

ASSESSMENT OF KNOWLEDGE OF LEGAL ACTS REGULATING NURSING PROFESSION AMONG FINAL YEAR MASTER'S DEGREE STUDENTS

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Abstract

BACKGROUND:

The profession of a nurse is governed by both parliamentary acts and regulations. Nurses are expected to practise their profession basing on and within the provisions of law, particularly due to the fact that their activities concern human health and life. The knowledge of the appropriate relevant standards among nurses with the right to practise the profession and nurses continuing their education pursuing a master's degree course is unsatisfactory.

Keywords: nurses, legal awareness, legal acts,

AIM OF STUDY:

The study aimed to assess the level of knowledge of legal acts regulating the profession of a nurse among the practising nurses who continue their education attending a master's degree course.

MATERIALS AND METHODS:

The study enrolled a total of 68 second-year master's degree students of nursing at Medical University of Warsaw. The study was performed in May 2014. An original and non-standardised questionnaire comprising 42 close-ended questions was used as a research tool. More than one answer could be given to six questions. Descriptive statistics was used to analyse the collected data.

RESULTS:

61 respondents said that they had got acquainted with the content of legal provisions regulating the nursing profession. University classes constituted the source of knowledge of the regulations applicable to the nursing profession for 57 study participants. As many as 65 respondents believed that this kind of knowledge would be useful in their professional activity. On the other hand, as few as 55 students considered nursing to be an independent medical profession. Half of the study participants did not know that their membership in the professional self-government was obligatory.

CONCLUSIONS:

1. Among the study group of practising nurses, the level of knowledge of legal regulations concerning the nursing profession is satisfactory.
2. The knowledge of the functioning of the professional self-government and rules of professional liability of nurses needs to be improved.
3. The level of legal awareness and knowledge of practising the profession needs to be improved through putting more emphasis on these issues during the master's degree course as well as during the professional improvement courses.

1 INTRODUCTION

The profession of a nurse is governed by both parliamentary acts and regulations. Nurses are expected to practise their profession basing on and within the provisions of law, particularly due to the fact that their work concerns human health and life.

The principles of practising the profession of a nurse can be found, first and foremost, in the act on the professions of a nurse and a midwife [1]. The act deals also with the professional education and postgraduate education of nurses and midwives. Another legal act of importance to nurses is the act on the professional self-government of nurses and midwives [2] regulating legal issues related to

practising the profession, the functioning of nursing chambers and the professional liability of nurses and midwives. Nurses should also be well acquainted with the act on the patient's rights and the spokesman for the patient's rights [3] which specifies, on the one hand, the rights of health care beneficiaries and, on the other, the resultant duties and responsibilities of medical personnel, nurses included.

There are also other legal acts the contents of which are of essential importance for the performance of the profession of a nurse. The question of civil liability is regulated by the civil code [4] while that of penal liability by the penal code [5]. The former governs also the principles of employing nursing personnel under the so-called contracts. If, however, a nurse decides to practice the profession on the basis of an employment contract, the latter is governed by the provisions to be found in the labour code [6]. The list of legal acts given above is by no means exhaustive.

Education in the field of nursing is based on the teaching standards specified by the regulation of the Minister of Science and Higher Education. The curriculum of master's degree studies in nursing does not provide for education in the field of law. In practice this means that every university can but need not include in its own curriculum a subject which would expand students' knowledge of law and legal acts relevant to their profession. Medical University of Warsaw, the students of which constituted the study group, provides for 25 hours of lectures and 10 hours of seminars in the subject of Law in Medicine within second-level studies in nursing.

Knowledge of legal acts is the object of numerous studies [7, 8, 9, 10, 11]. However, due to the amendment to nursing law which took effect as of 1 January 2012, the authors of this study can see a need for a repeated assessment of the knowledge of legal acts, in particular in the group of nurses already practicing the profession and expanding their knowledge within the framework of second-level studies.

2 AIM OF STUDY

The study aimed to assess the level of knowledge of legal acts regulating the profession of a nurse among the practising nurses who continue their education pursuing a master's degree course.

3 MATERIAL AND METHODS

The study group comprised 68 second-year, master's degree students of nursing of the Faculty of Health Science, Medical University of Warsaw. The respondents had professional experience ranging from one to ten years. For the sake of maintaining the homogeneity of the study group 12 people with over-ten-year experience were excluded. The study was carried out in May 2014. Four per cent of respondents were men.

An original and non-standardised questionnaire comprising 42 close-ended questions, including 6 multiple choice questions, was used as a research tool. The questions were divided into three groups. The first comprised questions concerning general knowledge of legislation, the second - the act on the professions of a nurse and a midwife, the professional self-government and the regulation of 7 November 2007 on services provided by a nurse without a doctor's order and the third and final – an assessment by the respondents of the level of their own knowledge of the legal aspects of the profession of a nurse.

Descriptive statistics was used to analyse the collected data.

4 RESULTS

Detailed research findings are given in Table 1. The data are presented in absolute terms. Please, note that Questions 2, 4 and 7 were multiple-choice questions.

Table 1. Detailed results of the study.

Quest. 1. Have you got acquainted with the legal acts regulating the profession of a nurse?	
Yes	61
No	7
Quest. 2. Where does your knowledge of the legal regulations concerning practising the profession of a nurse come from?	
University/School	57
Internet	32
Another nurse	13
Press	4
Other sources	1
Quest. 3. Is the knowledge of law of use in everyday work of a nurse?	
Yes	65
No	0
I don't know	3
Quest. 4. What legal acts regulate the work of a nurse?	
Act on the professions of a nurse and a midwife	64
Act on the self-government of nurses and midwives	24
Regulation of the Minister of Health on the scope of services...	20
Civil Code	9
Penal Code	9
Quest. 5. Is the profession of a nurse an independent profession?	
Yes	55
Partly	11
No	2
Quest. 6. Can a nurse provide a patient with information about the patient's state of health, diagnosis, possible methods of treatment and effects of their application or non-application?	
Yes	4
Yes but only within the scope necessary for providing nursing care.	58
No	6
I don't know.	0
Quest. 7. Under what forms of employment can a nurse practise the profession?	
Employment contract	67
Civil law contract	63
Contract	54
Voluntary service	39
Service relationship	21
Professional practical placement	34

Quest. 8. What legal act governs the practising of the profession of a nurse under a contract?	
Civil Code	43
Labour Code	8
Act on the professions of a nurse and a midwife	11
I don't know.	6
Quest. 9. Is it obligatory for nurses to be members of the professional self-government?	
Yes	34
No	31
I don't know.	3
Quest. 10. What normative act governs the question of the professional liability of a nurse?	
Act on the professional self-government	9
Code of the Professional Ethics of Nurses and Midwives	39
Penal Code	19
I don't know.	4
Quest. 11. How do you assess your own knowledge of the legal aspects of practising the profession of a nurse?	
I know very little.	4
I know little.	41
I know a lot.	22
I have extensive knowledge.	1

Questions 1-3 were of general character. Nurses were asked whether they had legal knowledge and whether it was of use in their work. The first question concerned the very fact of having got acquainted with the legal acts regulating the profession of a nurse. The majority of respondents gave a positive answer to this question. Every tenth respondent had not got acquainted with the regulations concerning the profession. In the following question nurses were asked to indicate sources of their knowledge of legal regulations governing the profession of a nurse. A vast majority of respondents pointed to classes attended at university or school. Approximately half of the respondents gain this knowledge from the Internet. Every fifth nurse seeks relevant knowledge from another nurse. Nurses are in agreement that knowledge of law is of use in their everyday work. There was not a single opinion to the contrary.

Questions 4 – 10 were aimed to evaluate nurses' knowledge. At the beginning they were asked what legal acts govern the performance of the profession of a nurse. Practically all the respondents indicated the act on the professions of a nurse and a midwife. Definitely fewer pointed to the act on the professional self-government of nurses and midwives or the Regulation of the Minister of Health of 7 November 2007 on the kind and scope of prophylactic, diagnostic, therapeutic and rehabilitative services provided by a nurse or a midwife independently, without a doctor's order.

Question 5 was intended to check whether nurses are aware of professional autonomy in their work. A significant majority of the respondents revealed knowledge of the key issue regulated in the first articles of the nursing act. Yet, every sixth respondent answered that the profession of a nurse is not an independent medical profession.

A vast majority of the respondents is familiar with possible forms of practising the profession of a nurse and practically all know the most popular forms, that is contract and employment contract. Two thirds of the respondents also knew that the performance of the profession under the so-called civil law contract is governed by the civil code. Yet, part of the respondents pointed here to the act on the professions of a nurse and a midwife.

Questions 9 and 10 concerned the knowledge of the act on the professional self-government. Answer was sought to two key questions, the first of them being the obligatory character of membership in the professional self-government and the second – the legal act governing the principles of professional

liability. The distribution of the respondents' opinions on the former was almost even. As regards the latter, over a half of the respondents chose the Code of the Ethics of Nurses and Midwives, some indicated the penal code and barely a few the act on the professional self-government of nurses and midwives.

Finally, the respondents were asked how they themselves assess their own knowledge of the law governing the profession of a nurse. Almost two thirds of the respondents admitted knowing little or very little. One respondent claimed to have extensive knowledge of the subject.

5 DISCUSSION

The question of the knowledge of legal acts governing the profession of a nurse among nurses, including nurses expanding their knowledge within the framework of second-level, master's degree studies, has been given much attention in Polish and world literature [7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17]. The regulations studied concern, among others, the principles governing the performance of the profession and professional liability but also the patient's rights or ethical aspects of the work of a nurse. Part of the studies makes an attempt to assess the knowledge of legal acts which do not directly govern the profession of a nurse but the knowledge of which is useful, if not indispensable, in the professional life of a nurse [7, 11]. The acts referred to are the civil code, the penal code and the labour code.

An essential change of the so-called nursing law took place with the coming into effect on 1 January 2012 of a new act on the professions of a nurse and a midwife of 15 July 2011 and the act on the professional self-government of nurses and midwives of 1 July 2011. Till that time few studies were published which would tackle the issue of the legal awareness among nurses which expand their knowledge pursuing master's degree studies. The authors of the present study attempted to investigate the knowledge of the largely amended law governing practising the profession of a nurse among students of the final year of second-level, master's degree studies. It should be mentioned that all the study group had completed, as part of the curriculum of studies, a course in 'Law in Health Care'.

The analysed findings reveal that practically all nurses find legal knowledge to be of use in everyday professional life, which is definitely positive. A vast majority of respondents declare having got acquainted with the contents of the legal acts governing the profession of a nurse. However, this does not translate into their actual knowledge as indicated by answers to questions 9 or 10. An interesting analysis on a related subject was carried out by Ozdemir and co-workers [17]. The study conducted in Turkey shows that over half of the nurses who filled in the questionnaire had not read any legal act dealing with the patient's rights. However, paradoxically, no statistically significant differences were found between the respondents who had got acquainted with the contents of the acts referred to and those who had not. In Poland, knowledge of legal acts was investigated, among others, by Gawel and co-workers [7]. The results of this study show that 79 per cent of respondents were acquainted with the act on the professions of a nurse and a midwife while 40 per cent with the act on the professional self-government.

Asked about sources of their knowledge of regulations governing the profession of a nurse, most of the respondents indicate classes offered by their university. This fact must be perceived as positive since it is a reliable and tested source, the information provided in the course of classes being based on the law in force and experts' commentaries. It must be seen as good news that half of the respondents does not limit themselves to knowledge gained in the course of studies but expands it via the Internet. A similar question was asked in her study by J. Gotlib [11]. It concerned the sources of knowledge with respect to professional liability. However, the results obtained by this researcher differed significantly from those referred to above, with the answers distributed almost evenly between press, school and the Internet. The discrepancy may result from the fact that the present study focuses on a group of nurses currently expanding their knowledge by pursuing master's degree studies. The university must obviously be their primary source of knowledge within the scope provided for by the curriculum, including also medical law.

It is also worthwhile to comment on nurses' opinions regarding the autonomy of the profession practised, the autonomy which the respondents do not seem to be aware of. In world literature and practice the issue does not give rise to any doubts. What may be considered is at best the scope of independence as indicated by numerous studies [14,15]. In Poland, the awareness of this autonomy which follows from the provisions of law, is still object of research. A study by Glińska and co-workers

[16] reveals that the level of this awareness is very low (ca 35 per cent). Against this background, the answers given by the respondents studied by the authors of the present study look impressive.

Analysis of the knowledge of the contents of individual legal acts leads to a conclusion that students are relatively well familiar with the act on the professions of a nurse and a midwife (replies to Questions 5, 6 and 7). A prevailing majority of the respondents gave correct answers to these questions. A study of the knowledge of the act referred to was also carried out by Grohans and co-workers [8]. Their findings can also be considered very good. For 33 possible points, nurses with higher professional education (bachelor's degree) scored on average 27 pts (SD +/- 5.1) while nurses with a master's degree 25.5 pts (SD +/- 4.1).

The situation looked much worse with respect to the knowledge of the act on the professional self-government. Questions 9 and 10 which checked it revealed that the majority of the respondents were not familiar with the provisions of this legal act. In the opinion of the authors knowledge of this is of utmost importance as it governs the professional liability of a nurse. Also, the findings of J. Gotlib [11] were not much better. 41 per cent of respondents were able to link professional liability to the act on the professional self-government.

Attention should also be given to the self-assessment of their knowledge of the legal acts governing the profession of a nurse by the respondents. In spite of the declarations made by the majority of the respondents as regards having got acquainted with the contents of the acts, nurses admit that their knowledge is rather limited. It can thus be concluded that the respondents are aware of gaps in their knowledge of nursing law. The authors of the present study deem it necessary that further studies be carried out with the purpose of indicating and developing possible ways of providing additional education in this respect.

With the selection and size of the study group on which the present research was based constituting a limitation, it seems necessary that further, broader research be carried out to assess the knowledge of legal regulations governing the performance of the profession of a nurse in Poland.

CONCLUSIONS

1. Among the study group of practising nurses, the level of knowledge of legal regulations concerning the nursing profession is satisfactory.
2. The knowledge concerning the functioning of the professional self-government and rules of professional liability of nurses needs to be improved.
3. The level of legal awareness and knowledge of practising the profession needs to be improved through putting more emphasis on these issues during the master's degree course as well as during professional improvement courses.

REFERENCES

- [1] Act of 15 July, 2011 on the professions of a nurse and a midwife (Journal of Laws from 2011, No 147 item. 1039 with amendments).
- [2] Act of 1 January, 2011 on Professional Self-Government of Nurses and Midwives (Journal of Laws from 2011, No 174, item. 1038 with amendments).
- [3] Act of 6 November, 2008 on Patient Rights and the Patient Rights Ombudsman (Journal of Laws from 2008 No 52, item 417 with amendments).
- [4] Act of 23 April, 1964 r. Civil Code (Journal of Laws from 1964, No 16, item 93 with amendments).
- [5] Act of 6 June, 1997 r. Penal Code (Journal of Laws from 1997, No 88, item 553 with amendments).
- [6] Act of 26 June, 1974 r. Labor Law. (Journal of Laws from 1974, No 24, item 141 with amendments).
- [7] Gawęł G., Plater B., Potok H., Ogonowska D., Świadomość odpowiedzialności zawodowej wśród pielęgniarek, W: Problemy Pielęgniarstwa 2010, 18(2), 105-110.

- [8] Grochans E., Głowacka T., Szkup-Jabłońska M. i wsp., Wpływ poziomu wykształcenia pielęgniarek na znajomość wybranych aktów prawnych wykorzystywanych w pielęgniarstwie, W: Problemy Pielęgniarstwa 2011, 19(4), 463-467.
- [9] Rozwadowska E., Krajewska-Kułak E., Kropiwnicka E. i wsp., Ocena znajomości ustawy o zawodzie pielęgniarki i położnej przez studentów pielęgniarstwa i położnictwa oraz pielęgniarki i położne, W: Problemy Pielęgniarstwa 2010, 18(4), 443-454.
- [10] Kotłęga M., Grabowska H., Świetlik D., Ocena wiedzy na temat aktów prawnych regulujących wykonywanie zawodu pielęgniarki w Polsce w grupie pielęgniarek, Problemy Pielęgniarstwa 2013, 21(3): 290-296.
- [11] Gotlib J., Maliszewska A., Próba oceny wiedzy pielęgniarek na temat odpowiedzialności zawodowej w świetle znowelizowanych przepisów prawnych – doniesienie wstępne, Zdr Publ 2013, 123(1): 57-61.
- [12] Hariharan S., Jonnalagadda R., Walrond E., Moseley H., Knowledge, attitudes and practice of healthcare ethics and law among doctors and nurses in Barbados. W: BMC Medical Ethics 2006, 7:7.
- [13] Oyetunde M. O., Ofi B. A., Nurses' Knowledge of legal aspects of nursing practice in Ibadan, Nigeria, W: Jurnal of Nirsing Education and Practice 2013 Vol.3, No 9.
- [14] Cajulis C.B., Kleinpell R.M., Levels of autonomy of nurse practitioners in an acute care setting, W: Jurnal of the American Academy of Nurse Practitioners, 19 (2007), 500-507.
- [15] Cole F., Ramirez E., Nurse Practitioner Autonomy in a clinical setting, W: Emergency Nurse 2000, Vol.7 No 9, 26-30.
- [16] Glińska J., Nowak A., Brosowska B., Lewandowska M., Analiza poziomu świadomości pielęgniarek w zakresie autonomii zawodowej. Problemy Pielęgniarstwa 2010; 18, 477–482.
- [17] Ozdemir H. M., Can O., Ergonen A. T. i wsp., Midwives and nurses awareness of patients' rights, W: Midwifery 2009, 25, 756–765.