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
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 (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?
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