



Australian Government

HLTENN041 Apply legal and ethical parameters to nursing practice

Release: 3

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Modification History

Release	Comments
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.

Application

This unit describes the performance outcomes, skills and knowledge required to work within 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 (NMBA) regulatory authority legislative requirements.

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

No occupational licensing, certification or specific legislative requirements apply to this unit at the time of publication.

Pre-requisite Unit

Nil

Competency Field

Enrolled Nursing

Unit Sector

Enrolled Nursing

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Practise within scope of professional nursing practice.

2. Apply legal framework to nursing practice.

3. Apply ethical concepts to clinical practice.

PERFORMANCE CRITERIA

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

- 1.1. Identify legislative requirements relevant to professional nursing practice and explain how these requirements impact own nursing practice.
- 1.2. Comply with requirements of legislation related to nursing practice and identify implications of non-compliance.
- 1.3. Apply codes of ethics, codes of conduct and the enrolled nurse standards for practice.
- 1.4. Function within scope of jurisdictional requirements for enrolled nurse professional nursing practice.
- 1.5. Respond to each person in accordance with organisational policies and procedures, including responding appropriately and sensitively to complaints.
- 1.6. Complete documentation in accordance with State/Territory legislation and organisational policies and procedures.
- 1.7. Monitor and record compliance with legal obligations and requirements.
- 2.1. Apply concepts of negligence, duty of care and vicarious liability to professional practice as an enrolled nurse.
- 2.2. Obtain consent before undertaking treatment and procedures.
- 2.3. Apply principles of restraint including correct intent and application of restraint.
- 2.4. Use and interpret common legal terms associated with nursing practice.
- 2.5. Write nursing practice reports according to legal requirements and organisational expectations and requirements.
- 2.6. Observe privacy and confidentiality requirements in accordance with legislative requirements and organisational policies and procedures.
- 3.1. Identify and describe ethics and its place in nursing practice.
- 3.2. Apply ethical practice in own interactions with the person, families or carers and colleagues.
- 3.3. Identify 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 organisational 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, families and carers.
 - 4.1. Comply with legal responsibilities and duty of care requirements in care activities and interactions with the person, families and carers.
 - 4.2. Encourage person to exercise their right to make informed decisions about their care.
 - 4.3. Demonstrate respect and support for dignity of the person, families and carers.
 - 4.4. Advocate for the person, families and carers in accordance with jurisdictional enrolled nurse scope of practice.
- 5. Apply open disclosure processes.
 - 5.1. Reflect on and apply the principles and processes of open disclosure in own work in a health care environment.
 - 5.2. Identify the roles of other health care workers in relation to open disclosure.

Foundation Skills

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

Unit Mapping Information

HLTENN041 Apply legal and ethical parameters to nursing practice supersedes and is equivalent to HLTENN008 Apply legal and ethical parameters to nursing practice.

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 HLTENN041 Apply legal and ethical parameters to nursing practice

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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).

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