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Midwife's professional functions prescribed by the law

Abstract

A midwife is an independent medical profession regulated by law. It is treated as a mission, a profession of public trust. The independence of midwife expresses in the professional activities which are performed in accordance with professional competences. Moreover, it is a universal feature of the midwife profession. International and national regulations are important in process of shaping the legal status of the midwife profession. Due to its nature, this profession requires from the midwives continuous, lifelong learning and professional improvement. National and European legislation on midwife profession indicates professional functions which are characteristic for this profession. Knowledge of professional legislation and its conscious application in professional practice is a basic obligation in the midwife's practice. Lack of knowledge in this regard has serious legal and moral consequences, as well as might pose a risk to the patient safety. This study contains an analysis of the legislation that determine the professional functions of midwives and influence the rules of the professional performance for midwifery profession.

Keywords: midwife, midwife's competence, midwife's professional legislation, midwife's practice, professional functions of midwives.

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INTRODUCTION

A midwife as a professional performs an independent medical profession. The profession is treated as a mission, as a profession of public trust. The midwife realizes the professional role by fulfilling a number of professional functions [1-6].

AIM

The aim of the study is to analyze legal regulations that set the standards for performing the midwife profession in Poland and indicate professional functions which are specific to this profession.

Definition of the midwife

The current definition of midwife's profession, adopted by the International Confederation of Midwives (ICM) in 2005, was updated in 2017. A midwife is a person who has successfully completed a midwifery education programme that is based on the ICM Essential Competencies for Basic Midwifery Practice and the framework of the ICM Global Standards for Midwifery Education; and is recognized in the country where it is located; who has acquired the requisite qualifications to be registered and/or legally licensed to practice midwifery and use the title 'midwife'; and who demonstrates competency in the practice of midwifery.

According to the definition, a midwife is a responsible professional who cooperates with women, provides them necessary support, care and consults them during pregnancy, de-

livery and postpartum period. Midwives are responsible for conducting delivery and providing care for the newborn and the infant. This care includes preventive measures, the promotion of childbirth, the detection of complications in the mother and child, facilitating access to medical care or other adequate help, and carrying out appropriate assistance in emergency situations. The midwife plays an important role in health consulting and education not only towards women, but also their families and entire communities, which distinguishes this profession from other medical professions. These activities include prenatal education and preparation for parenthood. The activities should contain issues regarding women's health, including sexuality and reproductive health as well as child care. ICM points out that midwives could conduct their practice anywhere. Midwives might practice in any setting including the home, community, hospitals, clinics or health units [1].

According to the Regulation of the Minister of Labor and Social Policy of 7 August 2014 on the classification of occupations and specialties for the needs of the labor market and the scope of its application, midwife's profession is included in the group of professionals, the group requires a high level of professional knowledge, skills, acquired in the course of undergraduate education and post-graduate education [7].

Professional skills of the midwife

The ICM definition emphasizes in particular the midwife's competence in caring for a woman in the perinatal period,

however midwives' care is not only limited to this period of woman's life [1].

Midwives' professional skills are the result of vocational education. These are the skills and abilities which are necessary for the safe and effective performance of the profession without the need for direct supervision. The midwife's competences in Poland, which are obtained in the education process at the undergraduate and graduate level, have been developed primarily on the basis of the European WHO Strategy for Nurses and Midwives Education and the Munich Declaration: 'Nurses and midwives: a force for health [8-11].

The World Health Organization supports and systematically transform midwifery education. Education should raise the issues of a people-oriented approach to the provision of services, which means that midwifery services are comprehensive, continuous, ethical, safe and sustainable. Moreover they fulfill the individuals' needs in the field of health services. The organization sets strategic directions for the development of the profession up to 2020. Education that would ensure patients' access to qualified and competent midwives, in accordance with changing health needs is the priority. This could be achieved by strengthening lifelong learning and career development [8-10].

According to the provisions of the Munich Declaration, it is necessary to work to increase the prestige of the midwife profession. Authors of the document claim that this is possible thanks to providing midwives with decision-making voice at various stages of health policy, eliminating obstacles to access to the profession, creating appropriate financial conditions and ensuring a chance for promotion. Actions taken should also include access to the education system at university or post-graduate level, and primarily development of researches that would increase the knowledge of nursing and give the opportunity to improve midwives' methods of work. Moreover, the authors emphasize the role of family midwife. The signatories claim that in order to provide midwifery care at an appropriate level, qualified obstetric staff should be trained. The staff should have favorable conditions for practicing the profession and developing competences [8,11].

Midwife's practice

Self-provision of health services, in particular nursing care, preventive, diagnostic, treatment, rehabilitation and health promotion services for the care of a woman, woman in labour, puerpera and a newborn are midwife's roles [5].

The midwife might perform an extended role by helping to meet the complex health needs of care recipients. She performs her mission as a health teacher, informer. She could also perform psychotherapeutic actions. At the same time, she works with various specialists in an interdisciplinary team. Midwives influence patients by stimulating their activity and participation in the process of recovery. The patient's sense of responsibility for health is shaped by midwives. The scope of midwife's competence in women's care is regulated by the provisions of national law and European professional qualification directives [5].

Midwives, fulfilling their professional functions, meet the European criteria. They take care of mother and child and the whole family in a modern, satisfying for women and their families way. They provide comprehensive care over the woman, postulate full responsibility for their decisions, work in accordance with the knowledge, skills, experience and con-

science that is aimed at the well-being of the patient. According to established functions, midwives of outpatient and inpatient health care perform specific tasks which are set out in the legislation [8,10,12].

The scope of the midwife's competence has been defined in the European Community Directive 2005/36/EC on the recognition of professional qualifications, which requires the Member States of the European Communities to provide midwives with the competence in the relevant legal act. In accordance with article 42, paragraph 2 of Directive 2005/36/EC, there are specific occupational functions performed by midwives: caring, educational, therapeutic functions, health promotion and prevention, as well as participation in rehabilitation and education process. These functions are performed by the midwife through:

- Provision of reliable family planning information and advice;
- Diagnosis of pregnancies and monitoring normal pregnancies; carrying out the examinations necessary for the monitoring of the development of normal pregnancies;
- Prescribing or advising on the examinations necessary for the earliest possible diagnosis of pregnancies at risk;
- Provision of programmes of parenthood preparation and complete preparation for childbirth including advice on hygiene and nutrition;
- Caring for and assisting the mother during labour and monitoring the condition of the foetus in utero by the appropriate clinical and technical means;
- Conducting spontaneous deliveries including where required episiotomies and in urgent cases breech deliveries;
- Recognising the warning signs of abnormality in the mother or infant which necessitate referral to a doctor and assisting the latter where appropriate; taking the necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta, possibly followed by manual examination of the uterus;
- Examining and caring for the new-born infant; taking all initiatives which are necessary in case of need and carrying out where necessary immediate resuscitation;
- Caring for and monitoring the progress of the mother in the post-natal period and giving all necessary advice to the mother on infant care to enable her to ensure the optimum progress of the new-born infant;
- Carrying out treatment prescribed by doctors;
- Preparing the necessary written reports [12,13].

Act of 15 July 2011 on the occupation of nurses and midwives underlines the wide range of services provided by midwives in Poland. The document indicates the important role of the representatives of this profession in the entire health-care system. Pursuant to article 5 of the Nurses and Midwife Professions Act [5], in accordance with Directive 2005/36/EC [13], apart from participation in the diagnostics, treatment, care, health promotion and rehabilitation process, pursue that practicing the midwife's profession also involves performing a scientific and research function by teaching future midwives or nurses, performing work for the professional development of midwives and nurses or teaching other medical professions whose education programs require cooperation with midwives or nurses. A midwife who performs this function might carry out scientific and research studies in the field of performing

a midwife's profession, in particular, care for a woman, newborn or family.

While fulfilling the function of management, the midwife is entitled to manage nurses or midwives' teams and employment in a medical entity on administrative positions where activities related to the preparation, organization or supervision of health care services are performed. In addition, the midwife might be employed in administrative bodies public authorities which scope of activity covers health supervision. Moreover, midwife could perform the function of choice in the nurses' and midwives' self-government bodies or perform work for the self-government. Midwife could perform the election of a union function outside the midwife's workplace, if the choice is to perform this function as an employee, or to perform the function in the management of the trade union organization, if this function is related to the release from the obligation to work [5].

While fulfilling the majority of the professional functions, the midwife may be employed in social assistance homes specified in the provisions on social assistance, including midwives' professional qualifications described in the Act, as well as in a nursery or children's club referred to in the Act of February 4, 2011 on looking after children up to the age of 3 [5].

Such an approach to the recipients of midwifery activities indicates that it is a profession perceived as a socially useful [5].

Regulation of the Minister of Health of February 28, 2017 concerning the type and scope of diagnostic and therapeutic services provided by the midwife independently without a medical order which are performed when professional functions:

- Diagnostic services including:
 - performing a physical examination if a midwife completed a specialist course or has a title in the nursing specialist obtained after 2001, or graduated bachelor studies in obstetrics, which began in the academic year 2012/2013, or has a certificate of completion of the course in the field of advanced physical assessment,
 - performing a standard, electrocardiographic examination and recognizing electrocardiographic features of disease in states of sudden health risk if a midwife completed a specialist course in this field,
 - performing arterial blood gas taken by a cannula previously inserted by a physician in the state of sudden health risk if a midwife completed a qualification course or has a title of the nursing specialist, if the course or specialization program covered the content of education in this field [14].
- Therapeutic services including:
 - selection of wound healing methods if a midwife completed a specialist course or a qualification course or has a title of a nursing specialist, if the program of the course or specialization included the content of education in this field or has a master's degree in midwifery,
 - performing endotracheal intubation in the states of sudden health risk if a midwife completed the qualification course in the field of anaesthetic nursing and intensive care in obstetrics and gynecology,
 - administration of blood products, recombinant concentrates of clotting factors and desmopressin, in the states of sudden health risk,

- modification of an adjunctive dose of anodyne if a midwife completed a specialist course or has a title of specialist in the field of nursing, if the course or specialization program covered the content of education in this field [14].

Moreover, professional functions of midwife in the care of a pregnant woman, woman in labour and postpartum, and thus the possibility of conducting pregnancy and physiological delivery independently, was further strengthened by the Regulation of the Minister of Health of 20 September 2012 on medical standards of treatment and care in the period of physiological pregnancy, physiological delivery, puerperium period and neonatal care. The regulation is called the Polish standard for perinatal care [15].

All occupational functions of midwives in outpatient and inpatient health care can be fulfilled through various organizational forms of work. Midwives can practice:

- under a contract of employment,
- as part of a business relationship,
- on the basis of a civil law contract,
- as part of volunteering,
- as part of apprenticeships listed in art. 5 paragraph 2 point 2 of the Act of 15 April 2011 on medical activity [4,5].

As part of a sole proprietorship, a midwife may conduct:

- an individual practice of a midwife,
- an individual practice of a midwife only at the place of summons,
- an individual practice of a midwife only in the enterprise of a medical entity on the basis of an agreement with that entity,
- an individual specialist midwife's practice,
- an individual specialist practice of a midwife only at the place of summons,
- an individual specialist practice of a midwife only in the enterprise of a medical entity based on a contract with this entity [4].

CONCLUSIONS

Should therefore be clearly stated that a midwife is a person who performs an extremely demanding profession. Nowadays the profession gained a new dimension and rank. It is fully independent, protected by a corporate professional self-government. At the same time, it needs to be realized that changes in legal regulations cause more and more independence and greater responsibility. Tasks performed within individual professional functions pose new challenges for midwives. Midwives care about their professional development and prestige of the profession. In parallel with this process, the society's demand for midwifery services is increasing [17,18].

The scope of services provided by midwives is based on legal regulations. Moreover, it is very wide, and which of these services are actually implemented could only be indicated by midwives themselves. Midwives influence the shape of the care provided to their patients.

According to the WHO, ICM and FIGO experts, midwives must be able to provide the necessary supervision, care for women during pregnancy, delivery and postpartum period, conduct births, provide care for the newborn and the infant and information support. These processes require midwives to per-

form, apart from functions related to patient care, functions for their own development through participation in various forms of education, as well as through lifelong learning [16-18].

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