

ASSESSMENT OF MIDWIVES' KNOWLEDGE ON PROFESSIONAL LIABILITY

OCENA WIEDZY POŁOŻNYCH NA TEMAT ODPOWIEDZIALNOŚCI ZAWODOWEJ

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ABSTRACT

Introduction. The changes in the Polish legislation regulating the performance of the professions of a nurse and a midwife which have taken place since January 2012 generate a necessity to analyse the level of knowledge of the legal conditions of practising the profession in these professional groups.

Aim. The aim of the study is the attempt to assess the knowledge of the principles of professional liability as dependent on education held among midwives.

Material and methods. The study included 100 midwives from Warsaw hospitals as well as primary health care units. Respondents were divided into two groups. Group I covered 50 midwives with a completed medical vocational school/secondary school, Group II – 50 midwives with completed midwifery studies. The mean age in Group I – 55 years, in Group II – 29 years. The study was conducted between 22 October 2012 and 17 January 2013 using a questionnaire of the authors' own design. The participation in the study was voluntary and anonymous. Midwives received the survey questionnaire. The questionnaire – 34 questions, 30 single or multiple choice closed questions, 2 semi-open questions and 2 open questions (age, length of work).

Results. No significant influence of the level of education on the state of knowledge of legal regulations concerning the performance of the nursing profession was disclosed in the study group. Nevertheless, statistical significance showing differences between the study groups was found, among others, in questions concerning the date of being awarded the right to practise the profession ($p < 0.014$), the source document regulating professional liability ($p < 0.044$), the scope of bearing professional liability ($p < 0.034$) as well as the body keeping the register of nurses and midwives penalised ($p < 0.052$).

Conclusions. 1. In the study group the knowledge of professional liability regulated by legal acts currently in force was insufficient and requires to be complemented.

2. In the study group of midwives the level of education affected the level of knowledge of the professional liability of nurses and midwives – midwives with higher education showed a higher level knowledge of professional liability than the study group of midwives with medium-level education.

KEYWORDS: midwives, professional liability, knowledge.

STRESZCZENIE

Wstęp. Zmiany, które nastąpiły od 1 stycznia 2012 roku w ustawodawstwie polskim regulującym wykonywanie zawodów: pielęgniarstwa i położnictwa powodują konieczność analizy poziomu wiedzy tych grup zawodowych na temat aktualnych uwarunkowań prawnych dotyczących wykonywania zawodu.

Cel. Celem pracy jest próba oceny wiedzy położnych na temat zasad odpowiedzialności zawodowej w zależności od posiadanego wykształcenia.

Materiał i metody. W badaniach udział wzięło 100 położnych z warszawskich placówek szpitalnych oraz POZ. Podział badanych na dwie grupy. Grupa I obejmowała 50 położnych, które skończyły studium/liceum medyczne, Grupa II – 50 położnych, które ukończyły studia wyższe na kierunku położnictwo. Średnia wieku Grupy I – 55 lat, a Grupy II – 29 lat. Badanie przeprowadzono od 22 października 2012 roku do 17 stycznia 2013 roku za pomocą kwestionariusza własnego autorstwa. Udział w badaniu był dobrowolny i anonimowy. Położne otrzymały kwestionariusz ankiet z rąk osoby przeprowadzającej badanie. Ankieta – 34 pytania, 30 pytań zamkniętych jednokrotnego lub wielokrotnego wyboru, 2 pytania półotwarte i 2 pytania otwarte (wiek, staż pracy).

Wyniki. Większość respondentek (85%) nie wiedziała jaki zakres obejmuje postępowanie w przedmiocie odpowiedzialności zawodowej. 45% położnych oceniła stan swojej wiedzy na temat zasad ponoszenia odpowiedzialności zawodowej jako dostateczny, zaś 33% twierdziło, że jest on na poziomie niedostatecznym. W badanej grupie położnych wykształcenie miało wpływ na poziom wiedzy na temat aktualnych przepisów prawnych: osoby z wykształceniem wyższym posiadały wyższy poziom wiedzy dotyczący odpowiedzialności zawodowej.

Wnioski. 1. W badanej grupie wiedza na temat zakresu odpowiedzialności zawodowej regulowanej aktualnymi aktami prawnymi była niewystarczająca i wymaga pilnego uzupełnienia.

2. W badanej grupie położnych poziom wykształcenia miał wpływ na poziom wiedzy na temat zakresu odpowiedzialności zawodowej pielęgniarstwa i położnictwa – położne z wykształceniem wyższym posiadały wyższy poziom wiedzy dotyczącej odpowiedzialności zawodowej, niż badana grupa położnych z wykształceniem średnim.

SŁOWA KLUCZOWE: położne, odpowiedzialność zawodowa, wiedza.

Introduction

Professional liability is a legal and moral obligation to bear the consequences of professional activities performed personally or ordered to be performed by another person or of the negligence or failure to perform them [1, 2]. It is linked to belonging to a specific professional group and the interpretation of standards adopted by this group [3]. The main legal act regulating questions related to the professional liability of midwives is the law of 1 July 2011 on the self-government of nurses and midwives. The professional liability of midwives is the subject of Chapter 6 of the said law (Articles 36-88). The provisions of these articles specify the proceedings to be followed with respect to professional liability, the aims of the proceedings and organs taking place in them [4]. Failure of the midwife to perform her professional duties can result in her being held professionally liable. What is usually involved is incorrect performance of doctors' orders or failure to perform them, failure to provide medical assistance in case of need, failure to respect patient's rights or incorrectly kept medical documentation [5].

Aim

The aim of the study was the attempt to assess the level of knowledge of the principles of professional liability among midwives in relation to education held.

Material

The study was carried out on a group of 100 midwives undertaking work in selected Warsaw hospitals and primary health care units. The respondents were divided into two groups according to education held (Groups 1 and 2).

Group 1 included 50 midwives with a completed vocational medical school or medical secondary school (mean age: 55 years) while Group 2 – 50 midwives with completed higher education (bachelor's degree or master's degree studies) in the field of midwifery (mean age: 29 years).

Methods

The study was carried out between 22 October 2012 and 17 January 2013 using a questionnaire designed by the authors themselves. The participation in the study was voluntary and the questionnaire anonymous. The midwives received the questionnaire from a researcher. The questionnaire contained 34 questions, including 30 single and multiple choice closed questions, 2 semi-open questions and 2 open questions (age, length of work). The questions posed in the questionnaire con-

cerned the knowledge of professional liability in the study group.

Statistical analysis of the obtained results

The collected data were subjected to statistical analysis carried out in the Division of Teaching and Outcomes of Education of the Faculty of Health Science, Medical University of Warsaw, with the use of the STATISTICA 10.0 programme (MUV license). As the comparison involved two independent groups of midwives - a group of midwives with medium-level education (Group 1) and a group of midwives with higher education (Group II) as well as due to the character of the analysed data (qualitative, nonparametric data) which did not have a normal distribution ($p > 0.05$) – analysed with the Shapiro-Wilk Test, the non-parametric statistical Mann-Whitney U Test was used to statistically analyse the obtained results. The level of statistical significance of $p < 0.05$ was adopted as statistically significant.

Results

The majority of the midwives studied knew that civil and professional liability of midwives did not constitute the same type of professional liability. In addition, midwives with completed higher education gave the correct answer to the question about the entity in charge of examining issues related to the professional liability of midwives more frequently. Detailed results are given in **Table 1**.

Table 1. Level of knowledge of professional liability among nurses

No.	Question	Answer	Group 1 (%)	Group 2 (%)	p
1	Which legal act regulates the professional liability of a midwife?	Penal Code	6	4	NS
		Civil Code	3	3	NS
		Code of Professional Ethics	9	8	NS
		Law on the Professions of a Nurse and a Midwife of 15 July 2011	20	13	NS
		Law on the Self-government of Nurses and Midwives of 1 July 2011	12	22	$p < 0.05$
		I do not know	0	0	NS
2	Is professional liability related to the form of employment?	Yes	18	26	$p < 0.05$
		No	16	8	NS
		I do not know	16	16	NS
3	Who examines cases of the professional liability of midwives?	Regional or Supreme Court of Nurses and Midwives	16	21	$p < 0.05$
		Supreme Chamber of Nurses and Midwives	15	11	NS
		Spokesman for Professional Liability	12	11	NS
		I do not know	7	7	NS
4	Do civil liability and professional liability belong to the same category of liability?	Yes	10	12	NS
		No	22	31	$p < 0.05$
		I do not know	18	7	NS

5	What liability do midwives bear in case of failure to provide assistance in a situation of a threat to a patient's life or health	Professional liability	13	13	NS
		Disciplinary liability	15	12	NS
		Civil Liability	9	7	NS
		Penal Liability	5	8	NS
		one of the above depending on the offence	6	8	NS
6	Can a midwife bear liability for giving another person an order to perform professional activities?	Yes	28	39	p<0.05
		No	15	8	NS
		I do not know	7	3	NS

Source: authors' study

A considerable part of the midwives participating in the study knew that it was not a breach of professional secrecy to testify on the subject of professional liability in the course of proceedings. Moreover, the majority of midwives knew that the organ conducting proceedings in matters of professional liability could seek an expert's or a specialist's opinion. The education level of the respondents affected the answers given by the them. Detailed results are presented in **Table 2**.

Table 2. Assessment of the knowledge of proceedings in the subject of professional liability among midwives

No.	Question	Answer	Group 1 (%)	Group 2 (%)	p
1	Do the proceedings in the subject of professional liability include....?	checking activities	3	4	NS
		explanatory proceedings	15	5	NS
		proceedings before the court for nurses and midwives	10	4	NS
		executive proceedings all the above	3	7	NS
		13	2	NS	
2	Who is a party to the proceedings in the subject of the professional liability of midwives?	I do not know	6	28	p<0.05
		the person accused	9	14	NS
		the person accused and the employer	8	11	NS
		the person accused and the injured party	14	11	NS
		the person accused, the injured party and the Spokesman for Professional Liability	15	11	NS
3	Can proceedings in the subject of the professional liability be initiated if 3 years have elapsed since the committed offence?	I do not know	4	3	NS
		Yes	13	9	NS
		No	34	37	NS
4	Does giving testimony in the course of proceedings in the subject of professional liability constitute a breach of professional secrecy?	I do not know	3	4	NS
		Yes	17	17	NS
		No	21	24	NS
5	Can an accused midwife establish a defence counsel in the course of proceedings in the subject of professional liability?	I do not know	12	9	NS
		Yes	16	23	p<0.05
		No	19	16	NS
		I do not know	15	11	NS

6	Can the body conducting the proceedings in the subject of professional liability seek an expert's or a specialist's opinion?	Yes	21	31	p<0.05
		No	20	12	NS
		I do not know	9	7	NS
7	Are proceedings in the subject of professional liability initiated <i>ex officio</i> if the social importance of the offence is insignificant?	Yes	20	20	NS
		No	23	22	NS
		I do not know	7	8	NS
8	Does a midwife who is found not guilty as a result of resumed proceedings in the subject of professional liability have the right to a compensation for the sustained damage?	Yes	19	26	p<0.05
		No	18	19	NS
		I do not know	13	5	p<0.05
9	Can a cassation be lodged to the Supreme Court against a legally binding adjudication of the Court of Nurses and Midwives in the subject of professional liability?	Yes	24	31	NS
		No	18	11	NS
		I do not know	8	8	NS
10	Can the Court of Nurses and Midwives exclude public hearing in a case at the request of the injured party?	Yes	25	25	NS
		No	20	17	NS
		I do not know	8	8	NS

Source: authors' study

The majority of the respondents gave a correct answer to the question concerning a professional offence but the number of correct answers was higher among midwives with higher education. Detailed data are presented in **Table 3**.

Table 3. Assessment of the subject knowledge on the right to practise the profession and penalties imposed for offences in practising the profession of a midwife among midwives

No.	Question	Answer	Group 1(%)	Group 2(%)	p
1	In what year were the currently effective legal acts (Law on the Self-government of Nurses and Midwives and the Law on the Professions of a Nurse and a Midwife) approved?	1996	8	11	NS
		2005	12	23	p<0.05
		2011	29	11	p<0.05
		I do not know	1	5	NS
2	A midwife can lodge an appeal against a regional court decision concerning temporary suspension of the right to practise the profession to the supreme court within:	a year from receiving the adjudication	21	9	p<0.05
		14 days from receiving the adjudication	14	28	p<0.05
		3 months from the adjudication	7	12	NS
		I do not know	8	1	p<0.05
3	Does a midwife retain the right to her hitherto remuneration during temporary suspension in professional activities?	Yes	14	23	p<0.05
		No	22	22	NS
		I do not know	14	5	p<0.05

4	Is the period of temporary suspension of the right to practise the profession included in the penalty of suspension of the right to practise the profession?	Yes	21	20	NS
		No	7	18	p<0.05
		I do not know	22	12	p<0.05
		No	18	11	NS
5	Does the Court of Nurses and Midwives specify in detail the services which a midwife cannot perform when it adjudicates the penalty of limiting the scope of activities?	No	18	28	p<0.05
		No	14	17	NS
		I do not know	18	5	p<0.05
6	Professional misconduct means:	violation of principles of professional ethics	10	5	NS
		violation of principles of practising the profession	10	15	NS
		Both of the above	26	22	NS
		I do not know	4	8	NS
7	Who reimburses a patient for the damage caused by a midwife employed in a health care unit on the basis of a work contract?	Only the midwife	7	6	NS
		the employer	26	34	NS
		The Chamber of Nurses and Midwives	8	6	NS
		National Health Fund	6	3	NS
8	What is the scope of the financial penalty which can be imposed on a midwife by the court of nurses?	I do not know	3	1	NS
		no more than two salaries of the employee	21	19	NS
		from PLN 1000 to 10 000	15	19	NS
		over PLN 10 000	11	10	NS
9	When does the penalty of a professional misconduct become limited?	I do not know	8	2	NS
		after 2 years	19	20	NS
		after 3 years	10	17	p<0.05
		after 5 years	13	11	NS

Source: authors' study

In addition, a prevailing majority of the respondents were aware of the fact that the court of nurses and midwives could impose a penalty of not only withdrawing or suspending the right to practice the profession but also a warning, a reprimand, a financial penalty, a prohibition to perform executive functions in health care units for a period of 1 to 5 years as well as a limitation of the scope of activities in practising the profession for a period from 6 months to 2 years.

Discussion

The approach to the subject of the professional liability of people performing medical professions in both Polish and foreign literature is multidimensional.

E. Rozwadowska et al. analysed the knowledge of the law of 15 July 1996 on the professions of a nurse

and a midwife among students of nursing and midwifery [6]. A study covering 273 students of nursing, midwifery and professionally active nurses and midwives analysed answers given in reply to questions concerning the knowledge of the law referred to. The results obtained led to a conclusion that the majority of respondents was right to find the statements that 'a nurse/midwife being a citizen of the EU member state cannot be awarded the right to practice the profession in the territory of Poland' as well as 'the obligation to maintain professional secrecy of a nurse/midwife ceases with a patient's death' false. As many as 85% of the respondents wrongly found correct the answer that 'it is possible to begin practising the profession of a nurse/midwife after a lapse of 5 years from completing the post-diploma internship'. The respondents revealed good knowledge as regards the obligation to extend assistance to patients in case of a threat to their life. Another important aspect to be emphasized was the fact that 100% of the midwives gave a correct reply when asked about a refusal to perform a doctor's order indicating the need to immediately give the cause of the refusal in writing. Conversely, 33% of the midwives gave a correct answer to the question about the time of lodging an appeal against a decision suspending the right to practice the profession during the period of incapacity for work or limiting the performance of specific professional actions during the period in question. The obtained results allowed to say that a prevailing majority of the respondents showed considerable knowledge of the provisions of the law. A study by Kostrzewska and Matek on a group of nurses from the Independent Public Health Care Unit in Łuków revealed that 42% of respondents were familiar with ethical principles [7].

The publication of G. Gawęł, et al. [8] was aimed at assessing the awareness of professional liability in a group of nurses. It revealed knowledge of the legal acts in force as well as application of the procedures in force which would give a guarantee of security to both the patients and the medical professionals. According to the respondents, it is respect for another human being and responsibility that constitute the most essential moral values. Over 2/3 of the respondents possess knowledge in the area of bearing professional liability. In addition, it was indicated that the knowledge of the legal regulations was insufficient and required to be complemented [9]. The study by Zaniewicz and Marczewski [10] is another example of a commonly witnessed gap between the procedures in force and the actually performed services. It was found out that a prevailing majority of the respondents indicated people from their immediate surroundings as a basic source of information about their duties in the work post, with 54% of the respondents

pointing to the ward nurse. 91% of the respondents were in agreement about the right to inform patients and their family about the patient's health status and prognosis. The research findings show that it is often against the law to delegate such duties to nurses. The respondents revealed numerous gaps in the knowledge of legal regulations as well as lack of knowledge of their own scope of duties which make them subject to the principles and rules effective in their place of work. Our own research findings show that 45% of the respondents assess their knowledge of the principles of professional liability as satisfactory. Only 34% indicated correctly which legal act regulated professional liability and as few as half of them gave a correct reply to the question: 'In what year were the currently affective Law on the Self-government of Nurses and Midwives and Law on the Professions of a Nurse and a Midwife adopted?' In addition, more than half of the respondents distinguishes between professional and civil liability pointing out that it is the same type of liability. This shows that midwives do not have sufficient knowledge of legal regulations. The analysis of our own findings as well as the available literature allows to say that the knowledge of legal acts regulating professional liability among nurses and midwives is insufficient. Depending on the question answered, the respondents may show satisfactory knowledge. Consequently, a larger number of trainings and courses in pertinent legal regulations presenting and discussing the scope of the rights and duties of nurses and midwives seems to be highly recommended.

Conclusions

1. The knowledge on the subject of professional liability regulated by the legal acts currently in force in the study group was insufficient and requires to be complemented urgently.
2. The level of education affected the level of knowledge on the subject of professional liability of nurses and midwives in the study group, with midwives with higher education having a higher level of knowledge as regards professional liability than the study group of midwives with medium-level education.

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