

# Chapter 4

## Ethics and Laws

# Lesson 4.1

- Define the key terms and key abbreviations in this chapter.
- Describe ethical conduct.
- Describe the rules of conduct for nursing assistants.
- Explain how to maintain professional boundaries.
- Explain how to prevent negligent acts.

# Lesson 4.1 (Cont.)

- Give examples of unintentional and intentional torts.
- Describe how to protect the right to privacy.
- Explain the correct use of electronic communications.
- Explain the purpose of informed consent.
- Describe elder abuse, child abuse and neglect, and intimate partner violence.
- Explain how to promote PRIDE in the person, the family, and yourself.

# Ethical Aspects

- Ethics is knowledge of what is right conduct and wrong conduct.
- An ethical person behaves and acts in the right way.
- Ethical behavior involves not being prejudiced or biased.
  - To be prejudiced or biased means to make judgments and have views before knowing the facts.
- Ethical problems involve making choices.
- Codes of ethics are rules or standards of conduct.

# Professional Boundaries

- Boundaries

- You enter into a helping relationship with patients, residents, and families.
  - The helping relationship has professional boundaries.
- Professional boundaries separate helpful behaviors from those who are not helpful.
- A boundary crossing is a brief act or behavior outside of the helpful zone.
- A boundary violation is an act or behavior that meets your needs, not the person's needs.
- Professional sexual misconduct is an act, behavior, or comment that is sexual in nature.

# Legal Aspects

- A law is a rule of conduct made by a government body.
  - Laws protect the public welfare.
- Criminal laws are concerned with offenses against the public and society in general.
- Civil laws deal with relationships between people.
- Torts are part of civil law.

# Torts

- Unintentional torts (harm was not intended)
  - Negligence is an unintentional wrong.
  - Malpractice is negligence by a professional person.
- Intentional torts (acts meant to be harmful)
  - Defamation is injuring a person's name or reputation by making false statements to a third person.
    - Libel and slander
- False imprisonment is the unlawful restraint or restriction of a person's freedom of movement including:
  - Threatening to restrain a person
  - Restraining a person
  - Preventing a person from leaving the agency

# Protecting Privacy

- Invasion of privacy is violating a person's right not to have his or her name, photo, or private affairs exposed or made public without giving consent.
  - The Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects the privacy and security of a person's health information.
  - Failure to comply with HIPAA rules can result in fines, penalties, and criminal action including jail time.
- Fraud is saying or doing something to trick, fool, or deceive a person.
- Assault is intentionally attempting or threatening to touch a person's body without the person's consent.
- Battery is touching a person's body without his or her consent.



# Wrongful Use of Electronic Communications

- Use correctly: E-mail, texts, faxes, websites, videos, and social media.
  - Use these communications correctly in both your personal and professional life.
- Wrongful use can result in:
  - Job loss
  - Loss of certification
  - Civil action resulting in a fine
  - Criminal action resulting a fine or jail time

# Informed Consent

- Informed consent

- A person has the right to decide what will be done to his or her body and who can touch his or her body.
- The doctor is responsible for informing the person about all aspects of treatment.
- Consent is informed when the person clearly understands all aspects of treatment.
- If the person is unable to give consent, a responsible party or a legal representative gives informed consent.
- *You are never responsible for obtaining written consent.*
- Nurses often obtain written consent.

# Reporting Abuse

- Abuse is the intentional mistreatment or harm of another person.
- Abuse is a crime.
- Abuse has one or more of these elements:
  - Willful infliction of injury
  - Unreasonable confinement
  - Intimidation
  - Punishment
  - Deprivation of goods or services needed for physical, mental, or psycho-social well-being

# Reporting Abuse (Cont.)

- Protection against abuse extends to persons in a coma.
- The abuser is usually a family member or caregiver.
- Both men and women are abusers.
- Both men and women are abused.

# Vulnerable Adults

- Vulnerable adults:
  - Are persons 18 years old or older
  - Have disabilities or conditions that make them at risk to be wounded, attacked, or damaged
  - Have problems caring for or protecting themselves because of:
    - A mental, emotional, physical, or developmental disability
    - Brain damage
    - Changes from aging
  - Patients and residents, regardless of age, are considered vulnerable.

# Elder Abuse

- Elder abuse is any knowing, intentional, or negligent act by a caregiver or any other person to an older adult. The act causes harm or serious risk of harm. It includes:
  - Physical abuse
  - Neglect
  - Verbal abuse
  - Involuntary seclusion
  - Financial exploitation or misappropriation
  - Emotional abuse
  - Sexual abuse
  - Abandonment

# OBRA Requirements

- OBRA requirements

- Agencies cannot employ persons who were convicted of abuse, neglect, or mistreatment.
- If abuse is suspected within the center:
  - The incident is reported at once to the administrator and other officials as required by federal and state laws.
  - All claims of abuse are thoroughly investigated.
  - The center must prevent further potential for abuse while the investigation is in progress.
  - Investigation results are reported to required officials.
  - Corrective actions are taken if the claim is found to be true.

# Child Abuse and Neglect

- All states require the reporting of suspected child abuse and neglect.
- Abuse can be in the form of physical, sexual, or emotional abuse; substance abuse; or abandonment.
- You must be alert for signs and symptoms of child abuse.
  - Report any changes in the child's body or behavior.
  - Share your concerns with the nurse.
  - Give as much details as you can.



# Intimate Partner Abuse

- Intimate Partner Abuse occurs in relationships.
  - One partner has power and control over the other through abuse—physical, sexual, verbal, economic, or social abuse.
  - The victim often hides the abuse.
  - He or she may protect the abuser.