



**Australian Government**

# **Assessment Requirements for HLTENN008**

## **Apply legal and ethical parameters to nursing practice**

**Release: 1**

## Assessment Requirements for HLTENN008 Apply legal and ethical parameters to nursing practice

### Modification History

Release	Comments
Release 1	<p>This version was released in <i>HLT Health Training Package release 3.0</i> and meets the requirements of the 2012 Standards for Training Packages.</p> <p>Significant changes to the elements and performance criteria. New evidence requirements for assessment, including volume and frequency requirements. Significant change to knowledge evidence.</p> <p>Supersedes HLTEN509B</p>

### Performance Evidence

The candidate must show evidence of the ability to complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the job role. There must be evidence that the candidate has:

- undertaken nursing work in accordance with Nursing and Midwifery Board of Australia professional practice standards, codes and guidelines
- demonstrated, through involvement in 2 specific documented situations in the workplace, the ability to work within the legal and ethical parameters that apply to professional nursing practice.

### Knowledge Evidence

The candidate must be able to demonstrate essential knowledge required to effectively complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the work role. This includes knowledge of:

- legal and ethical considerations (national, State/Territory, local) relevant to the nursing profession, and how these are applied in nursing practice:
  - children in the workplace
  - ‘Code of ethics for nurses in Australia’ and the ‘Code of professional conduct for nurses’ (Nursing and Midwifery Board of Australia)
  - codes of practice
  - continuing professional education opportunities
  - discrimination - direct and indirect - and its implications

- duty of care
- equal employment opportunity (EEO)
- human rights including access to healthcare
- informed consent
- insurance requirements including professional indemnity insurance arrangements for enrolled nurses
- life and death issues:
  - power of Attorney
  - living wills and advanced directives
  - guardianship
- mandatory reporting
- Nursing and Midwifery Board of Australia nursing practice guidelines, standards and fact sheets:
  - enrolled nurse competency standards for practice
  - professional boundaries
  - professional practice guidelines
  - decision-making framework (DMF) including the nursing flowchart
  - re-entry to practice
  - registration guidelines
  - recency of practice fact sheet
- privacy, confidentiality and disclosure
- policy frameworks for nursing practice
- social media policy and the potential implications this has on ethics, professionalism and nursing in the health care environment
- specific Commonwealth and State/Territory legislation and legal provisions that affect the development of nursing programs and provision of services and procedures, including but not limited to:
  - *Health Practitioner Regulation National Law Act* (the National Law) enacted in each State/Territory
  - National Safety and Quality Health Service (NSQHS) Standards
  - health (drugs and poisons) legislation
  - mental health legislation
  - *Privacy Act 1988* (Cwlth)
  - *Health Records Act 2012* (Cwlth)
  - *Aged Care Act 1997* (Cwlth)
  - carers recognition legislation
  - *Criminal Code Act 1985* (Cwlth)
  - *Disability Discrimination Act 1992* (Cwlth) and other anti-discrimination legislation
  - children and young people legislation enacted in each State/Territory
  - working with children legislation as enforced in each State/Territory

- workplace health and safety (WHS) legislation
- role of the Nursing and Midwifery Board of Australia in regulating the nursing profession
- ethical decision making models
- contemporary ethical concepts and principles in nursing:
  - autonomy
  - beneficence and non-maleficence
  - confidentiality
  - justice
  - rights
  - veracity
- application of ethical principles to enrolled nurse practice, including:
  - definitions of ethics, bioethics and nursing ethics
  - theoretical concepts informing ethical conduct
  - ethical issues, for example in relation to:
    - abortion
    - tissue transplantation
    - reproductive technology
    - organ donation
    - euthanasia and assisted suicide
    - restraint
    - open disclosure
    - mandatory reporting
    - quality of life
    - conscientious objection
    - abuse
    - consent
    - artificially prolonging life
    - refusal and withdrawal of treatment
    - stem cell research
    - ‘not for resuscitation’ orders
    - cultural and religious matters
- application of the law to enrolled nurse practice including:
  - Law - civil, common and statute law, the court system, precedents, sources
  - Law of torts - negligence, trespass, assault and battery, types of consent, valid consent, legal and intellectual, capacity, clinical incapacity, false imprisonment and defamation
  - Common legal terms - vicarious liability, defendant, plaintiff, harassment, expert witness, coronial inquests, functions of the coroner, giving evidence to the coroner.

## Assessment Conditions

Skills must have been demonstrated in the workplace with the addition of simulations and scenarios where the full range of contexts and situations cannot be provided in the workplace. The following conditions must be met for this unit:

- use of suitable facilities, equipment and resources in accordance with the Australian Nursing and Midwifery Accreditation Council's Standards including:
  - access to information system where a person's health information is stored and recorded
  - access to health legislation, regulations and plain English information on the legal and ethical parameters applied to nursing practice and on which the candidate's planning is based
- modelling of industry operating conditions including access to real people for simulations and scenarios in enrolled nursing work.

Assessors must satisfy the Standards for Registered Training Organisations (RTOs) 2015/AQTF mandatory competency requirements for assessors.

In addition, assessors must hold current registration as a registered nurse with Nursing and Midwifery Board of Australia.

## Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=ced1390f-48d9-4ab0-bd50-b015e5485705>