

Chapter 2

ETHICAL AND LEGAL RESPONSIBILITIES

What You Will Learn

- Your client's rights
- Who should be notified if abuse, neglect, or exploitation is suspected
- Information needed when reporting abuse, neglect, or exploitation
- The ethical and legal responsibilities of an In-Home Aide

Client Rights

The term "legal" relates to the law. The term "ethical" relates to a person's morals and values. When you care for clients you see their records. You are expected to keep this information private. Any violation of the client's confidence is an illegal or unethical act.

There are certain laws that protect clients. The client signs an agreement giving consent for care. Your client has rights just as you do. Each agency has policies that explain how each client's rights are upheld. Box 2.1 lists client's rights that you should be aware of.

Box 2.1: Client's Rights

All clients have the right to:

- Be treated with dignity and respect
- Refuse care.
- Have all personal and medical information kept private
- Have control over the care provided whenever possible
- Know how to make a complaint about their care without fear of punishment
- Receive care regardless of race, color, age, sex or national origin
- Receive a copy of the provider's code of ethics

Abuse, Neglect, and Exploitation Reporting

Any person who knowingly abuses or neglects a client could be charged with a Class D felony. If found guilty, the person could be fined and serve time in jail. Clients may be abused or neglected by health care providers, family members, or friends. Exploitation is a form of financial abuse. To protect the client, there are laws that prohibit caregivers from accepting money or any item having monetary value from the client. The Missouri Department of Health and Senior Services keeps a record of the names of workers who have been found guilty of abuse or neglect. A federal marker is placed next to these

people's names. They are not allowed to work as an In-Home Aide. Box 2.2 lists some common signs of abuse or neglect that you should look for.

Box 2.2: Signs of abuse or neglect

- Burns
- Bruises
- Broken eyeglasses
- Cuts/welts/black eye
- Sudden change in behavior
- Withdrawal
- Lack of compliance
- unkempt appearance, poor hygiene
- Untrimmed nails
- Signs of dehydration, weight loss
- Pressure ulcers

Reporting Abuse, Neglect, or Exploitation

All healthcare workers are required by law to report abuse or neglect. If you suspect abuse or neglect, notify your supervisor. You must also notify the Missouri Department of Health and Senior Services through the hot line number (1-800-392-0210). All reports are considered private. If you do not report the abuse or neglect, you could be found guilty and fined. When reporting suspected abuse or neglect you will need to provide the following information:



- Name and address of the client
- Type of abuse or neglect
- Name of the person who harmed the client (if known)

When making a report you are not required to give your name. If you give your name during a report, it will be kept private. After receiving a report, the Department will begin an investigation within 24 hours.

Ethical and Legal Responsibilities of an In-Home Aide

As an employee in health care, it is important for you to be aware of your legal and ethical responsibilities. This will help to prevent any problems from developing. As an In-home Aide, you are responsible for your own actions. There is a possibility that a client or the family may sue you if you do not perform your job properly. You can prevent legal and ethical problems from developing while caring for clients by remembering the following rules:

- Remember the client is your responsibility while you are in charge of their care
- Be aware of the client's rights and avoid violating them

- Prepare all paperwork correctly
- Know that the client record is a legal document
- Know the lines of authority
- Do only those things that you have been trained to do
- Unless reporting abuse or neglect, do not discuss a client with others not involved in the client's care

Chapter Review

1. What rights does the client who is receiving care have?
2. Who should be notified if abuse, neglect, or exploitation is suspected?
3. What information is needed when reporting abuse, neglect, or exploitation?
4. What are the ethical and legal responsibilities of an In-Home Aide?

Student Exercise

1. List five rights that a client has under the Missouri Statement of Client's Rights.
 - a.
 - b.
 - c.
 - d.
 - e.
2. Who should be notified if abuse, neglect, or exploitation is suspected?
3. List six signs of abuse or neglect.
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
4. What are three things the In-Home Aide should provide when reporting abuse, neglect, or exploitation?
 - a.
 - b.
 - c.
5. (**Circle**) the letter that represents a legal responsibility of an In-Home Aide.
 - a. Decide what type of care the client needs and provide it.
 - b. Perform tasks the client requests even if the In-Home Aide has not been trained to do so.
 - c. Be aware of the client's rights and avoid violating them.
 - d. Discuss the client's personal matters with others not involved in the client's care.