

Promoting Healthy and Active Ageing

Lesson 15

Ethical and Legal Aspects of Care for Older

Adults

Intended Learning Outcomes

- Describe ethical principles and legal rights relevant to older age care
- Analyze ethical dilemmas in geriatric nursing practice.
- Reflect on personal and professional values in caring for older adults.

Reflect for a moment...

- Should we live by rules, regulations and laws, or should we let each situation decide our moral ideals, values, social or religious norms ?
- What factors influences my decision making ?
- What I ought to do? How I ought to live my life?



Understanding of ethics will shed light on answering most of these questions!

Why ethics & law matter in geriatric care?

- Ageing brings complex ethical and legal challenges.
- Issues include
 - autonomy
 - capacity
 - elder rights
 - end-of-life decisions
- Nurses play a key role as advocates, protectors of dignity, and ethical decision-makers.

There are 04 core ethical Principles



AUTONOMY



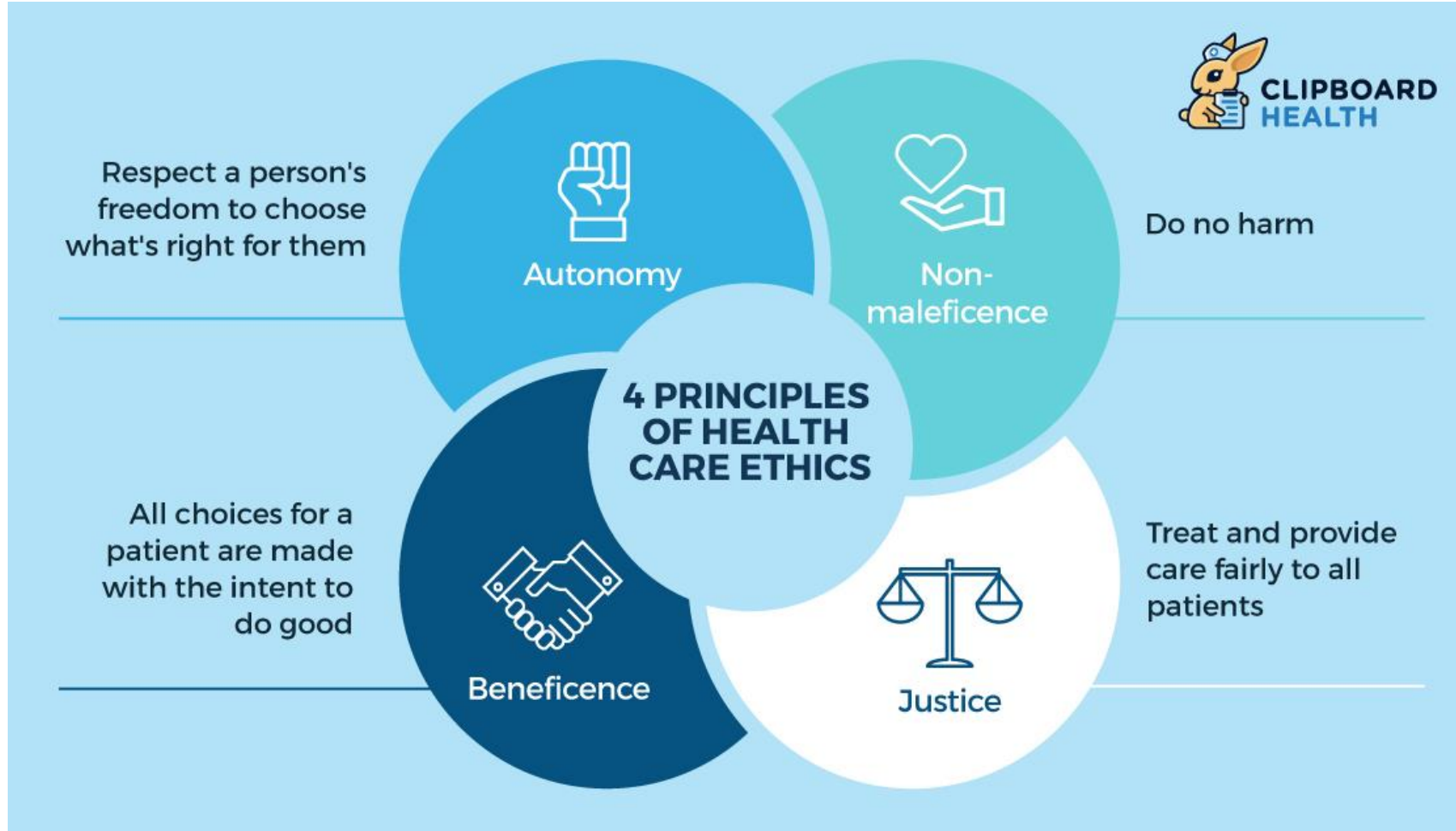
BENEFICENCE



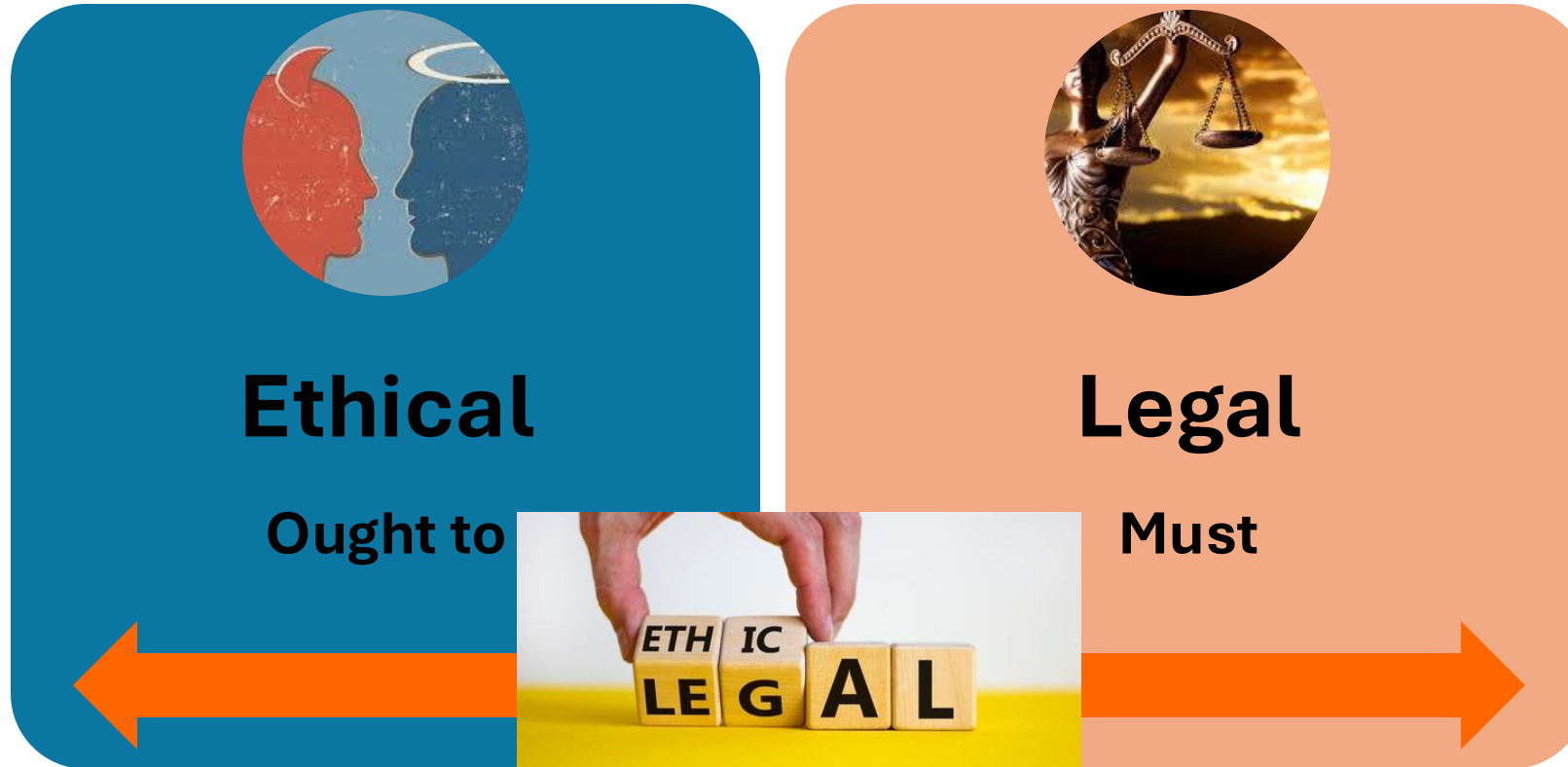
NONMALEFICENCE



JUSTICE



Ethical vs. Legal

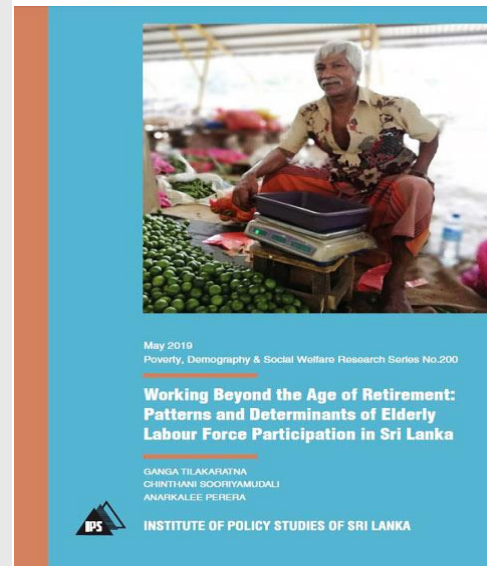


Consent & Capacity in Older Adults

- **Informed consent:** components (information, understanding, voluntariness).
- **Capacity assessment:**
 - Can the person understand?
 - Retain the information?
 - Weigh pros/cons?
 - Communicate a choice?
- **Common challenges:** dementia, delirium, sensory impairment, communication barriers.
- **Nurse's role:**
 - use simple language
 - ensure communication aids
 - involve family when appropriate

Elder Rights & Abuse Prevention

- **Elder rights:** dignity, safety, respect, participation
- **Types of abuse:**
 - Physical (injuries, restraints)
 - Emotional (threats, neglect)
 - Financial (exploitation, fraud)
 - Sexual abuse
- **Warning signs:** fear, withdrawal, malnutrition, money problems
- **Nurse's responsibility:** recognize → document → report → protect



Legal Protection

- National laws & policies safeguard older adults.
- Guardianship: decision-making when capacity is lost.
- Institutional responsibilities: duty of care, elder-friendly environments.
- Nurses' responsibility:
 - ensure compliance
 - advocate for rights
 - report violations



End-of-Life Ethics

- Ethical dilemmas: prolong life vs. ensure quality of life.
- Advance directives: living wills, treatment preferences.
- DNR (Do Not Resuscitate) orders: when CPR is inappropriate.
- Substitute decision-making: guardianship, power of attorney.
- Cultural/religious values shape decisions around death and dying.

How do my own beliefs about ageing influence the way I care for older adults?

- Personal values: compassion, empathy, dignity
- Professional values: accountability, advocacy, integrity
- Ageism alert: unconscious bias affects quality of care

Ethical Issues

- **Moral/ethical dilemma:**
 - Two or more clear principles apply but they support inconsistent courses of action
- **Moral uncertainty/conflict:**
 - When the nurse is unsure which moral principle to apply, or even what the problem is. Common with new nurses.
- **Moral distress:**
 - When the nurse knows the right thing to do but organizational constraints keep them from doing it
- **Moral outrage:**
 - An individual witnesses an immoral act by another but feels powerless to stop it.

Mr. Silva, 82 years old, with moderate dementia refuses his heart medication. His family insists he must continue.

- What are the ethical conflicts?
 - autonomy vs. beneficence,
 - family vs. patient wishes.
- What to consider?
 - Does Mr. Silva have capacity?
 - What are risks/benefits of refusal?
 - Role of MDT and legal guardianship?
- What should the nurse do in this situation?



Mrs. Perera is an 87-year-old woman admitted with end-stage heart failure and advanced kidney disease. Her prognosis is poor, and her doctors feel that aggressive interventions will not improve her quality of life.

Mrs. Perera has repeatedly told her nurse that she does not want to be resuscitated or put on a ventilator if her condition worsens.

She says she wants “a peaceful death at home with family.” However, her children insist that “everything possible must be done” to prolong her life, including intubation and dialysis, arguing that “she doesn’t know what’s best for her.”

What are the ethical issues?



- Should the healthcare team honor Mrs. Perera's verbal wish, or follow her children's demands?
- What steps can the nurse take to advocate for Mrs. Perera?
- How should the team handle the absence of a written advance directive?
- What communication strategies could help resolve the conflict?

- Autonomy vs. Beneficence – Respecting the patient’s right to refuse treatment vs. the family’s wish to continue life-prolonging interventions.
- Non-maleficence – Would aggressive interventions cause more harm and suffering than benefit?
- Justice – Is it fair to use scarce ICU resources for non-beneficial treatment?
- Legal Considerations – No formal advance directive is documented. Whose decision should guide care?



Further Reading

- Nusrat Jahan Chowdhury, Aaqib Zahid; (2025). A comparative study of Elderly Care Acts of India, Sri Lanka, and Bangladesh: policy learning for other countries. *Public Administration and Policy*, 28 (1): 101–113.
- Podgorica, N., Flatscher-Thöni, M., Deufert, D., Siebert, U. and Ganner, M., (2021). A systematic review of ethical and legal issues in elder care. *Nursing ethics*, 28(6), pp.895-910.
- Zhu, J., Shi, K., Yang, C., Niu, Y., Zeng, Y., Zhang, N., Liu, T. and Chu, C.H., (2022). Ethical issues of smart home-based elderly care: A scoping review. *Journal of nursing management*, 30(8), pp.3686-3699.
- Dev, P.S. and Eljo, J.G., (2024). Addressing the Ethical and Legal Complexities in Elderly Care: A Study from India. *Journal of Behavioral and Social Science*, 3(3), pp.111-118.
- Fenech FF. (2003) Ethical issues in ageing. *Clin Med (Lond)*. May-Jun;3(3):232-4.

*Thank
you*

