



NC Department of Health and Human Services  
**NC Home Care Aide Curriculum**

**Module 2**  
**Legal and Ethical Issues**

July 2021

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**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

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**LEGAL AND ETHICAL ISSUES**

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



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**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

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**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

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**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



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**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**

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**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**

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**BASIC PRINCIPLE #3**

**Code of Ethics for Home Care Aides**

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

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**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**

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**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**

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**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**



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**PATIENT RIGHTS (1)**

**Patients have the right to be treated with dignity and respect**



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**PATIENT RIGHTS (2)**

**Patients have the right to make their own decisions**



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**PATIENT RIGHTS (3)**

**Patients have the right to privacy**



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**PATIENT RIGHTS (4)**

**Patients have the right to quality care**



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**PATIENT RIGHTS (5)**

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



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**Employee Rights**

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



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**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**



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**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**

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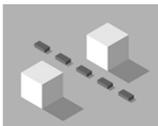
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**Professional Boundaries**

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



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**HANDOUT #2 – CASE SCENARIOS**

**Class discussion**



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**PATIENT ABUSE AND NEGLECT**

- Physical
- Sexual
- Psychological
- Financial
- Neglect



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**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**

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**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



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**HANDOUT #4 - CODE OF ETHICS**

**Role play activities**



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**CONGRATULATIONS!**

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



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