**Guided Lecture Notes, Chapter 4, Legal and Ethical Issues**

### Learning Objective 1. List and discuss patients’ and residents’ rights, as set forth by the American Hospital Association (AHA) and the Federal 1987 Nursing Home Reform Act (OBRA ’87), respectively. (Refer to PowerPoint slides 2 to 9.)

### Discuss the role of the American Hospital Association in relation to the patient and their family. Explain reasons for the revision of the bill since 1973.

### Discuss each of the 11 points describing major points of the Patient Care Partnership.

### Discuss the role of the federal government in relation to the rights of residents.

### Discuss each of the 16 points describing Residents’ Rights portion of OBRA.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 2. Describe two major types of advance directives and explain why advance directives play an important role in health care. (Refer to PowerPoint slides 10 to 13.)

### Describe durable power of attorney for health care.

### Describe living will.

### Discuss the difference between durable power of attorney for health care, and living will

### Explain the importance of each document to the individual’s decision making regarding health care in the future.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 3. Discuss the legal aspects of health care delivery. (Refer to PowerPoint slide 14.)

### Explain the need for making and enforcing laws.

### Identify the two types of laws. Provide students with examples of criminal and civil law.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 4. List common legal violations that are related to the provision of health care. (Refer to PowerPoint slides 15 to 19.)

### Explain the term “tort.” Discuss the differences between unintentional and intentional torts. Have learners refers to Figure 4-1.

### Discuss the different types of intentional torts such as defamation, assault, battery, fraud, false imprisonment, invasion of privacy, and larceny.

### Have learners refer to Figures 4-2, 4-3, and 4-4.

### Discuss the Health Insurance Portability and Accountability Act (HIPAA) and its role in reference to the right of privacy for residents and patients.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 5. Define the types of abuse and describe signs that indicate abuse. (Refer to PowerPoint slides 20 and 21.)

### Explain the term “abuse.” Discuss the various forms of abuse, including physical, neglect, psychological, sexual, and financial. Provide examples of forms of abuse in the health care setting. Ask students if they can recollect any episode of abuse they have witnessed. Have learners refer to Table 4-1.

### Discuss risk factors that may lead to abuse. Describe examples of elder abuse and why the elderly are more at risk for abuse.

### Discuss a few situations that may lead to abuse and neglect. Elaborate on a particular situation that may lead to abuse and ask students what steps they would take to deal with it.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 6. Discuss the health care worker’s obligations in the reporting of suspected abuse. (Refer to PowerPoint slides 22 to 24.)

### Describe a situation where there is blatant abuse and ask the students what they would do. Then describe a situation of possible abuse and ask the students what they would do.

### Have learners refer to Box 4-1.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 7. Explain the difference between legal and ethical issues. (Refer to PowerPoint slides 25 to 26)

### Discuss the meaning of professional ethics, personal ethics and values. Have learners refer to Figure 4-5.

### Explain factors that shape an individual’s personal ethical code. Discuss their influence on one’s behavior.

### Ask students to name a few behavioral traits they think are right and a few they think are wrong. Ask them to provide a rationale for each. Conclude from the discussion that we act in a certain way because we are guided by our personal ethical code.

### Ask students to talk about some personal ethics and values that they might have. Have a discussion on how that has helped them solve a dilemma.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 8. Describe the ethical standards that govern the nursing profession in particular and the health care profession in general. (Refer to PowerPoint slide 26.)

### Have learners refers to Box 4-2.

### Mention general ethical principles that guide all health care workers.

### Explain how ethical standards help solve moral dilemmas. Present students with a moral dilemma. Ask them for solutions that help solve dilemmas in the health care setting.

### Have learners refer to learning activities located at the end of the chapter.

### Learning Objective 9.Discuss awareness that health care workers must have in order to avoid legal and ethical dilemmas. (Refer to PowerPoint slides 28 to 30.)

### Discuss the importance of familiarizing oneself with employer’s policies, duties, and obligation in the job description.

### Discuss the limits of practice for nursing assistants. Have learners refer to Figure 4-6.

### Identify the difference between negligence and malpractice.

### Have learners refer to learning activities located at the end of the chapter.