



MODULE 2: LEGAL AND ETHICAL ISSUES

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OBJECTIVES

1. Know the difference between legal and ethical issues
2. Understand the home care aide's role with legal and ethical issues
3. Be familiar with the code of ethics
4. Understand the patient's rights and responsibilities
5. Understand the home care aide's rights and responsibilities
6. Be able to 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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LEGAL AND ETHICAL ISSUES

- Many agencies establish their own set of guidelines for ethical behavior.
- Oftentimes it will be outlined in a policy.
- It is helpful for the home care aide to become familiar with their agency's mission or vision, as well as their code of ethics.



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LEGAL AND ETHICAL ISSUES

- Examples of ethical and legal behaviors are:
 - Being honest at all times – this includes documentation and reporting accurately how long tasks took to perform
 - Protecting patient’s confidentiality
 - Abiding by the patient’s care plan and never performing a task outside of what you have been trained or cleared to do
 - Reporting patient observations to your supervisor, this includes suspected abuse or neglect
 - Not accepting gifts or money from patients

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HANDOUT #1 - CODE OF ETHICS

The Home Care Aide Association of America has established a
“Code of Ethics for Home Care Aides”



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CODE OF ETHICS

#1: “The safety and well-being of the client is the main concern in all decisions and actions.”

National Association for Home Care. (1999) *Home Care Aide Association of America: Code of Ethics for Home Care Aides.*

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CODE OF ETHICS

#2: “The highest level of honesty and integrity shall be maintained in all dealings with clients and the employer.

National Association for Home Care. (1999) *Home Care Aide Association of America: Code of Ethics for Home Care Aides.*

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CODE OF ETHICS

#3: “Quality services shall be provided in a conscientious, competent, client-centered manner.”

National Association for Home Care. (1999) *Home Care Aide Association of America: Code of Ethics for Home Care Aides*.

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CODE OF ETHICS

#4: “The person and property of the client shall be respected with confidentiality, security, kindness, and recognition of the client’s individuality.”

National Association for Home Care. (1999) *Home Care Aide Association of America: Code of Ethics for Home Care Aides*.

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CODE OF ETHICS

#5: 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.”

National Association for Home Care. (1999) *Home Care Aide Association of America: Code of Ethics for Home Care Aides.*

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LEGAL AND ETHICAL ISSUES

- Each agency should have a written statement to be given to patients, outlining the patient's rights and also the home care aide's rights.
- This document will vary; however, should include the following basic rights...



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LEGAL AND ETHICAL ISSUES

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

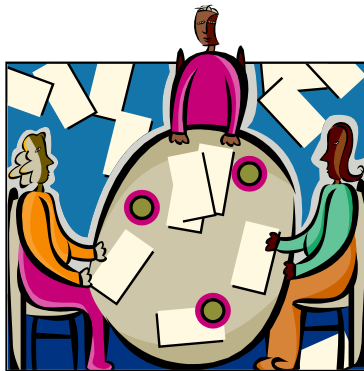


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Patients have the right to decision making.



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LEGAL AND ETHICAL ISSUES

Patients have the right to privacy.



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LEGAL AND ETHICAL ISSUES



Patients have the right to quality care.

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LEGAL AND ETHICAL ISSUES

Patients have the right to be
Informed of all financial information
pertaining to their care.



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EMPLOYEE RIGHTS

- Just as patients have rights, employees have rights.
- For a comprehensive listing and explanation of employee rights, visit the U.S. Department of Labor website at: www.dol.gov



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WRITTEN CONSENT

- The patient and/or responsible party remains in control of decision making in the care.
- Patients are allowed to make their own decisions.



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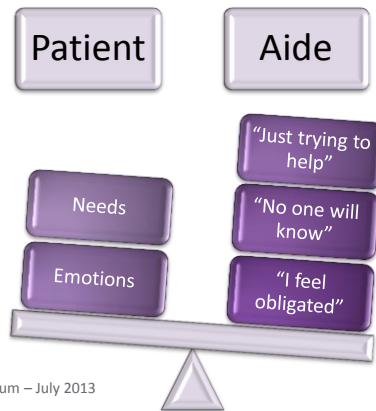
- Examples of patient responsibilities are:
 - Notifying the home care agency of any scheduling changes, personal or health information (this includes admissions to the hospital)
 - Following the care plan
 - Treating the home care aide with respect and kindness
 - Keeping the home environment safe for the home care aide
 - Not abusing any staff in any way
 - Keeping the agency informed of any problems or grievances with services

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LEGAL AND ETHICAL ISSUES

- Maintain professional boundaries at all times.
- Potential issues
- Boundary crossing is often unintentional



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LEGAL AND ETHICAL ISSUES

- **Handout #2: Case Scenarios – Class Discussion**



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PATIENT ABUSE AND NEGLECT

- Physical
- Sexual
- Psychological
- Financial
- Neglect



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PATIENT ABUSE AND NEGLECT

- 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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LEGAL AND ETHICAL ISSUES

- Home care aides may also be faced with legal or ethical issues at their place of employment.
- When employees are approached and enticed with “bonuses” or “commissions”, they may try to bring on more patients, even if the patient may not be completely appropriate for the home care services.
- This is both an ethical and a legal issue.



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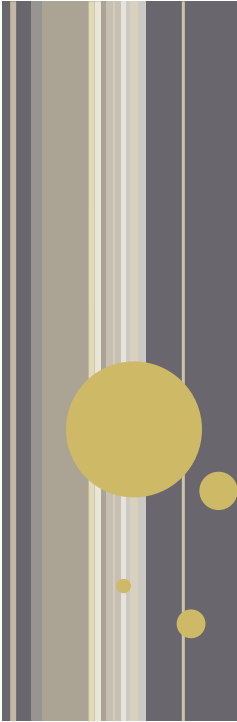
LEGAL AND ETHICAL ISSUES

○ Handout #4: Role Play Activity



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**NOW YOU ARE EQUIPPED
TO RESPOND IN AN ETHICAL
AND LEGAL MANNER IN
YOUR WORK AS A HOME
CARE AIDE.
CONGRATULATIONS!**

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