



## Theory - Legal considerations Cheat Sheet

ELC 1. Client care, subcategory A: client relationship building and communication

Code of Ethics Part 1: Nursing values and ethical responsibilities, E.

Professional, legal and ethical obligation to protect privacy  
Federal, provincial, regulatory bodies, CNA code of ethics and standard

| Responsibilities | Areas where privacy may be breached |
|------------------|-------------------------------------|
| Collection       | Disclosure                          |
| Access           | Consent                             |

### Liability risk

Direct liability: being responsible for your actions  
Vicarious liability: institution responsible for employee's negligence  
Joint and several liability: when two parties are at fault both are held accountable (\$)

### Telepractice

Virtual means to increase accessibility

Important to Consider:

Privacy concerns Scope can vary btw

jurisdictions  
Who is responsible for record holding

Direct client observation

Appropriate tenets for telehealth

Communication skills

### Privacy

Personal information that can identify an individual

Legislated at the federal and provincial level

Their right to decide to share information or not

### Purpose of documenting

|                          |                     |
|--------------------------|---------------------|
| Communication            | Continuity of care  |
| legislative requirements | Quality improvement |
| Research                 | Legal proof of care |
| Evidence of safe care    |                     |

### Canadian Nurses Protective Society

Legal Risk management services advice

Legal Assist to understand work assistance agreements

Professional liability protection Professional

### Confidentiality

keeping pts personal health information private and protected

Legal and professional obligation

Need consent or lawful reason to share information

### Legal risk of email

Email can pose a risk to privacy breach

Prevent privacy breach by:

|                          |   |
|--------------------------|---|
| Confirming email         | Obtain consent forms                            |
| Follow employer policies | Obtain written proof from IT that it is secured |

### Professional liability protection

Legal representation/ assistance:

- Claims and civil proceedings  
- Criminal offences  
- Statutory offences

investigations / - Witness

prosecutions appearances

Assistance with payment

### How is information protected?

Federally: V. Provincially

The Personal Information Protection and Electronic Documents Act (PIPEDA)

The privacy Act

### Social media

Establish - often asked about medical help from therapeutic friend -

boundaries: s/f family online

Reasons to avoid SM:

- No copy of medical record  
- Limited assessment online

- Permanency of information

### Tips to protect license

Do not order tests for no reason:

By ordering test just to cover yourself can cause liability issues. i.e. ordering a test to rule out TB but they become positive and no protection was put in place.

### Exceptions to privacy

|                                      |                                 |
|--------------------------------------|---------------------------------|
| Child protection: abuse/ neglect     | Mandatory reporting: gun wounds |
| Communicable disease reporting to PH | Public safety: threat to others |