

3

Legal and Ethical Issues

1. Define the terms *ethics* and *laws* and list examples of legal and ethical behavior

Short Answer

1. Sarah, a home health aide, is out shopping with her friends. One of them asks her if she likes her job, and she responds enthusiastically. She proceeds to tell them that her client, Mrs. Hernandez, has Alzheimer's disease and has to be reminded of her name several times a day, as she is apt to forget it.

Did Sarah behave in a legal and ethical manner? Why or why not?

2. Caroyl, a home health aide, finishes her duties for the day early. Her client, Mr. Kim, tells her how pleased he is with her work. He says that she is the first aide that has made him feel so comfortable and well taken care of. He gives her a little box of candy and says it is for all the hard work she has done. Caroyl initially refuses, but after he insists, she takes it from him, thanking him.

Did Caroyl behave in a legal and ethical manner? Why or why not?

3. Mark, a home health aide, has been working for Mrs. Stein for almost a year. Her family is visiting from out of state and Mark meets her daughter, Susan, for the first time. During the course of conversation, Susan asks Mark to come have a drink with her so that they can talk about her mother's case in a more relaxed environment. Mark tells her that he can go out for a short while. They arrange to meet.

Did Mark behave in a legal and ethical manner? Why or why not?

2. Explain clients' rights and discuss why they are important

True or False

1. _____ If a home health aide knows that a client is being abused by a family member, he should immediately confront the abuser.

2. ____ If a home health aide suspects that a client is being abused, he should not report it until he has proof that the abuse is actually happening.
3. ____ Clients have the right to participate in their care planning.
4. ____ Clients should only be informed of barriers to their care if they are life-threatening.
5. ____ Neglect is the failure to provide needed care that results in physical, mental, or emotional harm to a person.
6. ____ Clients do not need to know what they are being charged for, as long as they are receiving adequate care.

Matching*Use each letter only once.*

7. ____ Abuse
 8. ____ Assault
 9. ____ Battery
 10. ____ Domestic violence
 11. ____ False imprisonment
 12. ____ Financial abuse
 13. ____ Involuntary seclusion
 14. ____ Malpractice
 15. ____ Neglect
 16. ____ Negligence
 17. ____ Physical abuse
 18. ____ Psychological abuse
 19. ____ Sexual abuse
 20. ____ Sexual harassment
 21. ____ Substance abuse
 22. ____ Verbal abuse
 23. ____ Workplace violence
- (A) Actions or the failure to act or provide the proper care, resulting in unintended injury
- (B) The repeated use of legal or illegal drugs, cigarettes, or alcohol in a way that harms oneself or others
- (C) Any unwelcome sexual advance or behavior that creates an intimidating, hostile, or offensive working environment
- (D) The separation of a person from others against the person's will
- (E) The unlawful restraint of someone that affects the person's freedom of movement
- (F) Verbal, physical, or sexual abuse of staff by other staff members or clients
- (G) Intentionally touching a person without her consent
- (H) A threat to harm a person, resulting in the person feeling fearful that he will be harmed
- (I) The improper or illegal use of a person's money, possessions, property, or other assets
- (J) Nonconsensual sexual contact of any type
- (K) The use of spoken or written words, pictures, or gestures that threaten, embarrass, or insult a person
- (L) Emotional harm caused by threatening, scaring, humiliating, intimidating, isolating, or insulting a person, or by treating the person as a child
- (M) Physical, sexual, or emotional abuse by spouses, intimate partners, or family members
- (N) Purposeful mistreatment that causes physical, mental, or emotional pain or injury to someone
- (O) Any treatment, intentional or unintentional, that causes harm to a person's body—includes slapping, bruising, cutting, burning, physically restraining, pushing, shoving, and rough handling
- (P) Injury caused by professional misconduct through negligence, carelessness, or lack of skill
- (Q) Failure to provide needed care that results in physical, mental, or emotional harm to a person

3. List ways to recognize and report elder abuse and neglect**Short Answer**

1. Name 10 suspicious injuries that should be reported.

2. What is a mandated reporter?

4. List examples of behavior supporting and promoting clients' rights**Multiple Choice**

1. When performing a procedure on a client, the home health aide (HHA) should
- (A) Try to distract the client so he will not know what the HHA is doing
 - (B) Explain the procedure fully before performing it
 - (C) Wait until the client is ready before starting the procedure
 - (D) Notify the physician first

2. Which of the following would be the best response by an HHA if a client refuses to take a bath?
- (A) The HHA should offer the client a prize if she will take the bath.
 - (B) The HHA should respect the client's wishes, but report the refusal to the supervisor.
 - (C) The HHA should explain that he might lose his job if the client does not take the bath.
 - (D) The HHA should explain to the client why it is wrong not to bathe.
3. An HHA's husband asks her to tell him some personal details about one of her clients. The best response by the HHA would be to
- (A) Explain that she cannot talk about the client
 - (B) Tell him a story if he promises to keep it confidential
 - (C) Make up a story to tell, so as not to share anything private
 - (D) Tell him something that the HHA knows that the client would not mind her sharing
4. If an HHA suspects his client is being abused, he should
- (A) Open the client's mail and look through his belongings to find any clues
 - (B) Keep watching the client to make sure his suspicions are correct
 - (C) Report it to his supervisor immediately
 - (D) Check with other home health aides to get some advice

5. Explain HIPAA and list ways to protect clients' confidentiality**Multiple Choice**

1. What is the purpose of HIPAA?
- (A) To monitor quality of care in clients' homes
 - (B) To protect and secure the privacy of health information
 - (C) To reduce incidents of abuse
 - (D) To provide health insurance for uninsured elderly people

2. What is included under protected health information (PHI)?
 - (A) Patient's favorite food
 - (B) Patient's favorite color
 - (C) Patient's social security number
 - (D) Patient's library card number
3. What is the correct response by an HHA if someone who is not directly involved with a client's care asks for a client's PHI?
 - (A) Give them the information
 - (B) Ask the client if they may have the information
 - (C) Ask them to send a written request for the information
 - (D) Tell them that the information is confidential and cannot be shared
4. Which of the following is one way to keep private health information confidential?
 - (A) Making comments about clients on Instagram
 - (B) Discussing a client's progress with a coworker in a restaurant
 - (C) Not leaving detailed information for clients in voicemail messages
 - (D) Only discussing clients' conditions with friends or family members
5. The abbreviation for a law that was enacted as a part of the American Recovery and Reinvestment Act of 2009 to expand the protection and security of consumers' electronic health records is called
 - (A) HISEAL
 - (B) HITECH
 - (C) HIHELP
 - (D) HIQUIET

6. Discuss and give examples of advance directives

Matching

1. ____ Advance directives
2. ____ Do not hospitalize (DNH) order
3. ____ Do not intubate (DNI) order
4. ____ Do not resuscitate (DNR) order

Name: _____

5. ____ Durable power of attorney for health care
6. ____ Living will
7. ____ Physician Orders for Life-Sustaining Treatment (POLST)
 - (A) A signed, dated, and witnessed legal document that appoints someone else to make the medical decisions for a person in the event that he becomes unable to do so
 - (B) Outlines the medical care a person wants, or does not want, in case the person becomes unable to make those decisions; *directive to physicians* and *medical directive* are other terms used to describe this
 - (C) A medical order that means the person does not want to be sent to the hospital for treatment
 - (D) Legal documents that allow people to decide what kind of medical care they wish to have if they are unable to make those decisions themselves
 - (E) A medical order that tells medical professionals not to perform CPR (cardiopulmonary resuscitation)
 - (F) A medical order that means no breathing tube will be placed in the person, even if some CPR measures are used
 - (G) A medical order that specifies the treatments a person wants to receive when the person is very ill

7. Identify community resources available to help the elderly

Short Answer

1. What is one way an HHA can locate community resources for the elderly?
