



NC Department of Health and Human Services

NC Nurse Aide I Curriculum

Module E Law and Ethics

July 2019

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

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**



* Legal – Key Terms (1)

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 be left
alone**



Examples?

Legal – Key Terms (2)

False imprisonment – unlawful restraining or restriction 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

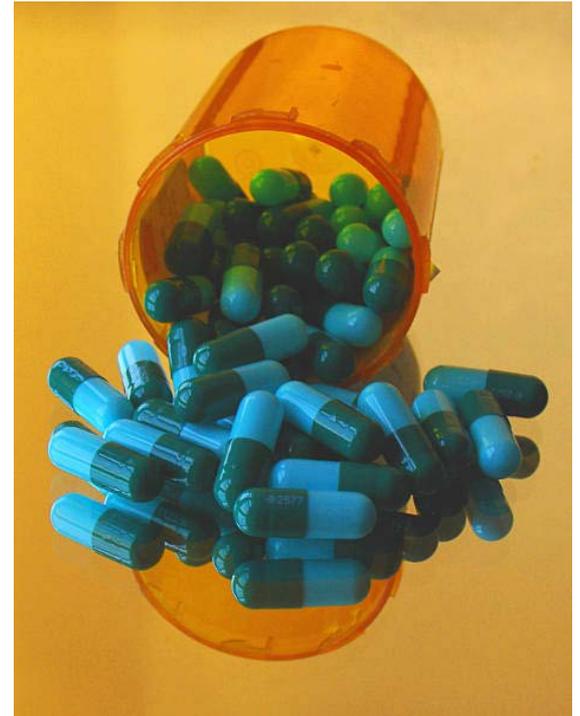
**Written is libel - Example?
Verbal is slander - Example?**



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**



Importance of Laws

Lets people know what they can or 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 policies and procedure**
- **Do no harm to resident or belongings**
- **Report questionable practices**
- **Know legal terms**

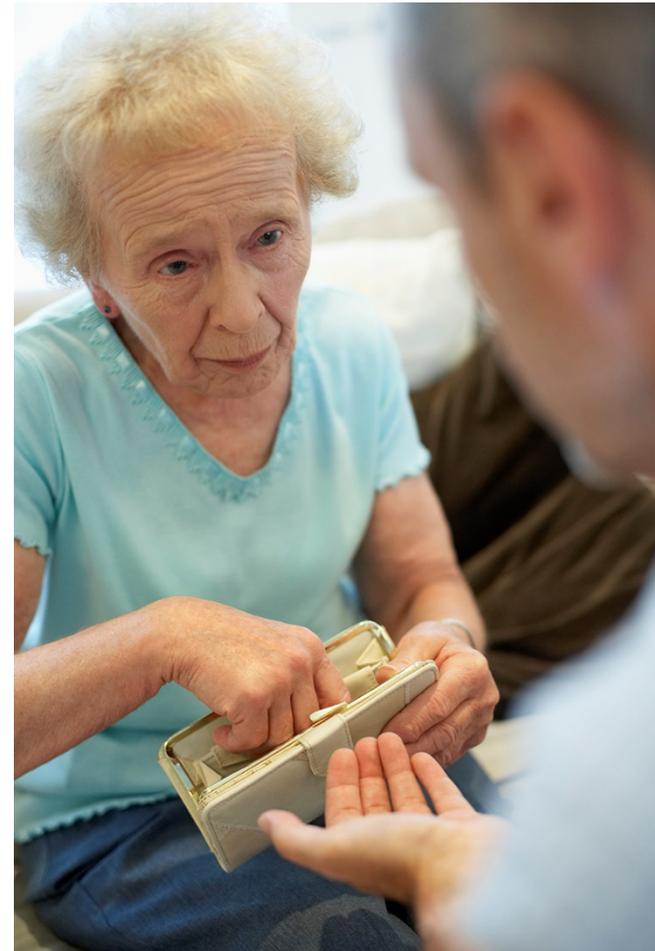
Who are our Vulnerable Adults?



We Must Protect Our Vulnerable Adults

From...

- **Neglect**
- **Misappropriation of Property**
- **Abuse**
- **Exploitation**



Preventing Mistreatment of Vulnerable Adults

- Care of personal property
- Review key terms and understand what must be reported to nurse
- 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 nurse
- Report questionable practices

Neglect



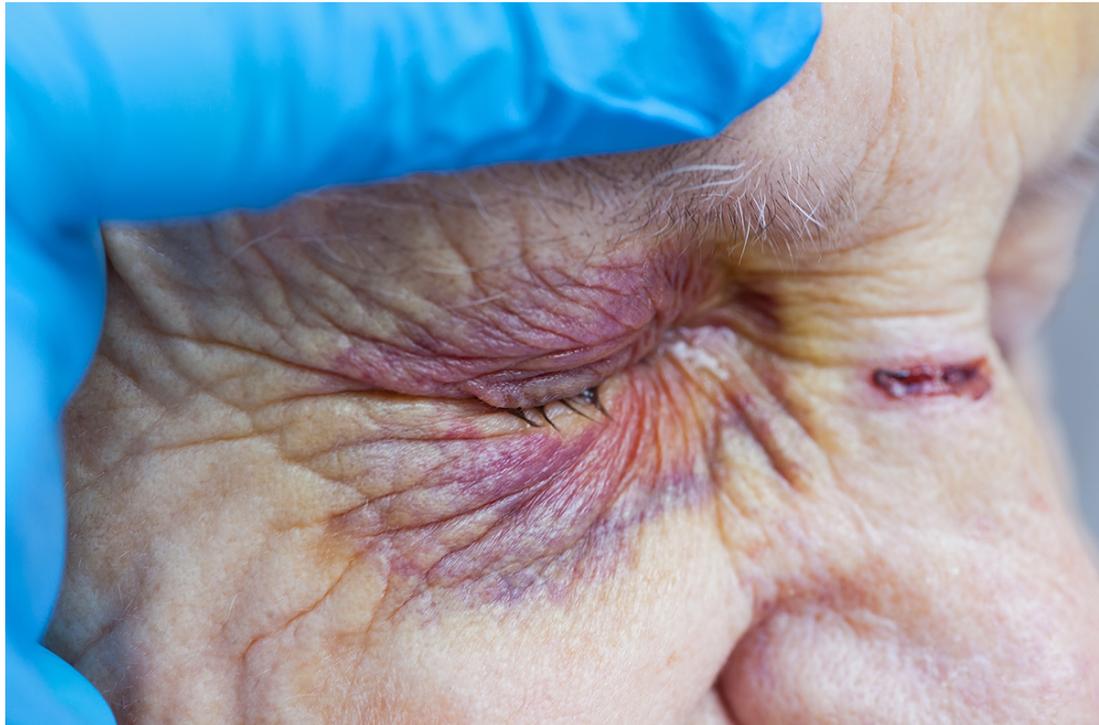
- **Signs and symptoms**
- **Examples**

Misappropriation of Property



- **Signs and symptoms**
- **Examples**

Physical Abuse



- **Signs and symptoms**
- **Examples**

Emotional or Psychological Abuse



- **Signs and symptoms**
- **Examples**

Exploitation



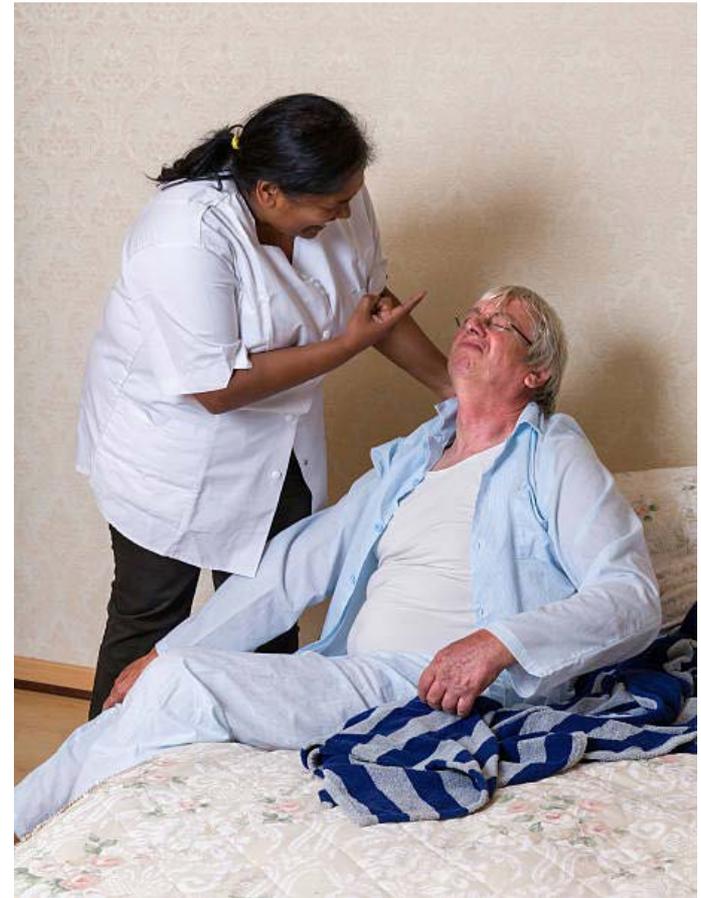
- **Signs and symptoms**
 - **Examples**

Health Care Personnel Registry (HCPR)

Mistreatment of the Vulnerable Adult

Points to remember:

- Abuse is cause for immediate dismissal and posted on Nurse Aide I 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 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**

Ethics (1)

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**

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**



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



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**



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**

