

Personal Care Attendant (PCA) Fundamentals Training

Consumer Rights, Ethics, and
Confidentiality

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Module 03: Roles and Responsibilities

Goal

Reinforce that respecting consumer rights, ethics and confidentiality are essential beliefs for PCAs

At the end of this training, candidate PCAs should be able to:



List at least three consumer rights



Describe basic ethical standards that apply to PCAs



Define confidentiality and explain its importance in long-term support and services

Consumer Rights

- **What does “ Consumer Rights” mean?**
- **How does it apply to workers and consumers?**

Consumer Rights

- **What does it mean to keep information confidential?**
- **Who can PCAs share information with?**

Consumer Rights

- **What does ethics mean?**
- **How does this apply to a PCA?**

Consumer Rights and Ethics

Consumer Rights

- What consumers can do
- How they should expect to be treated
- Rights are set by law or program guidelines

Ethics

- Values that guide the way we behave

Consumer Rights

Massachusetts laws protect the rights of individuals with disabilities, elders, children, and gay, lesbian, or bisexual individuals.

To ensure consumers are protected and safe from harm, anyone working with consumers must be aware of the consumer's rights.

Consumer Rights

- **The right to choose.**
- **The right to be treated with respect, dignity, and as individuals.**
- **The right to be involved in planning their care or be represented by a legal guardian.**
- **The right to refuse services.**
- **The right to complain about their care, without being punished or having services denied to them.**
- **The right to privacy.**
- **The right to be free from abuse and neglect.**
- **The right to be told about all their rights and responsibilities.**
- **The right to fail.**

Consumer Rights for Consumers with Disabilities

Consumers with disabilities have additional rights that are described in the “Americans with Disabilities Act.”

These include such things as:

- **The right to hold a job. (Includes the right to an interview)**
- **The right to education.**
- **The right to use public facilities.**
- **The right to use public transportation.**
- **The right to telephone and television access.**

The Consumer's Responsibilities

In the MassHealth program a Consumer is an individual who needs assistance with at least 2 ADLs.

Consumers can be any age. Adult consumers:

- **Are the boss**
- **Recruit, hire, train, and if needed, fire PCAs**
- **Schedule the work and supervise the PCA**
- **Are responsible for ensuring a reasonable working environment for PCAs**

The Surrogate's Responsibilities

Surrogates step in when a consumer cannot manage some or all aspects of their program.

Surrogates are:

- **Volunteers. They cannot be paid.**
- **Limited to only the tasks the consumers cannot perform**
- **Some surrogates perform one or two tasks while others take on all the consumers tasks**
- **Consumers with surrogates are still the employer**
- **All consumers under the age of 18 MUST have a surrogate (usually a family member)**

The Family's Responsibilities

Family members are expected to continue to do the tasks they customarily perform for family members.

Families may needed to take on additional tasks when their family members joins the MassHealth program. Such as:

- **Taking on the role of surrogate is the consumer wants or needs help**
- **Taking on the role of PCA, if regulations allow them to**
 - Family members legally responsible for the consumer may assist with ADLs and IADLs but they can't be paid to perform those tasks
 - Children as young as 14.5 can be a PCA for a family member
 - Parents can be paid to care for their children over the age of 18 (as long as their legal guardianship does not continue into the consumer's adult years)
 - Spouses cannot not be paid to perform PCA tasks

Ethics: Definition

- **Ethics are values that should guide your interactions with your consumers, families, and co-workers.**
- **These values include:**

Honesty

Empathy

Compassion

Trustworthiness

Dependability

Flexibility

Respectfulness

Code of Ethics

- **These are agreements within a group of workers, such as personal care attendants or home health aides, about how workers should treat consumers. They provide guidelines in areas such as¹:**

Promoting Physical and Emotional Well-Being

Integrity and Responsibility

Confidentiality

Justice, Fairness, and Equity

Respect

Relationships

Self-Determination

Confidentiality

- **What does “confidentiality” mean?**
- **How does it apply to PCAs?**
- **What information about the consumer can a PCA share?**
- **Who can the PCA share it with?**

Confidentiality

Keep health information private!

- **Share private information about consumers ONLY with the people who need to know.**
- **You cannot share health information with anyone—including other PCAs. unless they also work with the same consumer.**

Health Insurance Portability and Accountability Act of 1996 (HIPAA):

A federal law protecting the right of consumers to keep all information about their health, medical care (including conversations with caregivers/ providers), and medical treatment private.

Be Careful when Talking on the phone.

Be careful when talking and texting in public places

Be careful when using computers

Confidentiality Case Scenario 1: What would you do?

You run into a friend just as you're leaving David's apartment building and your friend asks what you're doing there—because she lives there, too.

You explain in general about the kind of work you do. And your friend—who seems REALLY interested in your work—wants to know who you're working with in her building and what kinds of problems you help this person deal with.

Confidentiality Case Scenario 2: What would you do?

You're in the supermarket shopping for Joan, and another PCA comes along.

She also works with Joan and asks you how Joan's doing today.

You say, "fine," but the other worker starts telling you what happened to Joan yesterday—in great detail—and you suddenly realize that there are people lined up behind you, who can hear the whole conversation.

Confidentiality Case Scenario 3: What would you do?

You're in Lee's home and he is napping.

Her grand-niece comes to the house to see her and wants to know how her great-aunt is doing.

You've never met her before but she seems to know a lot about her condition and seems really concerned about being kept up to date—because she says she wants to start helping out, if she can.

Confidentiality Case Scenario 4: What would you do?

You're at home after working with Miguel.

You need to call Miguel's surrogate because something happened that you're really concerned about—there was a young man at Miguel's apartment when you got there, and Miguel introduced him to you *as his old partner, who has been dead for five years.*

While you're talking with the surrogate, your kids come into the room and are listening to the conversation.