



Australian Government

HLTENN008 Apply legal and ethical parameters to nursing practice

Release: 1

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Modification History

Release	Comments
Release 1	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. Significant changes to the elements and performance criteria. New evidence requirements for assessment, including volume and frequency requirements. Significant change to knowledge evidence. Supersedes HLTEN509B

Application

This unit describes the skills and knowledge required to within work legal and ethical parameters in professional nursing practice, including supporting rights and meeting duty of care requirements.

This unit applies to enrolled nursing work carried out in consultation and collaboration with registered nurses, and under supervisory arrangements aligned to the Nursing and Midwifery Board of Australia regulatory authority legislative requirements.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian New Zealand standards and industry codes of practice.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

Elements define the essential outcomes

Performance criteria describe the performance needed to demonstrate achievement of the element.

1. Perform within scope of professional nursing practice.

1.1 Identify legal and regulatory requirements including Acts and guidelines, and explain how these requirements impact own nursing practice.

1.2 Comply with requirements of current legislation related to nursing practice and identify implications of non-compliance.

1.3 Apply codes of ethics, codes of conduct and the

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content of enrolled nurse competency standards for practice in own nursing practice.

1.4 Function within the scope of jurisdictional requirements for enrolled nurse practice.

1.5 Respond to each person in accordance with organisation policy and procedures, including responding appropriately and sensitively to complaints.

1.6 Refer outside requests for a person's information to a registered nurse.

1.7 Complete all documentation in accordance with State/Territory legislation and organisation policy and procedures.

1.8 Monitor own compliance with legal obligations and requirements.

2. Apply knowledge of the legal framework to nursing practice.

2.1 Demonstrate knowledge of relevant law, including legal processes, principles and penalties in own nursing practice.

2.2 Accurately apply concepts of negligence, duty of care and vicarious liability to professional practice as an enrolled nurse.

2.3 Obtain required consent to treatment from each person before undertaking treatment or processes.

2.4 Apply principles of restraint appropriately, demonstrating the correct intent and application of restraint.

2.5 Use correct common legal terms associated with nursing practice, and correctly interpret their meaning and implications for nursing practice.

2.6 Apply legal requirements and organisation expectations and requirements in writing reports in own nursing practice.

2.7 Apply mandatory reporting processes in line with jurisdictional requirements.

2.8 Observe the person's privacy and confidentiality requirements in accordance with legislative requirements

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Elements define the essential outcomes

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and organisation policy and procedures.

2.9 Interpret referrals or requests for tests on receipt, ensuring the nature and requirements of tests are correctly identified, and seek clarification where required.

3. Apply ethical concepts to clinical practice.

3.1 Identify and describe the concept of ethics and its place in nursing practice.

3.2 Demonstrate ethical practice in own interactions with the person and their family or carers and colleagues.

3.3 Maintain own awareness of contemporary ethical issues and potential conflicts of interest that may impact nursing practice.

3.4 Identify, document and report potential ethical issues in accordance with organisation policies and procedures.

3.5 Develop and implement strategies to resolve ethical issues within own nursing practice in accordance with role parameters.

4. Support the rights, interests and needs of the person and their family.

4.1 Comply with legal responsibilities and duty of care requirements in all care activities and other interactions with the person, their family and carer.

4.2 Support the person's rights, interests and decisions.

4.3 Encourage the person to exercise their right to make informed decisions about their care.

4.4 Demonstrate respect and support for the dignity of the person and their family members.

4.5 Advocate for the person, their family or carer in accordance with jurisdictional enrolled nurse scope of practice.

5. Apply open disclosure processes.

5.1 Research and reflect on the practice of open disclosure and how it applies to own role as an enrolled nurse.

5.2 Apply the principles and processes of open disclosure in own work in a health care environment.

ELEMENT

Elements define the essential outcomes

PERFORMANCE CRITERIA

Performance criteria describe the performance needed to demonstrate achievement of the element.

5.3 Identify the roles of other health care workers in relation to open disclosure.

Foundation Skills

The Foundation Skills describe those required skills (language, literacy, numeracy and employment skills) that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet -

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

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

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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

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