



Australian Government

**Assessment Requirements for HLTENN041
Apply legal and ethical parameters to
nursing practice**

Release: 3

Assessment Requirements for HLTENN041 Apply legal and ethical parameters to nursing practice

Modification History

| Release | Comments |
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| Release 3 | Minor changes, Equivalent outcome. Updated: Unit Mapping Information. |
| Release 2 | Minor changes, Equivalent outcome. Updated: Mapping details and minor corrections. |
| Release 1 | HLTENN041 Apply legal and ethical parameters to nursing practice supersedes and is equivalent to HLTENN008 Apply legal and ethical parameters to nursing practice. |

Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and:

- work within and reflect on the legal and ethical parameters that apply to professional nursing practice in one documented situation in the workplace
- work within and reflect on the legal and ethical parameters that apply to professional nursing practice in one documented situation related to an Aboriginal and Torres Strait Islander person.

The tasks must be undertaken in accordance with the Nursing and Midwifery Board of Australia (NMBA) professional practice standards, codes and guidelines.

Knowledge Evidence

Demonstrate knowledge required to complete tasks outlined in elements and performance criteria of this unit:

- national, State or Territory and local legal and ethical considerations relevant to the nursing profession, and how these are applied in nursing practice:
 - vulnerable person check
 - role of the NMBA in regulating the nursing profession including:
 - code of ethics for nurses in Australia
 - code of conduct for nurses

- decision-making framework
- enrolled nurse standards for practice
- nursing guidelines and practice fact sheets
- role of the Congress of Aboriginal and Torres Strait Islander Nurses and Midwives (CATSINaM)
- Aboriginal and Torres Strait Islander health and principles of cultural safety
- continuing professional education opportunities
- direct and indirect discrimination and its implications
- duty of care
- equal employment opportunity (EEO)
- human rights including access to health care
- informed consent
- anti-discrimination legislation
- declaration on the Rights of Indigenous Peoples
- 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
- privacy, confidentiality and disclosure
- policy frameworks for nursing practice
- social media policy and the potential implications on ethics, professionalism and nursing
- Commonwealth and State or Territory legislation and legal provisions that affect the development of nursing programs and provision of services and procedures:
 - Health Practitioner Regulation National Law Act (the National Law) enacted in each State or Territory
 - National Safety and Quality Health Service (NSQHS) Standards
 - health legislation relating to drugs, medicines and poisons
 - mental health legislation
 - Privacy Act
 - Health Records Act
 - Aged Care Act
 - carers recognition legislation
 - Criminal Code Act
 - Disability Discrimination Act and associated anti-discrimination legislation
 - children and young people legislation enacted in each State or Territory
 - working with children legislation as enforced in each State or Territory
 - workplace health and safety (WHS) legislation

- 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:
 - definitions of ethics, bioethics and nursing ethics
 - theoretical concepts informing ethical conduct
 - ethical issues in relation to:
 - voluntary assisted dying.
 - advanced care directive.
 - abortion
 - tissue transplantation.
 - reproductive technology.
 - organ donation.
 - restraint
 - open disclosure
 - quality of life
 - conscientious objection
 - abuse
 - consent
 - artificially prolonging life.
 - refusal and withdrawal of treatment.
 - stem cell research.
 - cultural and religious matters.
- application of the law to enrolled nurse practice including:
 - civil, common and statute law, the court system, precedents and sources.
 - law of torts including negligence, trespass, assault and battery, types of consent, valid consent, legal and intellectual, capacity, clinical incapacity, false imprisonment and defamation
 - common legal terms including vicarious liability, defendant, plaintiff, harassment, expert witness, coronial inquests, functions of the coroner and giving evidence to the coroner.

Assessment Conditions

To be eligible to apply for registration as an enrolled nurse and to practice in Australia, each applicant must complete a Diploma of Nursing program accredited by the Australian Nursing and Midwifery Accreditation Council (ANMAC) and approved as ‘an approved program of study’ by the Nursing and Midwifery Board of Australia (NMBA) in accordance with the Enrolled Nurse Accreditation Standards.

For more detail visit <https://www.ahpra.gov.au>.

Skills must be demonstrated in the workplace or in a simulated environment as specified in the performance evidence that model 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’ requirements for assessors.

Assessors must also hold current registration as a registered nurse with the Nursing and Midwifery Board of Australia (NMBA).

Links

Companion Volume implementation guides are found in VETNet -
<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=ced1390f-48d9-4ab0-bd50-b015e5485705>