

Legal & Ethical Issues

**Healthcare decisions and actions are
based upon laws and morals**

Laws

- A rule that must be followed
- Two main types that affect healthcare workers
- Failure to meet your legal responsibilities can result in legal action against you and your employer!

Criminal law

- AKA “CRIME”
- Deals with wrongs against a person, property or society
- Examples: practicing in health profession without having the required license, theft, sexual assault, illegal possession of drugs, misuse of narcotics, murder

Civil law

- Focuses on legal relationships between people and the protection of a person's rights.
- Occurs when a person is harmed or injured because a health care provider does not meet the established or expected standards of care.

Malpractice

- Providing improper or unprofessional tx or care that results in injury to another person
- Example: A nurse performing a procedure without having training, a physician fails to use a degree of skill and learning commonly expected

Negligence

- Failure to give care that is normally expected of a person in a particular position that results in injury to a person.
- Carelessness
- Can be accidental or deliberate

Negligence

- Examples :

Not performing your work as taught.

Not carrying out your job in a conscientious manner.

Assault & Battery

- Assault – threat or attempt to injure
- Battery- unlawful touching of another person without consent
- Informed consent – permission granted voluntarily by a person who is of sound mind after the procedure and all risks have been explained in terms that the person can understand.

Assault & Battery

- Examples:
- Performing a procedure after a patient has refused to give permission.
- Threatening a patient
- Improper handling or rough treatment of a patient while giving care.

Invasion of privacy

- Unnecessarily exposing an individual or revealing information about a patient
- Examples:

Not knocking on a patient's door prior to entry

Improper draping or covering a patient during a procedure.

Talking to others not involved in the patient's care about the patient.

False Imprisonment

- Restraining an individual or restricting an individual's freedom
- Examples:

Keeping an individual hospitalized against their will.

Applying physical restraints without proper authorization or with no justification.

Abuse

- Any care that results in physical harm, pain or mental anguish.
- **Examples:**

Physical abuse- an act such as hitting, slapping, pushing, kicking, pinching, or rough handling that causes physical harm to a person.

Performing the wrong treatment to a patient.

Not providing care or food or water.

Abuse examples cont.

- Verbal abuse – speaking harshly, swearing or shouting, using inappropriate words to describe a person's race, nationality, or writing threats or abusive statements.
- **Examples** : Telling a patient s/he is stupid because they can't understand English

Abuse cont.

- Sexual abuse
- Any unwanted sexual touching or act, using sexual gestures, and or suggesting sexual behavior.

Theft

- Taking anything that does not belong to you.
- Must report if you see someone stealing. If you do not, then you are guilty of aiding and abetting.

defamation

- Making false statements about someone and their character is injured
- Slander – verbal
- Libel – written
- Example: inaccurately telling a coworker or writing that a person has AIDS

Privileged Communications

- All information given to healthcare personnel by the patient/resident
- Must be kept confidential
- Shared only with members of the patient's health care team.
- Must have written consent to share
- Exemptions are: births, deaths, violence, abuse ,communicable diseases and STD's

Privileged Communications

- Examples:

Health care records

Computerized health care records

- HIPPA – standards that provide federal protection for privacy of health information in all states

ETHICS

- Set of principles relating to what is morally right or wrong
- Respect for life
- Respect for the individual
- Patient information
- Tipping

Respect for life

- Put the saving of life and promotion of health and comfort first!
- Respect the individual's choice to die peacefully and with dignity. All options have been discussed with the pt and family or pre-determined by advance directive.

Respect for the individual

- Do unto others as you would have them do unto you!
- Treat ALL pts. equally regardless of race, religion, social or economic status, sex or nationality.
- Provide care for all individuals to the best of your ability
- Maintain competent level of skill, and CEU's

Patient Information Privacy

- Information is confidential and shared only with members of the patient's healthcare team.
- Must not discuss healthcare information in public or with family.
- Defer those who are seeking information to the nurse or supervisor

Tipping

- Always politely decline any money or gift by the patient, or family for care given.
- Report illegal actions if observed

Resident's Bill of Rights

- OBRA – Omnibus Budget Reconciliation Act
- Ensures that resident's rights are observed and enforced
- Copy must be given to resident and resident must sign that received
- Regulates the education and certification of CNAs
- Ombudsman – Specially trained individual who works with the elderly and their families, healthcare providers, to improve quality of care, resolve complaints, report problems to the correct agency, & monitor and enforce regulations.

Professional Standards

- Type of care provided by the healthcare worker
- Perform only those procedures for which you have been trained and are legally permitted to do.
- Use approved, correct methods while performing any procedure.
- Obtain proper authorization before performing any procedure

Professional Standards cont.

- Identify the patient
- Obtain the patient/resident's consent before performing any procedure.
- Observe all safety precautions.
- Keep all information confidential.
- Think before you speak
- Treat all patients equally
- Accept no tips.
- Report any errors to your supervisor
- Behave professionally in actions, dress and language