



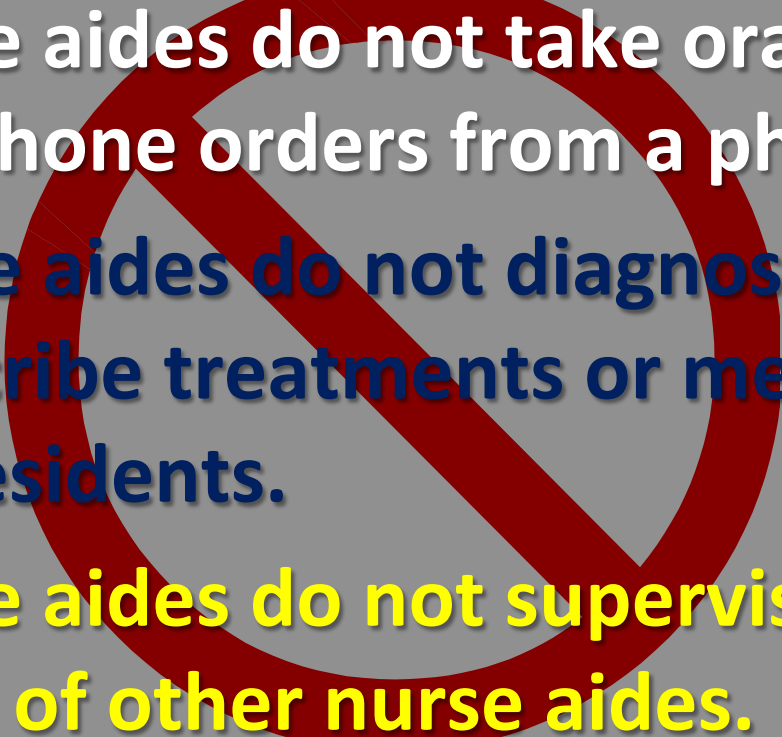
# Legal Parameters of Nurse Aide Work

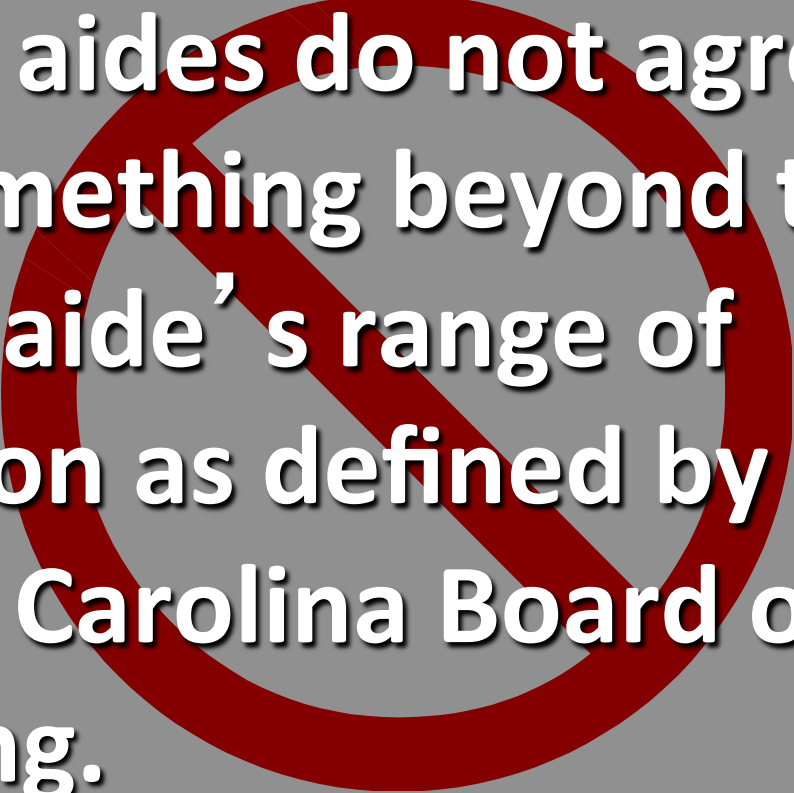
- **BON does not recognize the term “practice” for nurse aides. BON states the phrase “practice” is reserved for the professional nurse.**
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## **CAUTION**

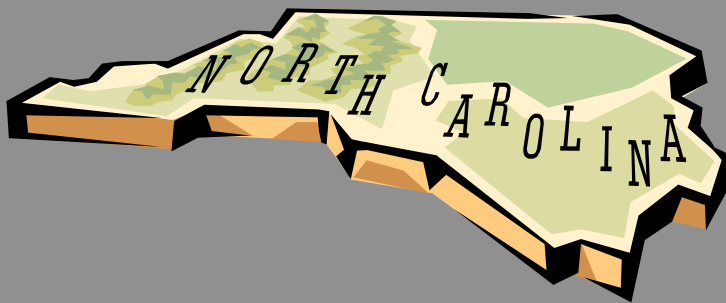
- **Nurse aides do not do sterile procedures.**
- **Nurse aides do not give information about the diagnosis or treatment plans to the resident or his/her family.**
- **Nurse aides do not give medications.**
- **Nurse aides do not insert or remove tubes from the resident's body.**

- 
- 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.**

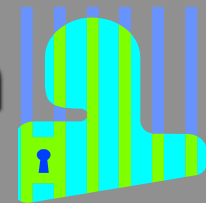


**Healthcare legal issues are based on one of two types of law:**

**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

