



# MIDWIFERY LEVEL III

NTQF Level -III

## Learning Guide #5

<b>Unit of Competence: -</b>	<b>Providing Compassionate, Respectful and Caring Service</b>
<b>Module Title: -</b>	<b>Providing Compassionate, Respectful and Caring Service</b>
<b>LG Code:</b>	<b>HLT MDW3 M01LO5-LG5</b>
<b>TTLM Code:</b>	<b>HLT MDW3 M01 0919TTLM0919v1</b>

**LO 5: Perform with legal and ethical framework through responsibility an**

**Accountability**



<b>Instruction Sheet</b>	<b>Learning Guide #5</b>
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This learning guide is developed to provide you the necessary information regarding the following **content coverage** and topics –

- Introduction to legal bases of midwifery practice
- Confidentiality
- Ethical issues in midwifery practice areas
- Ethical dilemma in the midwifery practice areas
- Disclosure of patient's information to another person
- Laws Governing the Practice of midwifery

This guide will also assist you to attain the learning outcome stated in the cover page.

Specifically, upon completion of this Learning Guide, **you will be able to –**

- Legislation and common laws relevant to work role are understood
- Policies and procedures are respected and practiced
- Confidentiality of individual's record is ensured.
- Disclosure of patient's information to another person is prevented without patient's consent.
- Ethical issues and ethical dilemma in the workplace is recognized
- Patients who are not able to communicate in case of emergency or other conditions are handled.
- Patient-specific data are released to only authorized users.
- Ethical standards related to patient privacy rights are publicized.
- Assessments are conducted and solutions on privacy issues/problems recommended.
- Training programs for health care providers and other staff on privacy and confidentiality of patient information are conducted
- Unethical conduct is recognized and reported

### **Learning Instructions**

1. Read the specific objectives of this Learning Guide.
2. Follow the instructions described below 3 to 6.



3. Read the information written in the information “Sheet 1, Sheet 2, Sheet 3 and Sheet 4,---” **in page ---, ---, --- and ---** respectively.
4. Accomplish the “Self-check 1, Self-check t 2, Self-check 3 and Self-check 4” ,---” **in page ---, ---, --- and ---** respectively
5. If you earned a satisfactory evaluation from the “Self-check” proceed to “Operation Sheet 1, Operation Sheet 2 and Operation Sheet 3 ” **in page ---.**
6. Do the “LAP test” **in page – ---**



<b>Information sheet 1</b>	Legislation and common laws relevant to work role	
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### 5.1.1. Definition of terms

#### Law

- Is the boy of principles that govern conduct and observance of which can be enforced in courts.
- It demarcates what is permissible from what is not.
- It must be obeyed and followed by citizens and is subject to legal citizens sanctions or consequences.
- Is developed in order to ensure that the relationship among persons conform to certain standard

**Legislation:** - is a broad government law such an Act. The following is some of the legislation that an organization would need to comply with:

- ✓ Workplace Health and Safety Act
- ✓ The Environmental Protection (Waste Management) Regulation
  - The Control of Workplace Hazardous Substances code is part of a regulatory package designed to deal with the safe use of hazardous substances in the workplace so as to minimize the risk of disease and injury due to the exposure of hazardous substances in the workplace.

**A policy** is the overall intention and direction of your organization related to a specific issue.

**A procedure** is a specified way to carry out a policy or perform a task, for example, the standard operating procedures (SOP's) to be followed to identify a hazard, assess a risk or report an incident.



- **Penalties** apply to breaches of regulations.

**Compliance** means meeting the requirements of government laws and compulsory codes of practice, and also voluntarily meeting workplace standards.

- **Ethics**-moral principle or rules of behavior that govern or

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a person's behavior

- **Rule**-a statement of what, should or must be done in particular circumstance.
- **Code of conduct** -a set of professional standards agreed on by members of a particular profession
- ✗ **Code of conduct** for midwifery personnel should include those practices and attitudes which characterize a professional and responsible maternal and child care service.

## Types of law

Law occurs in a variety of hierarchal forms.

1. **Constitution** -a broad statement of power of government and its branches.

- It is the highest form of law.
- All other forms of law must be consistent with this law.

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- It determines the political, economical and socio-cultural rights and obligations of government and citizens.
2. **Treaty/Convention** – agreement between nations or states of the same country or among countries; e.g. Narcotic and Psychotropic substances control convention.
  3. **Statues** – written laws passed by legislative body; e.g. parliament.
  4. **Regulations** – administrative enactment of the executive branch of government that fulfills statutory policy and procedure; e.g. Drug enforcement administration (DEA).

## Legal System

- ✓ Legal system is process of making, enforcement and interpreting law
- ✓ It includes legislative, executive and judicial system.
  - Legislative system** - is law making process.
  - Who should make a law? E.g. in Ethiopia HPR
  - What should a law include?
- ✓ The content depends on political, economic and socio-cultural development as well as international situation.

**N.B.** There is no one law that can serve every country or there is no one internationally accepted law. However, the laws of different countries share so many principles in common.

### Executive system

- ✓ Is an authorized governmental body responsible to administer and enforce a law.
- ✓ In Ethiopia – FHACA is responsible to administer and enforce drug administration and control proclamation No. 176/1999.
- ✓ In USA, DEA - to administer and enforce the controlled substance act.
  - Executive body may also authorized to do
  - a. Legislative action
    - Authorized to issue regulation principle draft law.
  - b. Judicial action
    - Interpret law; e.g. suspending and revoking license, revoke professional registration certificate.

### Judicial system

Judicial process includes

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- Interpreting a law
- Holding trials
- Receiving of evidence or testimony
- Taking measures accordingly
- Appeal

## Ensuring the confidentiality of individual's record



Fig 5.3 Confidentiality

### 1.5. What does Confidentiality mean?

- Generally, if you have information about patient 'A' then another person 'B' cannot obtain that information without the consent of person 'A'.
- 'Most people consider health information to be highly personal and, therefore, need to be confident that their privacy will be protected whenever they use a health service ... Clear and open communication between the health service provider and health consumer is integral to good privacy'

### Maintaining Confidentiality

#### It is important to:

- Keep all client/patient information private
- Secure all records / logbooks





- Restrict access to testing areas



People often violate ethics not because they mean to, but because they are careless. As a matter of fact, they sometimes act with good intentions.

**Why respect confidentiality?**



**Fig 5.5. Maintaining confidentiality**

**Trust** is an important aspect between patients and healthcare professionals. Patients without fear of a breach of confidentiality should be able to communicate symptoms that often they may feel are embarrassing, stigmatizing, or indeed trivial





- without these trusting relationship patients may not divulge information which may make treating them impossible
- Patients may not seek medical attention at all
- Has important role in a professional patient relationship establishing a sense of security, freedom of action and self respect for patients

### **What information is confidential?**

- All information supplied by our patients and other information that we use in our daily work must remain confidential.

### **What information is confidential?**

All identifiable patient information whether written, computerized, visual or audio recorded or simply held in the memory of health professionals, is subject to the duty of confidentiality.

### **What information is confidential?**

It covers:

- Any clinical information about an individual's diagnosis or treatment
- A picture, photograph, video, audiotape or other images of the patient
- Who the patient's doctor is and what clinics patients attend and when
- Anything else that may be used to identify patients directly or indirectly.

### **Confidentiality of Results**

- Confidentiality of Laboratory results must be maintained at all times
- Should a person calls requesting results and there is a question about the person's identity, the requestor is asked for his/her name and phone number where they can be called back.

## **How to maintain confidentiality?**

### **At work:**

- ✓ Handle medical records as confidential documents.
- ✓ Do not leave patient information and laboratory results unattended on printers, desks
- ✓ Protect information on Computer screens by screen saver / time out functionalities



- ✓ Check that fax numbers are correct before sending confidential information and laboratory results.
- ✓ Do not disclose your co-workers private information with staff or patients unless permission has been sought
- ✓ Patient information should never be discussed with friends or relatives in a social setting



Fig 5.6. Maintaining confidentiality

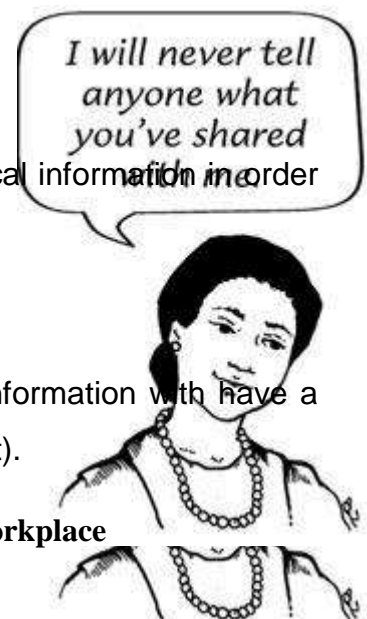
### At home

Do not discuss with family or friends patients details and if asked inform them that you are not permitted to disclose any information. This includes patient names.

- Do not discuss patient information with the media

### Who has a right to know your healthcare information?

- If you are >18
- Are fully competent (or are competent to understand your medical information in order to make a decision)
- And are alive
- Only you and the people you authorize to share your private information with have a right to view your information (relatives of a competent adult do not).



### 1.6. Recognizing ethical issues and ethical dilemma in the workplace

#### 1.6.1. Ethics related to the quality and integrity of clinical laboratory services



**Fig. 5.7 Work place ethics**

## **1.7. Recognizing and reporting Unethical conduct**

### **1.7.1. Unethical behavior**

Laboratory must be alert to and take appropriate action in instances of incompetent, unethical, illegal, or impaired practice or any actions that place the rights or best interests of the patient in jeopardy.

To function effectively, Laboratory must be knowledgeable about The Code of Ethics of Ethics for Laboratory profession, standards of practice of the profession, relevant federal, state and local laws and regulations, and the employing organization's policies and procedures.

Laboratory must protect the patient, the public, and the profession from potential harm when a colleague's practice appears to be impaired. When another's practice appears to be impaired, their duty is to take action to protect patients and to ensure that the impaired individual receives assistance.

### **1.7.2. Unethical professional conduct**

It is generally accepted that, because of the potential vulnerability of their clientele, professionals have a special obligation to conform to particularly high ethical standards both in their professional and non-professional lives.

## **Definitions**

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- ✎ **Unprofessional conduct** (from un – meaning not; opposite of; contrary to), may literally be defined as conduct that is ‘contrary to the accepted standards of a profession’, or conduct that is ‘not belonging to a profession’ (Johnstone 1998).
- ✎ **Professional misconduct** (from mis – meaning wrong, bad or erroneous; a lack of) may be defined literally as ‘conduct or behavior that is morally wrong, bad or erroneous’ (Johnstone 1998).
- ✎ This form of conduct may pertain to behavior that is unbecoming a professional person albeit in a non-professional context.

Taking into account the above definitions, unethical professional conduct may be defined as an umbrella term that incorporates three related although distinct notions:

- ✎ Unethical conduct,
- ✎ Moral incompetence, and
- ✎ Moral impairment.

**Unethical conduct** (a form of immoralism) has been defined as ‘any act involving the deliberate violation of accepted or agreed ethical standards’

The term implies something immoral in itself. **Moral delinquency** refers to any act involving moral negligence or a dereliction of moral duty. In professional contexts, moral delinquency entails a deliberate or careless violation of agreed standards of ethical professional conduct.

**Moral incompetence** (analogous to clinical incompetence) pertains to a person’s lack of requisite moral knowledge, skills, ‘right attitude’ and soundness of moral judgments.

**Moral impairment** is generally distinguished from moral incompetence. Unlike moral incompetence (attributable to a lack of moral knowledge, skills etc.), moral impairment entails a disorder.



<b>Self-check</b>	<b>Written examination</b>
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1. Professional misconduct may be defined literally as 'conduct or behavior that is morally wrong, bad or erroneous'
2. Confidentiality must be maintained at all times
3. Any clinical information about an individual's diagnosis or treatment should be confidential
4. People often violate ethics not because they mean to, but because they are careless. As a matter of fact, they sometimes act with good intentions.
5. Unlike moral impairment (attributable to a lack of moral knowledge, skills etc.), moral incompetence entails a disorder.

**Instruction 2:- Write appropriate answer for each of the following questions**

- List at least 3 general Requirements of Clinical Laboratory Personnel Training Programs
- Define confidentiality?
- List at least 3 methods of maintaining confidentiality both at home and at work place?



**Note: Satisfactory rating - 4 points**

**Unsatisfactory - below 4 points**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Score = \_\_\_\_\_

Rating: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_



## References

- ✓ **CRC Health worker training participant manual 2017, FMOH, june 2017**
- ✓ **Beth A. Lown, Julie Rosen and John Marttila. An Agenda For Improving Compassionate Care: A Survey Shows About Half Of Patients Say Such Care Is Missing. Health Affairs 30, no.9 (2011):1772-1778.**
- ✓ **National CRC Manual June 2017**