



Australian Government

Department of Education, Employment and Workplace Relations

HLTEN509B Apply legal and ethical parameters to nursing practice

Release: 1

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Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit of competency describes the skills and knowledge required for an Enrolled/Division 2 nurse to perform within the legal and ethical parameters of professional practice, supporting client rights and meeting duty of care requirements

Application of the Unit

Application

The knowledge and skills described in this competency unit are to be applied within jurisdictional nursing and midwifery regulatory authority legislative requirements

Enrolled/Division 2 nursing work is to be carried out in consultation/collaboration with registered nurses and under direct or indirect supervisory arrangements in line with jurisdictional regulatory requirements

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Not Applicable

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element.

Elements and Performance Criteria

ELEMENT

1. Perform within legal and ethical parameters of professional nursing practice

PERFORMANCE CRITERIA

- 1.1 Apply a clear understanding of *legal and regulatory acts/guidelines* as they impact on nursing practice
- 1.2 Address the implications of current legislation as incorporated into nursing practice
- 1.3 Apply codes of ethics, code of conduct and Enrolled/Division 2 nursing competency standards in nursing practice
- 1.4 Function within the scope of jurisdictional Enrolled/Division 2 nurse practice
- 1.5 Handle *client* complaints sensitively and in line with organisation policies and procedures
- 1.6 Refer all requests for client information to a registered nurse as per state/territory legislation and organisation policies and procedures

ELEMENT

2. Apply an understanding of the legal framework

PERFORMANCE CRITERIA

- 2.1 Work with an understanding of how the law operates in relation to nursing practice with regard to legal processes, principle and penalties
- 2.2 Accurately apply concepts of negligence, duty of care and vicarious liability to professional practice as an Enrolled/Division 2 nurse
- 2.3 Apply a clear understanding of the requirement to obtain consent to treatment
- 2.4 Apply principles of restraint appropriately, with a clear understanding of their intent and use
- 2.5 Use common legal terms associated with nursing practice with a clear understanding of their meaning and implications for nursing practice
- 2.6 Apply the legal requirements and expectations in relation to report writing in nursing practice
- 2.7 Apply mandatory reporting processes in line with jurisdictional requirements
- 2.8 Apply client privacy and confidentiality practices in line with legislative requirements and organisation policies and procedures
- 2.9 When referral or request for test is received, ensure nature and requirements of test are correctly identified

ELEMENT**PERFORMANCE CRITERIA****3. Apply ethical concepts to clinical practice**

3.1 Work with a clear understanding of the concept of ethics and its place in nursing practice

3.2 Demonstrate ethical practice in all interactions with clients, relatives and carers and colleagues

3.3 Identify, document and report any potential ethical issues as and if they arise

3.4 Maintain an awareness of contemporary ethical issues that may impact on nursing practice

3.5 Develop and implement strategies to resolve ethical issues within practice

3.6 Take responsibility for addressing ethical issues and legal requirements in line with own nursing role

3.7 Complete all documentation in accordance with state/territory legislation and organisation policies and procedures

3.8 Monitor compliance with legal obligations and requirements

4. Support the rights, interests and needs of clients and their families

4.1 Comply with legal responsibilities and duty of care in all care activities and interactions with clients and their families and carers

4.2 Support *client rights*, interests and decisions

4.3 Encourage the client to exercise their rights to make informed decisions regarding their care

4.4 Demonstrate respect and support for the dignity of clients and their families

4.5 Act as an advocate for client and family in line with jurisdictional Enrolled/Division 2 nurse scope of practice

ELEMENT

5. Apply open disclosure processes

PERFORMANCE CRITERIA

5.1 Work with an understanding of the principles and processes of open disclosure in a health care environment

5.2 Work with an understanding of the role of open disclosure within own role as an Enrolled/Division 2 Nurse

5.3 Work with an understanding of the roles of other health care workers in relation to open disclosure

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level required for this unit.

Essential knowledge:

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include knowledge of:

- Application of legislation to Enrolled/Division 2 nurse practice
- Application of ethical principles to Enrolled/Division 2 nurse practice
 - definitions of ethics, bioethics and nursing ethics
 - theoretical concepts informing ethical conduct
- A moral decision making model
- Contemporary ethical issues:
 - Autonomy
 - non-maleficence
 - beneficence
 - justice
 - rights
- Law:
 - civil law
 - common law
 - court system
 - precedent
 - sources
 - statute law
 - types
- Law of torts:
 - negligence
 - trespass
 - assault and battery
 - types of consent
 - valid consent

REQUIRED SKILLS AND KNOWLEDGE

- legal and intellectual capacity
- false imprisonment
- defamation
- The coroner, including:
 - coronial inquests
 - functions of the coroner
 - giving evidence to the coroner
- Models of documentation
- Principles of confidentiality and privacy responsibilities

Essential skills:

It is critical that the candidate demonstrate the ability to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include the ability to:

- Address legal requirements of nursing documentation
- Apply knowledge of:
 - legislation related to nursing practice
 - duty of care
 - scope of practice of the Enrolled/Division 2 nurse
 - legal requirements of nursing documentation
- Apply professional standards of practice:
 - ANMC code of conduct
 - ANMC code of ethics
 - ANMC national Enrolled/Division 2 nurse competency standards
 - state/territory Nurse Regulatory Nurses Act
 - state/territory Nursing and Midwifery Regulatory Authority standards of practice
 - scope of nursing practice decision making framework
- Support rights of clients and their family.
- Use interpersonal skills including working with others, using sensitivity when dealing with people and relating to persons from differing cultural, social and religious backgrounds
- Use oral communication skills (language competence) required to fulfil job roles as specified by the organisation/service. Oral communication skills include interviewing techniques, asking questions, active listening, asking for clarification
- Use written communication skills (literacy competence) required to fulfil job roles as specified by organisation/service - reading, writing and understanding client documentation in relation to legal requirements

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate this competency unit:

- The individual being assessed must provide evidence of specified essential knowledge as well as skills
- Observation of performance in a work context is essential for assessment of this unit
- Consistency of performance should be demonstrated over the required range of workplace situations and should occur on more than one occasion and be assessed by a registered nurse

Context of and specific resources for assessment:

- This unit is most appropriately assessed in the clinical workplace or in a simulated clinical work environment and under the normal range of clinical environment conditions
- Where, for reasons of safety, access to equipment and resources and space, assessment takes place away from the workplace, simulations should be used to represent workplace conditions as closely as possible

Method of assessment

- Observation in the workplace
- Written assignments/projects
- Case study and scenario as a basis for discussion of issues and strategies to contribute to best practice
- Questioning verbal and written
- Role play
- Simulation - access to simulation clinical setting/environment (laboratory)

EVIDENCE GUIDE

- Access and equity considerations:*
- All workers in the health industry should be aware of access and equity issues in relation to their own area of work
 - All workers should develop their ability to work in a culturally diverse environment
 - In recognition of particular health issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on health of Aboriginal and Torres Strait Islander people
 - Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on health of Aboriginal and/or Torres Strait Islander clients and communities

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

Clients may include:

- Child
- Adolescent
- Adult
- Older adult
- Professional colleagues
- Visitors

RANGE STATEMENT

Health practice settings may include but is not limited to:

- Aged care
- Respite centres
- Short stay centre
- Long stay centre
- Community setting
- Medical clinic
- Acute hospitals
- Private hospitals
- Public hospitals
- Rural/remote settings

Legal and regulatory frameworks which may include:

- National/state Acts of Parliament with impact on nursing practice e.g.. Nurses Acts, Mental Health Act, Drugs and Poisons Act/s.
- Privacy legislation
- Equal employment legislation
- Occupational health and safety Act/Regulations
- Statutory nurse regulatory authorities regulations
- Freedom of information Act
- Disability Services Act
- Antidiscrimination legislation
- Criminal Acts

Regulatory bodies may include:

- Australian Nursing and Midwifery Council (ANMC)
- State or territory nurse regulatory authority

Professional standards of practice include:

- ANMC code of conduct
- ANMC code of ethics
- ANMC national Enrolled/Division 2 nurse competency standards
- State/territory Nurse Regulatory Nurses Act
- State/territory Nursing and Midwifery Regulatory Authority standards of practice
- Scope of nursing practice decision making framework
- Residential Aged Care Service Standards

RANGE STATEMENT

Management of client information includes:

- Legal documentation
- Computerised records
- Freedom of Information legislation
- Privacy Act
- Confidentiality

Common legal terms associated with nursing practice must include:

- Common law
- Statute law
 - Civil law
 - Negligence
 - Duty of care
 - Vicarious liability
 - Consent
 - Restraint
 - Confidentiality
 - Assault and battery
 - Defendant
 - Plaintiff
 - Doctrine of precedent
 - Legislation
 - Regulation
 - Harassment
 - Expert witness

Negligence and duty of care must include:

- Damages
- Foreseeability
- Breach of duty of care
- Omissions
- Acts
- Reasonable
- Standard

RANGE STATEMENT

Issues of life and death may include:

- Refusal and withdrawal of treatment
- Power of attorney
- Guardianship
- Living wills and advanced directives
- Not for resuscitation orders

Clients rights in health care may include:

- Access to healthcare
- Confidentiality
- Dignity
- Respect

Discussion of ethical issues may include but not be limited to:

- Abortion
- Tissue transplantation
- Reproductive technology
- Organ donation
- Euthanasia and assisted suicide
- Restraint
- Open disclosure
- Mandatory reporting
- Quality of life
- Conscientious objection
- Child abuse
- Consent
- Artificially prolonging life
- Refusal of treatment
- Stem cell research
- "Not for resuscitation" orders
- Cultural and religious issues

RANGE STATEMENT

Documentation and report writing requirements may include:

- Legible/date/time and sign (print name)
- Written in black or blue ink
- Approved abbreviations
- Concise, accurate, relevant, contemporary
- Correct spelling and chronological
- Errors line through not erased, write error and initial
- No spaces between entries
- Objective data not subjective data
- Confidentiality
- Models of documentation

Unit Sector(s)

Not Applicable