**Case study for Assessment 2**

**You are a nursing student on placement in a rural aged care facility and are staying in local accommodation. The community is very small, and you often encounter residents’ families and other staff members when going about your personal life. For example, when buying groceries, exercising or at the local cafe. One day you are shopping at the newsagency owned by Marta, whose father (Theo) you care for regularly. Marta is very friendly and welcoming while you complete your purchases. Marta mentions that the newsagency is currently offering 50% discount vouchers to ‘followers’ when they post ‘selfies’ of their newsagency shopping trips. You thank Marta for her help, but before you leave, Marta asks about Theo and if his new analgesic medication has reduced his arthritis pain.**

* Apply the decision-making framework (steps 1-3) to this scenario (McDonald & Then 2019).

**The case study should be done by using the following template. I have also attached a sample case study and the tutor’s remark on that assignment, to get a better result this time.**

**Case Study Template**

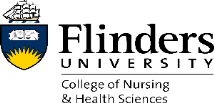
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| **Decision-making framework – adapted from McDonald & Then, 2019.**  **Step 1: Identify issues and collect information** |
| **Outline key ethical and/or legal issues (for example, ethical violation, ethical dilemma, or ethical distress) that are present in the case study.**  This includes summarising who is involved (or should be involved), their interests and what further information is needed *(approx. 300 words).* |
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| **Step 2: Evaluate the issues** |
| **Choose one ethical or legal issue identified in Step 1.**  **Identify relevant legal, ethical, and professional guidelines and explain how you would apply them to the chosen legal/ethical issue** *(approx. 500 words)*. |
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| **Step 3: Action – what to do in practice** |
| **Based upon Steps 1 and 2, outline a plan to respond to the situation. You MUST consider your scope of practice as a nursing student and what options/resources are available to you** *(approx. 450 words).* |
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| **References** (do **not** reference your class tutor or class discussions) |
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**Instructions**

This assignment requires you to provide a written response to a case study (2000 words, +/-10%) with legal and ethical implications. You will be addressing the legal and ethical implications of the case from your perspective as a nursing student using Steps 1 – 3 of the decision-making framework (McDonald & Then 2019).

**Additional information**

* You should use headings based on Steps 1-3 of the decision-making framework (McDonald & Then, 2019) to create a logical argument.
* Because you are using headings from Steps 1-3 of the decision-making framework (McDonald & Then, 2019) you do NOT need to include a separate introduction and conclusion.
* Your assessment must be referenced using [APA 7th guidelines](https://students.flinders.edu.au/support/slss/online-guides/referencing-resources). Do not reference your tutor or in-class discussion (secondary sources) because you are expected to read and apply relevant primary sources of information.
* Some parts of this assignment may be written in the first person (i.e. using ‘I’ and ‘me’) because you are writing from your perspective as a nursing student. For example, when discussing how ***you*** would respond to the situation (Step 3). Regardless of whether you are using first or third person, it is expected that you use formal/professional language and writing style.
* You should complete all online activities and attend every tutorial for this topic to maximise your likelihood of success.
* The [SLSS](https://students.flinders.edu.au/support/slss) has resources and support for assignment writing.
* You can post questions on the ‘General Discussion Forum’ so that everyone can benefit from the answers. You may also find that somebody else has already asked and received an answer to your question.

MARKING RUBRIC NURS1006 Assessment 2: Case Study

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| **Student Name:** | | | **Student ID:** | | |
|  | ***Performance Standard*** | | | | |
| **Assessment criteria** | **Advanced (D & HD)** | **Proficient (C)** | | **Satisfactory (P)** | **Unsatisfactory (F)** |
| Step 1: Identify issues and collect information.  [**Kickstart your assignment:**](https://play.flinders.edu.au/media/Writing%2BProcess%2B%2B-%2BKick%2BStart%2BYour%2BAssignment/0_ysgsrxae)[**Analysing the task**](https://play.flinders.edu.au/media/Writing%2BProcess%2B%2B-%2BKick%2BStart%2BYour%2BAssignment/0_ysgsrxae) | Correctly identifies & comprehensively outlines key legal & ethical issues.  Comprehensive and insightful summary of all key stakeholders and their interests.  Concise and relevant summary of what further information is needed. | Correctly identifies & outlines key legal & ethical issues.  Accurate summary of most key stakeholders and their interests. Reasonably concise and relevant summary of what further information is needed. | | Identifies & outlines relevant legal & ethical issues. Some key information unclear or missed.  Accurate summary of some key stakeholders & their interests. Satisfactory summary of what further information is needed. | Ethical or legal issues are not clearly articulated and/or relevant. All/most important information is missed.  No or inadequate identification of key stakeholders and their interests.  Summary of necessary further information is unclear/not relevant. |
| Step 2: Evaluate the issues.  [**Constructing an**](https://kaf.flo.flinders.edu.au/browseandembed/index/media-redirect/entryid/1_91kogxvu/showDescription/false/showTitle/false/showTags/false/showDuration/false/showOwner/false/showUploadDate/false/playerSize/608x402/playerSkin/45517652/thumbEmbed/autoPlay/startTime/endTime/)[**academic argument**](https://kaf.flo.flinders.edu.au/browseandembed/index/media-redirect/entryid/1_91kogxvu/showDescription/false/showTitle/false/showTags/false/showDuration/false/showOwner/false/showUploadDate/false/playerSize/608x402/playerSkin/45517652/thumbEmbed/autoPlay/startTime/endTime/) | Correctly identifies and comprehensively explains one key ethical or legal issue from Step 1.  Comprehensive identification and application of core relevant legal and/or ethical principles. Comprehensive identification and application of relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles effectively addresses the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been comprehensively considered from multiple viewpoints. | Correctly identifies and reasonably explains one key ethical or legal issue from Step 1.  Identifies and correctly applies relevant core legal and/or ethical principles.  Identifies and correctly applies relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles acknowledges the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been carefully considered from multiple viewpoints. | | Correctly identifies and adequately explains one key ethical or legal issue from Step 1.  Identifies and applies most relevant legal and/or ethical principles.  Adequately Identifies and correctly applies some relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles partially acknowledges the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been adequately considered from multiple viewpoints. | Does not correctly identify, and/or adequately explain one key ethical or legal issue from Step 1.  Does not adequately identify and/or apply legal and/or ethical principles. Does not adequately identify and apply relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles does not acknowledge the complexity of the case and/or manage conflict between ethical and/or legal principles. Discussion does not clearly indicate the case has been considered from multiple viewpoints. |
| Step 3: Action – what to do in practice. | Proposed actions are insightful, relevant and within the scope of practice of a nursing student. Proposed actions comprehensively address issues identified in step 2. | Most proposed actions are relevant and within the scope of practice of a nursing student. Proposed actions adequately address issues identified in step 2. | | Some proposed actions are relevant and within the scope of practice of a nursing student. Proposed actions partially address issues identified in step 2. | All/most proposed actions are not relevant and/or within the scope of practice of a nursing student. Proposed actions do not adequately address issues identified in step 2. |

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|  | The ethical and/or legal reasoning underpinning the proposed actions is comprehensively explained.  The intended outcomes of the actions are logical and comprehensively identified. | | The ethical and/or legal reasoning underpinning the proposed actions is clearly explained.  The intended outcomes of the actions are mostly logical and clearly identified. | The ethical and/or legal reasoning underpinning the proposed actions is adequately explained.  The intended outcomes of the actions are somewhat logical and clearly identified. | The ethical and/or legal reasoning underpinning the proposed actions is missing or not clearly explained.  The intended outcomes of the actions are missing or do not logically follow. |
| Academic writing, presentation and style    [**Editing and proofreading**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/editing-and-proofreading.pdf)[**Using the right language**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/using-the-right-language.pdf) | Formal, academic language is consistently well observed.  Paragraphs and sentences are consistently very well- structured and always convey intended meaning.  Spelling, grammar and punctuation correct and conveys writer’s intended meaning. Prescribed word length is met (+/- 10%). | | Formal, academic language is mostly well observed.  Paragraphs and sentences are mostly well- structured and convey intended meaning.  Some incorrect spelling, grammar and/or punctuation. Prescribed word length is met (+/- 10%). | Formal, academic language is adequately observed.  Paragraphs and sentences are adequately structured and typically convey intended meaning.  Numerous spelling, grammar and punctuation errors. Prescribed word length is met (+/- 10%). | Formal, academic language is not/not consistently observed.  Paragraphs and/or sentences are not/not consistently well- structured and do not convey intended meaning.  Incorrect spelling, grammar and/or punctuation throughout the essay. Prescribed word length not met (+/- 10%). |
| Referencing  [**APA 7 referencing**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/apa-referencing-7.pdf)[**What is evidence?**](https://play.flinders.edu.au/media/Critical%2BThinking%2B-%2BWhat%2Bis%2BEvidence/0_z5vbq68d)  [**Paraphrasing and quoting**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/paraphrasing-and-quoting.pdf) | Comprehensive and correct use of APA 7th edition for reference list and in-text referencing with no errors/omissions.  Extensive number and range of credible, rigorous and relevant resources used to support discussions.  Consistently correct comprehension and interpretation of reference materials. | | Mostly consistent use of APA 7th edition for reference list and in-text referencing with some errors/omissions.  Good number and adequate range of credible, rigorous and relevant literature and resources used to support discussions.  Mostly correct comprehension and interpretation of reference materials. | Adequate use of APA 7th edition for reference list and in-text referencing with many errors/omissions.  Adequate number and range of credible, rigorous and relevant literature and resources used to support discussions.  Adequate comprehension and interpretation of reference materials. | Inadequate/no use of APA 7th edition for reference list and in-text referencing has consistent errors/omissions.  Lack of/no credible, rigorous and relevant literature and resources to support discussions.  Lack of correct comprehension and frequent misinterpretation of reference materials. |
| Deductions (if applicable) |  |  | | | |
| **Grade** |  | | | | |
| **Overall comment** |  | | | | |
| Name of marker |  | | | | |
| Date | Click or tap to enter a date. | | | | |

**Case study 1 and it’s remarks:**

**Assessment 1: Case Study**

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| **Step 1: Identify issues and collect information** |
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| The scenario presents an ethical dilemma, which leads to confusion about the appropriate action that must be taken (Mcdonald & Then, 2019). The 19-year-old male, Devin, may reconsider his decision about undergoing the treatment before five minutes. However, the decision is unclear. Seeking clarity about his exact decision is important. In case of refusal, due to less time, it is indispensable to act quickly.  Devin and I, a nursing student, are involved. The nursing student must, however, practise only within their scope of practice, which is defined as what they are qualified, skilled, and/or legally allowed to do (NMBA, 2022). To ensure I am in compliance with the law, which mandates that I work under supervision, I would immediately inform RN Melinda or other relevant medical personnel.  Further, I will use the information to make decisions based on my expertise and prior experience with similar situations. If a patient has concerns about the surgery or if they have questions about their treatment, it is imperative that they receive answers to these questions before making any decisions. Knowing the patient's final decision is crucial for moving forward (Mcdonald & Then, 2019).  If the patient insists on refusing therapy, I will enquire as to the details of their concern. Therefore, additional attempts can be taken to learn why the patient refused treatment and whether those issues can be addressed through alternative treatment or other means (NSW Health, 2019). |
| **Step 2: Evaluate the issues** |
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| This situation deals with an ethical dilemma as the patient seems like refusing the treatment. As a student nurse, it is important to clarify what the patient wants. Care and concerns must be addressed from the patient's perspective, with the patient's values and preferences in mind, as recommended by professional guidelines (NMBA, 2022).  The patient's right to make an informed choice about whether or not to receive treatment must be respected in accordance with the principle of beneficence, which is outlined in the ethical guidelines. When a patient is not given a voice in his or her own healthcare decisions, this goes against the non-maleficence principle. Therefore, I must seek clearance on the patient’s decision and avoid taking decisions on my behalf. To avoid failure in respecting the patient’s wishes, choices must be provided to the patient, or it might lead to the violation of the right to self-determination (Mcdonald & Then, 2019).  A patient always has the choice of receiving or rejecting treatment, as they believe appropriate. A violation of the right to autonomy occurs if the refusals are ignored (Mcdonald & Then, 2019). It is important to address patient’s doubts regarding treatment in order to prevent any ethical violations, such as endangering their personal wellbeing. A positive outlook on the patient's decision-making process is essential to my profession (Mcdonald & Then, 2019). Moreover, it is the fundamental right of competent patients to consent to or refuse treatment within the health sector, it is also crucial that ethical legislation is in accord with justice (Mcdonald & Then, 2019).  In addition, it is essential to know if the patient making the decision has the brain capacity to do so. An individual's capacity is measured by their ability to understand medical information and make autonomous treatment decisions in accordance with those values, beliefs, and preferences (Pirotte, B.D., and Benson, S., 2021). If a situation seems an emergency and endangers the safety of a patient who is impaired, the healthcare professional in charge is frequently the one who makes the decision in an emergency. The patient's directive or a proxy who can make medical decisions on their behalf should be sought out in the absence of an emergency (Pirotte, B.D., & Benson, S. (2021). Second, medical professionals can depend on "advance care directives," which are legal agreements that allow a person to declare their preferences regarding the type of treatments they want or do not want in the situation if they loose the ability to decisions for themselves (Mcdonald & Then, 2019).  In circumstances when there is a significant risk of treatment refusal, an acknowledgement of the treatment refusal form must be signed by the competent patient. However, in cases of treatments with minimal risk, this is not required (NSW Health, 2019). |
| **Step 3: Action – what to do in practice** |
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| I may choose to ignore the patient's denial since I would assume that they are experiencing normal preoperative anxiety. Because of my legal responsibilities to patients and the high standards of professional conduct expected of me, I cannot afford to make any premature judgments as a nursing student (Atkins, de Lacey, Ripperger & Ripperger, 2020) (NMBA, 2022). Further, my behaviour can go against the principles approach to the ethical necessity of consent which comprises autonomy, beneficence, non-maleficence, and fairness. In addition, medical practitioners can be held accountable under criminal law when their negligence causes harm (Mcdonald & Then, 2019). Therefore, it is my primary responsibility as a nurse to adhere to all legal regulations and standards to ensure the health and well-being of my patients at all times.  First and foremost, I must not take choices on my behalf as a student nurse because it goes against my scope of practice and ethical laws (non-maleficence). I must inform about the situation to RN Belinda as I am working under her. It is crucial to make sure the patient knows all the information, associated benefits and hazards of the treatment. If a patient is unsure or anxious about surgery, it is important to establish a therapeutic relationship with them to help them overcome their nervousness, confusion, or lack of information so that they can make an informed decision on their own, or to offer them the option of supported decision-making, which means including family members, friends, or any trusted person for decision making (Mcdonald & Then, 2019). I should give ample time to the patient for decision-making. My duty is to be as transparent as possible about any and all consequences of accepting or declining therapy. If we refer a patient for additional testing or treatment, we have an ethical and legal obligation to make sure they understand the potential benefits and any potential drawbacks to those options so they may make an informed decision about whether or not to move on (NMBA, 2022).  To add, I may be able to gather additional patient information that may assist the doctors in establishing a proper assessment. For example, if the patient has the capacity or not to make decisions. When a patient has the mental capacity to make treatment decisions, that decision must be respected and communicated to all treating medical professionals. But if I'm taking care of a patient who lacks capacity, I need to follow the rules for making decisions on their behalf. Whenever a patient has the mental capacity to make their own decisions, it is their right and responsibility to either consent to or refuse medical treatment. When a patient lacks mental capacity, a proxy must make healthcare choices on their behalf (Department of Health. Victoria, A., 2016). |
| **References:**  Atkins, K., De Lacey, S., Ripperger, B., & Ripperger, R. (2020). Ethics and law for Australian nurses (4th ed.). Cambridge University Press.  Department of Health. Victoria, A. (2016). Medical Treatment Planning and Decisions Act 2016. Www.health.vic.gov.au. https://www.health.vic.gov.au/patient-care/medical-treatment-planning-and-decisions-act-2016  Mcdonald, F. J., & Then, S.-N. (2019). Ethics, law and health care: A guide for nurses and midwives (2nd ed.). Red Globe Press.  Nursing and Midwifery Board of Australia. (2022). Nursing and Midwifery Board of Australia - Professional Codes & Guidelines. Nursingmidwiferyboard.gov.au. <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements.aspx>  NSW Health. (2019). Refusal of treatment (6). <http://www.health.nsw.gov.au>  Pirotte, B. D., & Benson, S. (2021). Refusal of Care. PubMed; StatPearls Publishing. https://pubmed.ncbi.nlm.nih.gov/32809721/ |

College of Nursing and Health Sciences
**MARKING RUBRIC NURS1006 Assessment 1: Case Study**

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| **Student Name:** | | | | **Student ID:** | |
| **Assessment criteria** | **Advanced (D & HD)** | | **Proficient (C)** | **Satisfactory (P)** | **Unsatisfactory (F)** |
| **Step 1: Identify issues and collect information**.  [**Kickstart your assignment: Analysing the task**](https://play.flinders.edu.au/media/Writing+Process++-+Kick+Start+Your+Assignment/0_ysgsrxae) | Correctly identifies & comprehensively outlines key legal & ethical issues.  Comprehensive and insightful summary of all key stakeholders and their interests.  Concise and relevant summary of what further information is needed. | | Correctly identifies & outlines key legal & ethical issues.  Accurate summary of most key stakeholders and their interests.  Reasonably concise and relevant summary of what further information is needed. | Identifies & outlines relevant legal & ethical issues. Some key information unclear or missed.  Accurate summary of some key stakeholders & their interests. Satisfactory summary of what further information is needed. | Ethical or legal issues are not clearly articulated and/or relevant. All/most important information is missed.  No or inadequate identification of key stakeholders and their interests.  Summary of necessary further information is unclear/not relevant. |
| **Step 2: Evaluate the issues.**  [**Constructing  an academic argument**](https://kaf.flo.flinders.edu.au/browseandembed/index/media-redirect/entryid/1_91kogxvu/showDescription/false/showTitle/false/showTags/false/showDuration/false/showOwner/false/showUploadDate/false/playerSize/608x402/playerSkin/45517652/thumbEmbed/autoPlay/startTime/endTime/) | Correctly identifies and comprehensively explains one key ethical or legal issue from Step 1.  Comprehensive identification and application of core relevant legal and/or ethical principles. Comprehensive identification and application of relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles effectively addresses the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been comprehensively considered from multiple viewpoints. | | Correctly identifies and reasonably explains one key ethical or legal issue from Step 1.  Identifies and correctly applies relevant core legal and/or ethical principles. Identifies and correctly applies relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles acknowledges the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been carefully considered from multiple viewpoints. | Correctly identifies and adequately explains one key ethical or legal issue from Step 1.  Identifies and applies most relevant legal and/or ethical principles. Adequately Identifies and correctly applies some relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles partially acknowledges the complexity of the case and manages conflicts between ethical and/or legal principles. Discussion indicates the case has been adequately considered from multiple viewpoints. | Does not correctly identify, and/or adequately explain one key ethical or legal issue from Step 1.  Does not adequately identify and/or apply legal and/or ethical principles. Does not adequately identify and apply relevant legislation and/or professional guidelines.  Application of legal and/or ethical principles does not acknowledge the complexity of the case and/or manage conflict between ethical and/or legal principles. Discussion does not clearly indicate the case has been considered from multiple viewpoints. |
| **Step 3: Action – what to do in practice.** | Proposed actions are insightful, relevant and within the scope of practice of a nursing student. Proposed actions comprehensively address issues identified in step 2.  The ethical and/or legal reasoning underpinning the proposed actions is comprehensively explained.  The intended outcomes of the actions are logical and comprehensively identified. | | Most proposed actions are relevant and within the scope of practice of a nursing student. Proposed actions adequately address issues identified in step 2.  The ethical and/or legal reasoning underpinning the proposed actions is clearly explained.  The intended outcomes of the actions are mostly logical and clearly identified. | Some proposed actions are relevant and within the scope of practice of a nursing student. Proposed actions partially address issues identified in step 2.  The ethical and/or legal reasoning underpinning the proposed actions is adequately explained.  The intended outcomes of the actions are somewhat logical and clearly identified. | All/most proposed actions are not relevant and/or within the scope of practice of a nursing student. Proposed actions do not adequately address issues identified in step 2.  The ethical and/or legal reasoning underpinning the proposed actions is missing or not clearly explained.  The intended outcomes of the actions are missing or do not logically follow. |
| **Academic writing, presentation and style**  [**Paragraphs**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/paragraphs.pdf)  [**Using the right language**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/using-the-right-language.pdf)  [**Editing and proofreading**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/editing-and-proofreading.pdf) | Formal, academic language is consistently well observed.  Paragraphs and sentences are consistently very well- structured and always convey intended meaning.  Spelling, grammar and punctuation correct and conveys writer’s intended meaning. Prescribed word length is met (+/- 10%).  Uses the assignment template. | | Formal, academic language is mostly well observed.  Paragraphs and sentences are mostly well- structured and convey intended meaning.  Some incorrect spelling, grammar and/or punctuation. Prescribed word length is met (+/- 10%).  Uses the assignment template. | Formal, academic language is adequately observed.  Paragraphs and sentences are adequately structured and typically convey intended meaning.  Numerous spelling, grammar and punctuation errors. Prescribed word length is met (+/- 10%).  Uses the assignment template. | Formal, academic language is not/not consistently observed.  Paragraphs and/or sentences are not/not consistently well- structured and do not convey intended meaning.  Incorrect spelling, grammar and/or punctuation throughout the essay.  Prescribed word length not met (+/- 10%).  Does not use assignment template. |
| **Referencing**  [**What is evidence?**](https://play.flinders.edu.au/media/Critical+Thinking+-+What+is+Evidence/0_z5vbq68d)  [**APA 7 referencing**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/apa-referencing-7.pdf)  [**Paraphrasing and quoting**](https://students.flinders.edu.au/content/dam/student/slc/academic-writing-skills/paraphrasing-and-quoting.pdf) | Comprehensive and correct use of APA 7th edition for reference list and in-text referencing with no errors/omissions.  Extensive number and range of credible, rigorous and relevant resources used to support discussions.  Consistently correct comprehension and interpretation of reference materials. | | Mostly consistent use of APA 7th edition for reference list and in-text referencing with some errors/omissions.  Good number and adequate range of credible, rigorous and relevant resources used to support discussions.  Mostly correct comprehension and interpretation of reference materials. | Adequate use of APA 7th edition for reference list and in-text referencing with many errors/omissions.  Adequate number and range of credible, rigorous and relevant resources used to support discussions.  Adequate comprehension and interpretation of reference materials. | Inadequate/no use of APA 7th edition for reference list and in-text referencing has consistent errors/omissions.  Lack of/no credible, rigorous and relevant resources to support discussions.  Lack of correct comprehension and frequent misinterpretation of reference materials. |
| Deductions (if applicable) | |  | | | |
| **Grade** | | Pass | | | |
| **Overall comment** | | Some thoughtful solid work to achieve a sound pass. Some information would be better placed in a different section of your paper. Good luck with Assignment 2! | | | |
| Name of marker | | VHW | | | |
| Date | | 5/09/2022 | | | |