

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

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## Abstract

### BACKGROUND:

The profession of a nurse is governed by both parliamentary acts and regulations. Nurses are supposed 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. Legal awareness of students of nursing just before obtaining the right to practise the profession is unsatisfactory.

### AIM OF STUDY:

The study aimed to assess the level of knowledge of legal acts regulating the profession of a nurse among the final year bachelor's degree students.

### MATERIALS AND METHODS:

The study covered a total of 84 third-year bachelor'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 provided to six questions. Descriptive statistics was used to analyse the collected data.

### RESULTS:

64 respondents said that they had got familiar with the content of legal provisions regulating the nursing profession. University classes constituted the source of knowledge of the regulations concerning the nursing profession for 61 study participants. As many as 81 respondents believed that this kind of knowledge would be useful in their professional activity. On the other hand, only 9 persons knew which legal act regulates the issue of practising as a nurse under so-called civil law contracts.

### CONCLUSIONS:

1. The declared level of knowledge of legal regulations concerning the profession of a nurse is substantially higher than the one demonstrated by answers given to individual questions.
2. The level of knowledge of legislative acts regulating the nursing profession is satisfactory but needs supplementation.
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 course and during the available forms of postgraduate training.

Keywords: nurses, legal awareness, legal acts.

## 1 INTRODUCTION

The question of the legal aspects of the profession of a nurse is a subject of ongoing interest especially since the regulations in force keep changing. Being areas of specific sensitivity, health care and medicine are affected by legal regulations in a specific way. Moreover the regulations referred to have their legal premises in different legislative acts and even in different domains and branches of law.

The principles concerning the performance of 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 referred to covers also the professional and post-graduate education. Another legislative act of importance to nurses is the act on the professional self-government of nurses and midwives [2] which regulates questions related to the right to practicing the profession, the functioning of nursing chambers and the professional liability of nurses and midwives. Yet another act to be mentioned is the act on the patient's rights and the spokesman for the patient's rights. This act deals with the rights of the beneficiaries of the health care system and the related duties of medical personnel, nurses included.

Regulations concerning the profession of a nurse can also be found in sources other than classic medical law. The relations between a nurse and an employer – a health care entity – are stipulated by the Labour Code [4]. If a nurse chooses to be employed on the basis of the so-called civil-legal contract, her employment will be regulated by the provisions of the Civil Code [5]. The latter regulates also the questions of the civil liability of a nurse and the rules of pursuing possible compensation claims by patients. The penal liability of a nurse proceeds from the Penal Code [6].

Education provided under first-level studies in the field of nursing is based on the regulation of the minister responsible for the teaching standards in the field of health. This means that uniform standards apply throughout the country. The standards provide also for thirty hours of education in the field of law, the programme covering foundations of law, system of law, legal and professional liability of a nurse, provisions concerning the principles of practicing the profession as well as professional and post-graduate education of nurses.

Numerous studies have been carried out on the subject [7,8,9], mostly before 2012, that is prior to the amendment of the act on the profession of a nurse and a midwife as well as the amendment of the act on the profession of a nurse and a midwife and the act on the professional self-government..

Further research seems necessary to be done as its results may affect the scope of education on the level of studies and indicate the need for further staff training in specific areas.

## **2 AIM OF STUDY**

The study aimed to assess the level of knowledge of legal acts regulating the profession of a nurse among the final-year bachelor's degree students.

## **3 MATERIAL AND METHODS**

The study covered 84 third-year bachelor's degree students of nursing at the Faculty of Health Science, Medical University of Warsaw. None of the respondents had experience in the profession. The research was carried out in May 2014. 4 per cent of the respondents were men.

The research tool used was a questionnaire comprising 42 close-ended questions, including six multiple choice questions. There were three groups of questions. The first one concerned general knowledge of legislation, the second the act on the profession of a nurse and a midwife, the act on the professional self-government and the regulation of 7 November 2007 on services provided by a nurse without a doctor's order. In the third, final part of the questionnaire respondents evaluated the level of their knowledge of the legal aspects of the profession of a nurse.

Descriptive statistics was used to analyse the collected data.

## **4 RESULTS**

The first question of the questionnaire was intended to obtain information concerning the acquaintance of respondents with legal acts regulating the practising of the profession by nurse. Over three fourth of the respondents gave a positive answer to this question. Detailed results can be found in Table 1.

Table 1. Acquaintance with the legal acts regulating the profession of a nurse.

<b>Have you got acquainted with the legal acts regulating the profession of a nurse?</b>	<b>Number of respondents</b>
Yes	64
No	20

In the following question respondents were requested to mark the source of gaining knowledge of the legal regulations concerning the profession of a nurse. The majority of the respondents indicated school/university as the main source of gaining this knowledge. They were followed by the Internet, other nurse, press and other sources, including legal acts, book publications or bulletins. Detailed results can be seen in Table 2.

Table 2. Sources of information concerning legal regulations of practising the profession of a nurse.

<b>Where does your knowledge of legal regulations concerning the profession of a nurse come from?</b>	<b>Number of respondents</b>
university/school	61
Internet	25
another nurse	6
press	4
other sources	1

The following question concerned students' opinion with respect to the applicability and usefulness of legal knowledge in practicing the profession of a nurse. None of the respondents found this knowledge irrelevant or redundant and only a few declared not having an opinion in the matter. The results are given in Table 3.

Table 3. Usefulness of legal knowledge in the everyday work of a nurse.

<b>Is knowledge of law of help in performing everyday work of a nurse?</b>	<b>Number of respondents</b>
Yes	81
I don't know.	3
No	0

The following question was a multiple choice question. The respondents were requested to indicate legal acts regulating the practicing of the profession of a nurse. Practically all respondents pointed to the act on the profession of a nurse and a midwife of 15 July 2011. The number of respondents who marked the act on the professional self-government of 1 July 2011 and the Regulation of the Minister of Health of 7 November 2007 on the kind and scope of preventive, diagnostic, therapeutic and rehabilitative services provided by a nurse or a midwife independently, without a doctor's order was definitely much lower. Detailed results are given in Table 4.

Table 4. Indication of legal acts regulating the work of a nurse.

<b>What legal acts regulate the practising of the profession of a nurse?</b>	<b>Number of respondents</b>
Act on the Profession of a Nurse and a Midwife	83
Act on the Professional Self-Government of Nurses and Midwives	14
Regulation of the Minister of Health on the scope of services ...	18
Penal Code	20
Civil Code	19

The following question begins the part of the study focusing on the knowledge of the principles of practising the profession and professional liability. Respondents were asked whether the profession of a nurse is an independent medical profession. A vast majority, though not all respondents, gave a positive answer to a thus formulated question. Detailed results are presented in Table 5.

Table 5. Knowledge of the professional independence of a nurse.

<b>Is the profession of a nurse and independent medical profession?</b>	<b>Number of respondents</b>
Yes	69
Partly	14
No	1

Respondents were also asked whether and within what scope they can give patients information about their state of health, diagnosis, possible methods of treatment and the effects of their application or non-application. A vast majority indicated that information of this kind can be provided to the patient by a nurse only within the scope necessary for the provision of nursing care to a given patient. Detailed results are presented in Table 6.

Table 6. Knowledge of the scope of information which a nurse can give to a patient.

<b>Can a nurse give a patient information on the patient's health status, diagnosis, possible methods of treatment and effects of their application or non-application? and, if so, within what scope?</b>	<b>Number of respondents</b>
Yes	8
Yes but only within the scope necessary for the provision of nursing care.	62
No	12
I don't know.	2

A question was also asked about the legal forms of practising the profession of a nurse. Respondents had no doubts as regards the employment contract but not all of them indicated a civil law contract, voluntary service or a contract. Only a very small group of respondents included a service relationship to possible forms of practicing the profession. Detailed results are presented in Table 7.

Table 7. Forms of practising the profession of a nurse indicated by respondents.

<b>In what forms can a nurse practise the profession?</b>	<b>Number of respondents</b>
employment contract	82
civil law contract	55
Contract	75
voluntary service	45
service relationship	13
vocational placement	41

In the context of the forms of practising the profession, the respondents were also asked about the legal act regulating the practising of the profession under the so-called contract. Very few respondents only were able to correctly refer to the civil code. A much larger number of respondents chose the labour code or the act on the professions of a nurse or a midwife. The results can be seen in Table 8.

Table 8. Legal act regulating the performance of the profession of a nurse under a contract.

<b>What legal act regulates the performance of the profession of a nurse under a contract?</b>	<b>Number of respondents</b>
Civil Code	9
Labour Code	27
Act on the profession of a nurse and a midwife	22
I don't know	26

The respondents were also asked about issues related to the professional self-government. One of the issues was the question of the obligatory character of membership in the self-government structures. Students' opinion were almost equally divided. A significant group were even not able to answer a thus formulated question. Table 9 presents the distribution of answers in the subject.

Table 9. The obligatory character of membership in the professional self-government in the opinion of students.

<b>Is it obligatory for nurses to belong to the professional self-government?</b>	<b>Number of respondents</b>
Yes	34
No	33
I don't know	17

In the following question the respondents were asked to indicate among the options given the normative act regulating the professional liability of a nurse. The correct answer – the act on the professional self-government – was indicated by barely a few respondents. The majority of the respondents chose the Code of the Professional Ethics of a Nurse and a Midwife. Some respondents pointed to the Penal Code. Detailed results can be seen in Table 10.

Table 10. Knowledge of the normative act regulating the professional liability of a nurse.

<b>What normative act regulates the professional liability of a nurse?</b>	<b>Number of respondents</b>
Act on the professional self-government	6
Code of the Professional Ethics of a Nurse and a Midwife	52
Penal Code	14
I don't know	12

Finally, the respondents were requested to self-evaluate the state of their knowledge of the subject of legal issues connected to practicing the profession of a nurse. Almost two thirds of the respondents answered that they know little or very little. A few respondents believed that know a lot. Detailed results can be found in Table 11.

Table 11. Assessment of the respondents' own knowledge of the legal aspects of practicing the profession of a nurse.

<b>How do you assess your own knowledge of the legal aspects of practicing the profession of a nurse?</b>	<b>Number of respondents</b>
I know very little	12
I know little	52
I know a lot	17
I know quite a lot	3

## 5 DISCUSSION

The subject of the knowledge of law among nurses and students of nursing has been addressed frequently and broadly in both Polish [7, 8, 9, 10, 11] and world [12, 13, 14, 15] literature. The regulations, the knowledge of which is the subject of this study, concern, among others, the principles of practicing the profession of a nurse as well as the patient's rights, or ethical aspects of the work of a nurse. Knowledge of the issues referred to is absolutely necessary to the people concerned to be able to properly practice their profession.

In Polish law a breakthrough came with the coming into effect of the 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. This had place on 1 January 2012. Since that time only a small number of studies has been published dealing with the subject of legal awareness among students of nursing. The authors of this publication undertook the task of carrying out research which would reveal the knowledge of the largely amended law regulating the practicing of the profession of a nurse among students of the final year bachelor's degree studies.

A vast majority of respondents declared having got acquainted with the contents of the normative acts regulating the practicing of the profession of a nurse. A similar, though more detailed question was addressed to nurses by G. Gawel and co-workers [7]. The findings of that study indicate that 79 per cent of respondents have got acquainted with the act on the professions of a nurse and a midwife and 40 per cent with the act on the professional self-government. In both cases the declarations must be assessed as positive. However an analysis of substantive questions – questions concerning the subject contents of the acts reveals that the actual knowledge of nursing law was much less satisfactory.

What can be perceived as positive is the fact that the students' knowledge of the legal aspects of practicing their future profession proceeds in its majority from university classes followed by the Internet and other sources. A higher education medical institution seems to be the most credible source of this knowledge in particular when the curriculum provides for a separate subject conducted by a lawyer specialized in this branch of law. A similar question was also addressed in her study by J. Gotlib [11]. It concerned the sources of knowledge of professional liability. In this case the responses

distributed almost equally among press, school and the Internet, with a slight advantage to the first mentioned. Yet, J. Gotlib's study was based on a group of practicing nurses and thus nurses who were not, in their vast majority, in the course of studies. That is why the distribution of answers differs from the results reported by other authors.

Hariharan and co-workers [12] obtained completely different results in the substantive aspect. In this study the majority of nurses (70 per cent) declared having gained their knowledge of the law in the course of having practical placements or already while practicing the profession. The number of respondents who indicated lectures or seminars as the source of their knowledge of the subject was much lower (ca. 45 per cent). It should be mentioned that the question asked was of a multiple character. The difference in the sources of knowledge of legal regulations may result from a different model of teaching nursing but also cultural factors as Hariharan conducted his research in Barbados. Another question posed by the author concerned the tool which nurses find most useful in gaining legal knowledge. Here the respondents mentioned most frequently lectures, journals dealing with professional ethics-related subjects as well as panel discussions.

As for the knowledge what legal acts regulate practicing the profession of a nurse, it can be found satisfactory or even good. Practically all the respondents know that it is the act on the professions of a nurse and a midwife that constitutes the foundation. This comes as a positive surprise in the context of the research carried out by G. Gawel [11], which showed knowledge of the act referred to among 79 per cent of respondents. As the question asked was of a multiple answer character, other frequently chosen answers should be also commented on. A large group of respondents chose the Civil Code and the Penal Code as being of crucial importance in regulating the civil and penal liability of a nurse, respectively. Part of the respondents indicated also the act on the professional self-government which specifies the principles of professional liability, however in comparison with the study carried out by Gawel (40 per cent) this group was much smaller.

The question of the professional autonomy of a nurse is a subject extremely frequently addressed in Polish as well as world literature [14, 15, 16]. Professional independence does not seem to give rise to major queries. What is considered, discussed and studied is solely its scope. Yet, in Polish studies a question is still posed about its very existence. While the percentage of nursing students questioning the independence of a nurse is insignificant, there is still a group of respondents pointing to partial independence only. This result is anyway better than in the study by Glińska and co-workers [16] who addressed the same question to already practicing nurses. In the study referred to, only 35 per cent of respondents found the profession of a nurse independent while 50 per cent only partly independent. The remainder pointed to lack of professional independence. Glińska's findings were even less favorable in the group of nurses with medium-level education. In this group only every fourth respondent gave a positive answer to the question.

Questions 6 and 7 were intended to check, if only at random, the respondents' knowledge of the contents of the act on the profession of a nurse and a midwife. The findings must be deemed unsatisfactory. Only a small group of students gave a fully correct answer to the questions. The question of the knowledge of the nursing act was a subject of a thorough study by Kotłęga [10]. The mean of correct answers in her study was 0.56 (SD+/-0.18). Further research of the knowledge of this legal act of primary importance to nurses does seem required. Attention should also be given to the questions posed to the respondents. What they should check is the core of knowledge and the understanding of individual principles of practicing the profession instead of details which can always be read in the case of need. The evaluation, whether true or false, of the statement : ' A nurse/ a midwife can lodge a claim with the Supreme Board of Nurses and Midwives within 14 days from receiving a decision suspending her right to practice the profession in connection with temporary inability to perform the work' as E. Rozwadowska proposed in her study [9].

The students' ability to follow references between different legal acts must also be assessed as poor. In spite good knowledge of possible forms of practicing the profession which results from the nursing act, only an insignificant group of respondents are aware that the performance of the profession on the basis of the so-called civil law contract is regulated by the civil code and not by and not by the subject act or the labour code.

The authors made also an attempt to assess the knowledge of the contents of the act on the professional self-government. These issues are dealt with in questions 9 and 10. Once again this knowledge must be considered unsatisfactory. A large group of respondents are unaware of the obligatory character of membership in the professional self-government. In their vast majority, the respondents do not know where to seek regulations regarding professional liability. Only slightly better

results were reported by J. Gotlib [11], in whose study 41 per cent of practicing nurses knew that the principles were to be found nowhere else but in the act on the professional self-government. Education in this area is necessary and should become the responsibility of not only nursing schools during relevant classes but also the self-government bodies themselves.

At the end respondents were asked to provide a self-evaluation of their knowledge within the scope discussed. In spite of declarations of having got acquainted with the majority of the normative acts, the evaluation seems to be adequately low in relation to its actual level. It can be concluded that the respondents are well aware of shortages and gaps in their knowledge of nursing law. Research should be expanded onto the desire to study these aspects and possible forms of providing additional education in the area.

The selection of the study group and its size may have constituted a limitation of the research carried out by the authors. Further research therefore seems necessary to evaluate the knowledge of legal regulations regarding the practicing of the profession of a nurse in Poland.

## 6 CONCLUSIONS

1. The declared level of knowledge of legal regulations concerning the profession of a nurse is substantially higher than the one demonstrated by answers provided to particular questions.
2. The level of knowledge of legislative acts regulating the nursing profession is satisfactory but needs supplementation.
3. The level of legal awareness and knowledge of practicing the profession needs to be improved through putting more emphasis on these issues in the course education and during the available forms of postgraduate training.

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