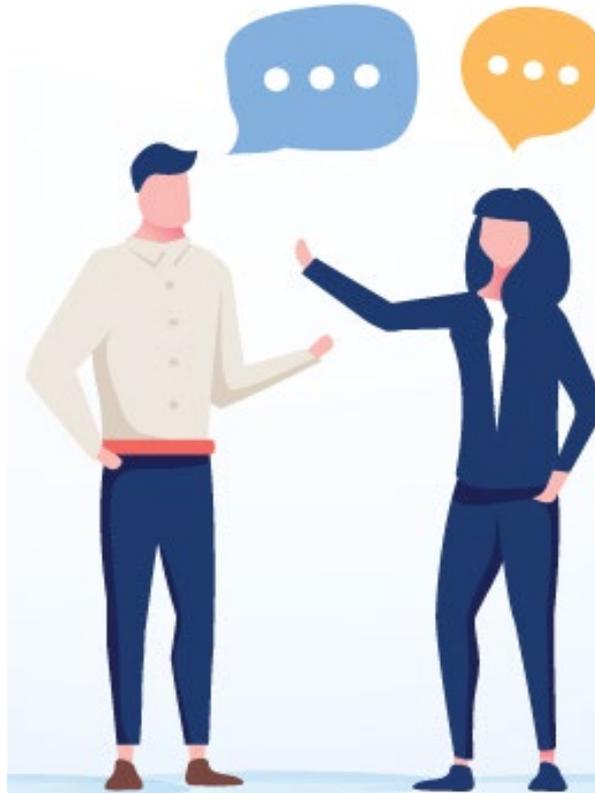
BEWARE OF KICKBACK SCHEMES

- **A kickback is a negotiated bribe paid over time; kickbacks are kept secret**
- **Dishonest employers may offer kickbacks**
- **It is illegal and unethical to accept money for recruiting new patients or bringing current patients from another agency to the employer's agency**
- **It's the responsibility of the nurse aide to recognize and refuse kickbacks**



HANDOUT #4 - CODE OF ETHICS

Role play activities



CONGRATULATIONS!

NOW YOU ARE PREPARED TO RESPOND IN AN ETHICAL AND LEGAL MANNER IN YOUR WORK AS A HOME CARE AIDE

