Legal Parameters of Nurse Aide Work
• BON does not recognize the term “practice” for nurse aides. BON states the phrase “practice” is reserved for the professional nurse.

• NCDHSR will use the phrase “range of function” to enumerate what the nurse aide can and cannot do.

• NCDPI will use the phrase “range of function” to be consistent with NCDHSR
• BON does not recognize the term “practice” for nurse aides. BON states the phrase “practice” is reserved for the professional nurse.

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Nurse aides do not do sterile procedures.

Nurse aides do not give information about the diagnosis or treatment plans to the resident or his/her family.

Nurse aides do not give medications.

Nurse aides do not insert or remove tubes from the resident’s body.
• Nurse aides do not take oral or telephone orders from a physician.

• Nurse aides do not diagnose or prescribe treatments or medications for residents.

• Nurse aides do not supervise the work of other nurse aides.
Nurse aides do not agree to do something beyond the nurse aide’s range of function as defined by the North Carolina Board of Nursing.
Legal issues related to nurse aide work and all of healthcare are legislated by state and federal governments.
Healthcare legal issues are based on one of two types of law:

Civil – Fines are imposed

Criminal – You can go to prison
Healthcare legal issues typically involve CIVIL LAW
Malpractice:

• Giving care for which you are not legally allowed to do

• Providing improper or “BAD” care
Malpractice examples:

Nurse aide giving medication

Nurse aide performing treatment
Negligence:

- Unintentional wrong

- Failure to provide goods and services (patient care) necessary and normally expected to avoid physical harm, mental anguish, or mental illness.
Negligence examples:

Brakes on wheelchair not locked and resident falls

Defective equipment not reported and resident is harmed
Assault and Battery: These terms are closely related and often used together.
Assault and Battery:

- **Assault** – threatening or attempting to touch a person without his consent, causing that person to fear bodily harm.
Assault examples:

- Threatening to restrain a resident
- Angry gesture – shaking a fist in someone’s face or acting as if you are going to slap someone
Assault and Battery:

- Battery – touching of another without consent
Battery examples:

Performing procedure resident has refused

Restraining a resident to prevent them from leaving a room
Invasion of Privacy:

Unnecessary exposure of an Individual

Revealing personal information without consent
Invasion of Privacy: examples

• Exposing the entire body when only a body part should be exposed.
• Leaving a door or curtain open during a procedure.
Invasion of Privacy: examples

• Leaving resident information in plain view
• Discussing residents in public areas
False imprisonment:

- Restraining an individual
- Restricting residents freedom
- Confining an individual against his/her will
False imprisonment: examples

- **Use of physical restraints without authorization or justification**
- **Preventing resident from leaving facility against their will**
Defamation:
False statements that cause a resident to be ridiculed or cause damage to their reputation
• Spoken – Slander
• Written – Liable (Letter)
Fraud:

• Intentional deception or misrepresentation by a person with knowledge that deception could result in some unauthorized benefit to himself or some other person

• Includes any act that constitutes fraud under applicable Federal or State law
Will

Legal document giving direction on how resident wants property distributed after death.

Refer requests to prepare will to supervisor

Nurse aide may witness signing of will

- Check facility of policy
- Discuss with supervisor