

# How to Use this program:

- ✓ Read this Lesson
- ✓ Answer ALL TEST questions.
- ✓ Check your answers
- ✓ Be sure to sign and date the test sheet.
- ✓ Take as much time as you need.

# DEFINITIONS

Advance Directive (Living Will):	Instructions by a client about what steps to take or not to take to extend life as the client approaches death.
Assault:	Physical violence or the threat to use physical violence.
Battery:	Actually using violence against someone.
Code of Ethics:	An agreed upon set of moral principles or values.
Confidentiality:	Not revealing information about clients except within the healthcare team.
Elder Abuse:	Abuse of older people.
Informed Consent:	Obtaining permission to perform a procedure on a person, only after explaining all the risks.



# DEFINITIONS

Libel:	A false and damaging written statement.
Malpractice:	Neglect or wrong treatment of a client by a licensed professional person.
Negligence:	Failure to give proper care, resulting in physical or emotional harm to a client.
Ombudsman:	A guardian who is assigned to look out for the rights of others.
Reprisal:	Injuring someone because he or she injured you.
Slander:	A false and damaging spoken statement.



# Ethics and Clients Rights

## CLIENT RIGHTS

In 1982, the National Association for Home Care adopted a comprehensive Code of Ethics to which all members subscribed. One element of this code was a client's Bill of Rights that listed all the rights home care clients could expect, in the following areas:

- Dignity and Respect.
- Decision Making.
- Privacy.
- Financial Information.
- Quality of Care.



# Ethics and Clients Rights

## CLIENT RIGHTS

In 1987, the U.S. Congress adopted the Omnibus Budget Reconciliation Act (OBRA) that mainly set standards to ensure safe, adequate care for all long-term care residents and it set standards for training those who care for residents. While the main focus of OBRA was long-term care institutions, one provision of OBRA defined client rights for home care and required home



# Ethics and Clients Rights

## CLIENT RIGHTS

Your agency will have a form that briefly outlines client rights. The first home care worker who visits the client will be required to make sure the client is aware of these rights. This first home care visitor will hand out a copy of the Home Care Bill of Rights to each client and clarify any points that the client does not understand.

The following section outlines the Home Care Bill of Rights as approved by the National Association for Home Care.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

Home care consumers (clients) have a right to be notified in writing of their rights and obligations before treatment is begun. The client's family or guardian may exercise the client's rights when the client has been judged incompetent. Home care providers have an obligation to protect and promote the rights of their clients, including the following rights:



# Ethics and Clients Rights

## *Clients And Providers Have A Right To Dignity And Respect*

Home care clients and their formal caregivers have a right to mutual respect and dignity. Caregivers are prohibited from accepting personal gifts and borrowing from clients.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

Clients And Providers Have A Right To Dignity And Respect

Clients have the right:

- To have relationships with home care providers that are based on honesty and ethical standards of conduct.
- To be informed of the procedure they can follow to lodge complaints with the home care provider about the care that is or fails to be furnished. And regarding a lack of respect for property.
- To know about the disposition of such complaints.
- To voice their grievances without fear of discrimination or **reprisal** for having done so.
- To be advised of the telephone number and hours of operation of the state's home health "hot line."

# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Decision-making

Clients have the right:

- To be notified in writing of the care that is to be furnished. The types (disciplines) of the caregivers who will furnish the care. And the frequency of the visits that are proposed to be furnished.
- To be advised of any change in the plan of care before the change is made.
- To participate in the planning of the care and in planning changes in the care. And to be advised that they have the right to do so.
- To refuse services or request a change in caregiver without fear of reprisal or discrimination.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Decision-making

The home care provider or the client's physician may be forced to refer the client to another source of care if the client's refusal to comply with the plan of care threatens to compromise the provider's commitment to quality care.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Privacy

*Clients have the right:*

- To **confidentiality** with regard to information about their health, social and financial circumstances and about what takes place in the home.
- To expect the home care provider to release information only as required by law or authorized by the client.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Financial Information

*Clients have the right:*

- To be informed of the extent to which payment may be expected from Medicare, Medicaid or any other payer known to the home care provider.
- To be informed of the charges that will not be covered by Medicare.
- To be informed of the charges for which the client may be liable.
- To receive this information orally and in writing within 15 working days of the date the home care provider becomes aware of any changes in charges.
- To have access. Upon request. To all bills for service the client has received regardless of whether they are paid out-of-pocket or by another party.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Quality of Care

#### ***Clients have the right:***

- To receive care of the highest quality.
- In general, to be served by a home care provider only if it has the resources needed to provide care safely, and at the required level of intensity, as determined by a professional assessment. However, a provider with less than optimal resources may nevertheless serve the client if a more appropriate provider is not available. But only after fully informing the client of its limitations and the lack of suitable alternative arrangements.
- To be told what to do in the case of an emergency.



# Ethics and Clients Rights

## HOME CARE BILL OF RIGHTS

### Quality of Care

*The home care provider shall further assure that:*

- All medically related home care is provided in accordance with physicians' orders and that a plan of care specifies the services to be provided and their frequency and duration.
- All medically related personal care is provided by an appropriately trained homemaker-home health aide who is supervised by a nurse or other qualified home care professional.



# Ethics and Clients Rights

## THE NURSING OF ETHICS

Home health aides have a great deal of responsibility. Not only must they take care of individual clients. But they must also obey certain rules in order to protect the client's rights. The agency. And themselves. Ethics refer to the honest, decent way to work with your clients and your employer.



# Ethics and Clients Rights

## THE NURSING OF ETHICS

### Ethical Behavior Toward Your Clients

*Ethical behavior toward your clients includes:*

1. Treating all clients with respect and courtesy. By being considerate and courteous with your clients, you tell them you respect them as individuals and you are truly concerned about them.
2. Performing your duties to the best of your ability. It is the home health aide's responsibility to learn the skills necessary to fulfill his or her duties. It is important to always do your best. If you are unsure of any aspect of care, ask your supervisor for assistance.

# Ethics and Clients Rights

## THE NURSING OF ETHICS

### Ethical Behavior Toward Your Clients

*Ethical behavior toward your clients includes:*

3. Keeping yourself neat, clean, and professional looking at all times. This is another way of showing, respect for your clients, your employer, and yourself.
4. Having a cheerful, positive attitude. Your attitude affects everyone around you and influences the care you give.
5. Remembering that the client's well-being is your first concern. Your personal needs must be put aside when giving care to your clients



# Ethics and Clients Rights

## THE NURSING OF ETHICS

*Ethical Behavior Toward Your employer includes:*

*Ethical behavior toward your employer includes:*

1. Working your assignment and being on time.
2. Notifying your employer as soon as possible when it is necessary to be absent. Substitutes must be arranged when you are absent. The sooner you notify your employer, the easier it will be to find a substitute.



# Ethics and Clients Rights

## THE NURSING OF ETHICS

*Ethical Behavior Toward Your employer includes:*

*Ethical behavior toward your employer includes:*

3. Following the instructions given by your supervisor and questioning any instructions that does not meet the client's need. Individual care plans are developed to provide the best care for each client, and you are responsible for following that plan of care.
4. Being helpful, friendly, and cooperative with other home care workers. Nursing care is teamwork, and your attitude affects the team and the clients.



# Ethics and Clients Rights

## AVOIDING NEGLIGENCE

As a home health aide, you are required to provide the care ordered for every client and to ensure their safety. Failure to respond to the duties assigned in a responsible and trustworthy manner is called *negligence*.

Some examples of negligence are:

- Serving the wrong diet to a client.
- Failure to reposition a client when ordered.  
Resulting in the client developing decubitus ulcers  
(pressure sores)



# Ethics and Clients Rights

## AVOIDING NEGLIGENCE

- Administering medication of treatments. The home health aide is not trained or permitted by law to give any medications or treatments.

Negligence occurs when the home health aide does not following the care plan. Negligence is judged by comparing your actions with those of someone else with the same experience and under similar circumstances. It is extremely important for the home health aide to follow orders and the care plan very carefully.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

The following are a number of legal terms that relate to home health care and that you should be familiar with. These will help you understand and meet your legal obligations.

- ***Advance Directives.*** In the last few years it has become common for people to state their wishes about What steps should be taken, or not taken, to keep them alive as they approach death. This is called an ***advance directive***, or a ***living will***. Some advance directives call for taking no special measures at all to keep the client alive. Some call for no intravenous feedings. And some may insist on not having CPR in the case of a heart attack.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

You should learn if there are any advance directives for each client and work with the rest of the home care team to follow them. In most states, advance directives are legal and you must obey them.

If a client appears to change his or her mind at any time, even with a few words or a nod, you must honor that new wish and report it immediately to your supervisor.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

- **Assault.** *Assault* is attempting to use physical violence against someone or even threatening to use violence. There is no excuse for the use of violence or threatening violence against any of your clients, and you are subject to arrest and prosecution for assault if you do.
- **Battery.** In the law, *battery* is the actual use of violence. Sometimes both terms are included in a single expression: "assault and battery."



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

- ***Confidentiality.*** Clients have the right to privacy. ***Confidentiality*** means that you may not share information about a client's medical condition, personal or family problems, confidences, or any personal information with individuals outside of the healthcare team. Imagine how you would feel if people discussed your private medical information in public places or with their friends.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

- ***Elder Abuse.*** *Elder abuse* is mistreatment of older people. Some older people become confused, argumentative, and uncooperative. There is a tendency for some caregivers to become impatient and strike out at these "troublesome" older people. You cannot ever allow yourself to do this. It is illegal and it is wrong. In Chapter 5 you will learn some ways to deal with the frustrations and stress of the job to help prevent any acts of violence or abuse.
- ***Informed Consent.*** This is obtaining permission to perform a procedure on a client, only after explaining all the risks. You must be certain you have *informed consent* before beginning any procedure, even something as simple as trimming the client's fingernails.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

- ***Malpractice.*** ***Malpractice*** is neglect or wrong treatment of a client by a licensed professional person. You will learn about negligence in the next chapter.
- ***Slander and Libel.*** It is illegal and unethical to make damaging statements about clients or their family members. A false or damaging statement that is spoken is called ***slander***. Those that are written are considered ***libel***. Resist the temptation to gossip; it could be considered slander. Be careful not to discuss information about clients with others.



# Ethics and Clients Rights

## FURTHER LEGAL TERMS

- ***Ombudsman.*** An *ombudsman* is a guardian who is assigned to look out for the rights of others. In some areas, there is a designated ombudsman who watches over home care agencies and tries to prevent any illegal, unethical, or unfair acts.

It is extremely important for the home health aide to follow the code of ethics toward all clients. In this way, you will be giving clients the best possible care and avoiding any legal problems for you and your agency.



- ✓ Complete the test and turn in for credit
- ✓ Answer ALL TEST questions.
- ✓ Check your answers
- ✓ Be sure to sign and date the test sheet.

This completes the lesson  
for this month.



Information for this lesson was taken from MEDCOM TRAINEX publications