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Próba oceny wiedzy pielęgniarek na temat zakresu odpowiedzialności zawodowej w świetle znowelizowanych przepisów prawnych – doniesienie wstępne

An attempt to assess the knowledge of nurses about the scope of professional responsibility under the amended provisions of law – a preliminary report

Streszczenie

Wstęp. Regulacje dotyczące odpowiedzialności zawodowej pielęgniarek unormowane są ustawą z dn. 1 lipca 2011 r. o samorządzie zawodowym pielęgniarek i położnych.

Cel. Celem pracy była próba oceny wiedzy pielęgniarek na temat zakresu odpowiedzialności zawodowej w świetle znowelizowanych przepisów prawnych.

Materiał i metody. Materiał stanowiło 73 losowo wybrane osoby wykonujące zawód pielęgniarki (71 kobiet) pracujące w wybranych, warszawskich szpitalach. Średni czas ich pracy w zawodzie to 13 lat. Grupa 1 – 44 osoby z wykształceniem wyższym, Grupa 2 – 29 osób z wykształceniem średnim. W badaniu zastosowano samodzielnie opracowany kwestionariusz ankiety zawierający 22 pytania.

Wyniki. Poziom wiedzy pielęgniarek na temat odpowiedzialności zawodowej był niewystarczający i wymagał uzupełnienia. Wykształcenie nie miało wpływu na poziom wiedzy badanych. Istotnie statystycznie różnice pomiędzy badanymi grupami zaobserwowano tylko w pytaniu dotyczącym obszaru odpowiedzialności zawodowej i cywilnej ($p < 0,001$).

Wnioski. 1. W badanej grupie, wiedza pielęgniarek na temat przepisów prawnych regulujących odpowiedzialność zawodową była niewystarczająca i wymagała uzupełnienia. 2. W badanej grupie, poziom wykształcenia pielęgniarek nie wpływał na poziom ich wiedzy na temat zakresu odpowiedzialności zawodowej. 3. Istnieje konieczność ciągłego aktualizowania przez pielęgniarki zakresu swojej wiedzy z obszaru zagadnień prawnych dotyczących wykonywania zawodu oraz ponoszenia odpowiedzialności zawodowej, ze względu na to, że jest to wiedza niezbędna do prawidłowego i bezpiecznego wykonywania czynności zawodowych.

Abstract

Introduction. The professional responsibility of nurses is regulated by the Act on Professional Self-Government of Nurses and Midwives of July 1st, 2011.

Aim. The aim of this study was to assess the knowledge of nurses about the scope of professional responsibility under the amended provisions of the law.

Material and methods. The study involved 73 randomly selected people (71 women) practising as nurses in selected Warsaw hospitals. The mean length of time in professional work amounted to 13 years. Group 1 comprised 44 people with a higher education degree. Group 2 comprised 29 people with a secondary school certificate. Voluntary and anonymous questionnaire study using a questionnaire developed by the authors, 22 questions.

Results. The level of knowledge of nurses about their professional responsibility was insufficient and required supplementation. The degree of education did not influence the level of knowledge. Statistically significant differences between the study groups were observed only in the case of civil and professional responsibility ($p < 0.001$).

Conclusions. 1. The knowledge of nurses from the study group about the provisions of law regulating their professional responsibility was insufficient and required supplementation. 2. In the study group, the degree of education did not influence the knowledge of nurses on the scope of professional responsibility. 3. There is a need to constantly update the knowledge of nurses on legal issues regarding their profession and professional responsibility since this knowledge is essential for correct and safe performance of professional activities.

Słowa kluczowe: pielęgniarstwo, odpowiedzialność, samodzielność, przewinienia zawodowe.

Keywords: nursing, responsibility, independence, professional offence.

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INTRODUCTION

Professional responsibility deals with responsibility for deeds and performance related to the profession [1]. Unlike other forms of liability, such as civil or criminal, professional responsibility is associated with strictly defined professional groups [2-4]. This concerns mainly medical professions, such as doctors, dentists, nurses, midwives, and pharmacists as well as other professions of public trust, including judges, prosecutors, advocates, and teachers [2-4].

Professional responsibility of health professionals is associated with violation of the principles of professional and ethical misconduct [5-8]. Rules infringement mainly involves incorrect performance of professional duties, lack of necessary knowledge to practice as a health professional, and lack of due diligence. It may also concern the issue of going beyond competences, breach of professional secrecy, disrespect for patients' intimacy or dignity, and failure to properly inform patients about their rights, or professional activities that are being performed [5-8]. The violation of the principles also includes failure to notify proper authorities of medical errors conducted by other persons [5-8].

The profession of a nurse allows for great independence in planning, organizing, and providing patients with health care. A nurse is responsible for providing the utmost care with the use of proper techniques, protection of health and safety of a patient, providing patients with information and obtaining their consent on the suggested health care schedule, showing respect for patients' intimacy or dignity, and observing professional secrecy [1,2,4,6-8]. A nurse can make a mistake while performing care. Such errors may be caused by a multitude of reasons, e.g. poor organisation of work, ergonomic conditions, and professional and psychological aspects. Therefore, the awareness of the scope of responsibility for the tasks and errors performed during conducting independent and assigned professional activities is of great importance to the profession of a nurse [1,2,4,6-8].

The professional responsibility of nurses is regulated in detail by the amended Act on Professional Self-Government of Nurses and Midwives (Dz.U. /Journal of Laws/ from 2011, No. 174, item 1038) of July 1st, 2011 and professional responsibility of nurses for "ethical misconduct or violation of rules of practice of a profession, hereafter referred to as professional offence" (Article 36) is exercised before an appropriate body of a particular professional self-government, i.e. the court of nurses and midwives (Article 55) [9].

AIM

The main aim of this study was to assess the knowledge of nurses on the scope of professional responsibility. Also we assessed the knowledge of nurses on the scope of professional responsibility relative to their level of education.

MATERIAL AND METHODS

The study enrolled 73 randomly selected people (71 women) practicing as nurses in selected Warsaw hospitals. The mean working time in the profession was 13 years

(min. 1 year, max. 31 years (SD: 7.003)). The study participants were divided into two groups: Group 1 comprising 44 nurses with a higher education degree (Master's or Bachelor's) and Group 2 including 29 nurses with a secondary school degree.

A voluntary and anonymous questionnaire study was conducted in August and September 2012 with the use of a questionnaire developed by the authors. The questionnaire included 19 closed or multiple-choice questions concerning various aspects relating to the professional responsibility of nurses and 3 open-ended demographics questions.

STATISTICAL ANALYSIS OF THE STUDY RESULTS

The data were stored in Microsoft Excel. Statsoft STATISTICA 10.0 program (licensed to Warsaw Medical University) was used for statistical analysis of the results. Owing to the fact that two separate groups of nurses (Group 1: nurses with a Master's or Bachelor's degree and Group 2: nurses with a secondary school degree) were compared and due to the nature of the data (qualitative, non-parametric) and the absence of a normal distribution of the data (Shapiro-Wilk test: $p > 0.05$), the non-parametric Mann-Whitney U test was used for the statistical analysis of variance between the two groups. The significance level was established at $p < 0.05$.

RESULTS

In the study group, the level of education did not influence the knowledge of nurses on the scope of professional responsibility. Both in Group 1 (nurses with a higher education degree) and Group 2 (nurses with a secondary school certificate) the level of knowledge on the professional responsibility was unsatisfactory. See Table 1 for detailed data on the level of knowledge of the study group of nurses concerning professional responsibility under the amended provisions of law.

DISCUSSION

The available Polish scientific literature (Polish Medical Bibliography - Polska Bibliografia Lekarska) presents a multitude of publications devoted to the in-depth knowledge of the law regulating the profession of a nurse among this professional group. Most of these publications relate to the Code of Professional Conduct of Nurses and Midwives and the Act on the Profession of Nurse and Midwife [10-17]. However, none of the publications closely concern the knowledge of nurses about the principles of professional responsibility and the knowledge of the amended Act of 2011 on Professional Self-Government of Nurses and Midwives.

The issue of professional responsibility was mentioned in the majority of publications about the knowledge of the provisions of law regulating this profession [10-17]. However, they all relate to the legal status that was in force before the amendments of 2011 were introduced to the nursing Acts.

Nurses have professional responsibility under the Act of 2011 on Professional Self-Government of Nurses and Midwives. As little as 35% of the study participants responded correctly to the following question: "Which Act regulates the professional responsibility of nurses?" Jara et al. [8] received similar results in a study that enrolled 260 nurses

TABLE 1. Knowledge of the study group of nurses on professional responsibility.

	Question	The entire group	Group 1	Group 2	p
Which Act regulates the professional responsibility of nurses?	Act on Professional Self-Government of Nurses and Midwives **	26	17	9	0.970
	Nurses and Midwives Act	34	17	17	
	Code of Professional Conduct	5	5	0	
	do not know	8	5	3	
When was the Act that regulates the issues of professional responsibility of nurses passed?	July 1st, 2011.	45	23	22	0.067
	April 19th, 1991.	2	0	2	
	July 5th, 1996.	12	12	0	
	do not know	14	9	5	
Who investigates issues concerning professional responsibility of nurses?	Regional or Main Court of Nurses and Midwives	56	31	25	0.155
	Head Nurse	0	0	0	
	Screener for Professional Liability	12	10	2	
	do not know	5	3	2	
Court of Nurses and Midwives is allowed to impose the following penalties: *	admonition	61	34	27	0.077
	reprimand	54	29	25	
	deprivation of the right to practice the profession	61	37	24	
	deprivation of freedom	12	7	5	
	financial penalty	22	14	8	
	ban on performing management functions	44	26	18	
What is the appeal period for filling an appeal to the main court against the decision of the regional court?	one year following obtaining the decision	8	3	5	0.492
	14 days following obtaining the decision	45	30	15	
	3 months following the decision	9	1	8	
	do not know	11	10	1	
Does a nurse temporarily suspended from duties retain the right to remuneration to date?	yes	5	1	4	0.784
	no	51	35	16	
	do not know	17	4	9	
Does responsibility depend on type of employment?	yes	23	16	7	0.051
	no	41	26	15	
	do not know	9	2	7	
What kind of responsibility does a nurse have if a patient suffers damage due to the fault of this nurse?	criminal responsibility	12	9	3	0.528
	civil responsibility	22	13	9	
	material responsibility	3	1	2	
	each of the above depending on the fault	30	17	13	
	do not know	6	4	2	
Who compensates for the damage caused to a patient by a nurse with a contract of employment employed in a health care centre?	the nurse herself/himself	5	4	1	0.832
	the employer	60	34	26	
	Chamber of Nurses and Midwives	3	1	2	
	do not know	5	5	0	
What kind of responsibility does a nurse have in the case of failure to provide aid in a life or health-threatening situation?	disciplinary responsibility	11	2	9	0.050
	civil responsibility	13	9	4	
	criminal responsibility	37	25	12	
	do not know	12	8	4	
Can a nurse bear professional responsibility for instructing another person to perform professional activities?	yes	40	25	15	0.392
	no	5	5	0	
	do not know	28	14	14	
Is it possible to initiate legal proceedings regarding professional liability if the deed was committed 3 years before?	yes	29	7	7	0.293
	no	21	14	14	
	do not know	23	8	8	
Which legislative act regulates the civil responsibility of a nurse?	Penal Code	3	1	1	0.833
	Civil Code	35	14	14	
	Nurses and Midwives Act	29	11	11	
	do not know	6	3	3	
Which legislative act regulates nurse's responsibility under the terms of employment contract?	Penal Code	3	2	2	0.365
	Labour Code	58	20	20	
	Civil Code	1	0	0	
	do not know	11	7	7	
Financial penalty imposed by the court of nurses and midwives may	amount up to 2 salaries of an employee	29	12	12	0.753
	range between PLN 1,000 and PLN 10,000	28	9	9	
	amount to more than PLN 10,000	1	0	0	
	do not know	15	8	8	
Do civil and professional responsibilities of a nurse represent the same kind of responsibility?	yes	15	11	11	0.001
	no	48	17	17	
	do not know	10	1	1	
What is your source of knowledge on the issue of professional responsibility? *	Internet	29	12	12	0.821
	journal	35	17	17	
	physician	3	1	1	
	nurse	16	6	6	
	school	32	11	11	
	other	21	9	9	

Group 1: nurses with a secondary school degree

Group 2: nurses with a higher education degree

p – significance level

* – more than 1 answer could have been provided here, therefore the total number of answers does not equal the total number of nurses

from the Silesian District in which as little as 15% of the study participants gave the correct answer.

Gawel et al. [10] studied the awareness of professional responsibility among nurses and asked about the knowledge of normative acts concerning the profession of a nurse. As many as 79% of the study participants said they were familiar with the Act on the Profession of Nurse and Midwife, 60% of the total admitted that they were familiar with the Code of Professional Conduct, 40% of the total reported knowledge of the Law on Professional Self-Government of Nurses and Midwives, whereas 22% of the total reported knowledge of the Regulation of the Minister of Health on the range and type of prophylactic, diagnostic, treatment, and rehabilitation health services performed by a nurse unassisted and without a physician's instruction.

The study by Rozwadowska et al. [11] analysed knowledge of the Act on the Profession of Nurse and Midwife among a group of Nursing and Midwifery students and nurses and midwives who work in their profession. Most of the study group presented good knowledge of the provisions of law applicable to nurses. Our study analysed only the primary issues relating to the Law on the Profession of Nurse and Midwife. Most of the study participants knew that the Law was passed in 2011. However, only 46% of the total reported that the Law on the Profession of Nurse and Midwife regulates the professional responsibility of nurses and midwives, which shows that the majority of the study participants do not have basic knowledge of the legislative act regulating the principles of professional responsibility of this group. The analysis of the literature demonstrates that the nurses and midwives' knowledge of the law is limited to the Code of Professional Conduct [8,10,11].

Grochans et al. [14] studied the influence of the level of education of nurses on their knowledge of selected legislative acts relating to nursing. The study enrolled 366 practising nurses with the mean length of service of 14 years. The results showed that the knowledge of the legislative acts presented by nurses with a secondary school certificate was at the same level as nurses with a higher education degree. Our study results also demonstrate that among the study group there is no correlation between the level of education and knowledge of the provisions of law regulating the performance of professional activities by a nurse.

The Act on Professional Self-Government of Nurses and Midwives regulates in detail the procedure in the case of violation of the provisions relating to the performance of professional activities by a nurse. The nurses participating in our study were asked about their knowledge about the procedures of courts for nurses and midwives in adjudicating penalties in cases concerning professional responsibility. The results show that the vast majority of the study participants knew what body is involved in hearing cases on professional responsibility. Out of all penalties that can be imposed by the court of nurses and midwives, the respondents most often listed the following: admonition, depriving/suspending of the right to practice the profession, and reprimand.

Gawel et al. [10] also studied knowledge about the administrative organs hearing cases involving professional responsibility of nurses. Only 29% of the study participants knew who deals with cases and adjudicates penalties. Gawel

also asked about the tasks and competences of the screener for professional liability, but the majority of the study participants did not know the answer to this question.

Jara et al. [8] also analysed the knowledge of the study participants about the procedures in the case of violation of the principles of professional responsibility. As many as 60% of the study group were not able to list the penalties imposed on nurses who had gone beyond their competences, while 27% of the total managed to name only a reprimand and financial penalty and, some of them, deprivation of the right to practice the profession. Our study also included a question about the amount of financial penalty that can be imposed on a nurse by the court of nurses and midwives. The knowledge of the study participants about this issue was unsatisfactory, since only 30% of the nurses responded correctly.

The study by Rozwadowska et al. on the knowledge of the Act on the profession of nurse and midwife [11] analysed the knowledge of nurses about the body of appeal, and appeal period, relating to the suspension of the right to practice the profession or restriction in performing certain professional activities. Correct answers were provided by 22% of the midwives, 33% of the midwifery students, 61% of the nurses, and 71% of the nursing students. Our respondents presented good knowledge of the appeal period for filing an appeal against the decision of the court of nurses and midwives.

The obligation to provide first aid in emergency and life-threatening situations is another issue covered in both the Polish literature [10-17] and our study. This is an obligation of any person, particularly of qualified health professionals. Mroczek et al. [13] and Rozwadowska et al. [11] obtained similar results demonstrating that the majority of the study participants considered the statement mentioned above as obvious. In the study by Mroczek et al., 99% of the students of Pomeranian Medical University in Szczecin responded correctly to the question about providing first aid. In the study by Rozwadowska et al., the correct answer was given by as many as 100% of the Midwifery students, 96% of the midwives, 89% of the Nursing students, and 84% of the nurses.

In our study as well as in the study by Gawel et al., [10] the study groups were asked about the kind of responsibility of a nurse in the case of failure to provide first aid in a life or health-threatening situation. Sixty-four per cent of the persons participating in the study by Gawel et al. [10] knew that this was a penal responsibility, compared to 50% of our study participants.

In both studies, the participants were asked about the civil responsibility of a nurse in the case where a patient suffers damage. In our study, 41% of the study participants knew what responsibility a nurse has in the case of causing damage to a patient. In the study by Rozwadowska et al. [11], more than a half of the total (52%) responded correctly.

Mroczek et al. [13] came to a very interesting conclusion on the level of knowledge of nurses and midwives about the Code of Professional Conduct. Nurses are obliged by the Code of Professional Conduct to share their knowledge and professional skills with other nurses. Seventy-nine per cent of the responding students were aware of this fact, while the remaining study participants considered such a solution

as an option only in certain circumstances. Ten per cent of the study group believed that this is not a moral obligation of nurses. Our study focused on the issue of professional responsibility under the provisions of the Code of Professional Conduct. We asked a question: "Can a nurse bear professional responsibility for instructing another person to perform professional activities?" Fifty-five per cent of the study participants knew that the answer was "yes", whereas 20% of the total gave a negative answer to the question.

Our study, as well as other available studies [10-17], demonstrates that knowledge of the provisions of law regulating the profession of a nurse is insufficient. The knowledge of the rights and obligations of the profession is of great importance at work since it ensures safety to patients. The study by Fedak et al. [17] demonstrates that a vast majority of nurses, in fear of going beyond their competences, withdraw from their professional (mainly independent) activities.

CONCLUSIONS

1. The knowledge of nurses from the study group about the provisions of law regulating their professional responsibility was insufficient and required supplementation.
2. In the study group, the level of education did not influence the knowledge of nurses on the scope of professional responsibility.
3. There is a need to update constantly knowledge of nurses on legal issues regarding their profession and professional responsibility since this knowledge is essential for correct and safe performance of professional activities.
4. This pilot study is going to be continued among a larger group of nurses.

REFERENCES

1. Rogala-Pawelczyk G. Odpowiedzialność zawodowa pielęgniarek i położnych. Warszawa: NIPiP; 2007.
2. Nestorowicz M. Odpowiedzialność cywilna pielęgniarki i położnej, personelu medycznego. In: M. Nestorowicz (ed). Prawo medyczne. Toruń: Towarzystwo Naukowe Organizacji i Kierowania; 2005.
3. Rogala-Pawelczyk G. Odpowiedzialność zawodowa, służbowa, cywilna, karna pielęgniarki. In: B. Ślusarska, D. Zarzycka, K. Zahradniczek (ed). Podstawy pielęgniarstwa. Lublin: Wydawnictwo Czelej; 2004.
4. Olechrowicz A, Łapuć M. Odpowiedzialność zawodowa pielęgniarek. *Probl Pielęg.* 2006;1-2:62-8.
5. Odpowiedzialność zawodowa pielęgniarek w świetle nowej ustawy o samorządzie pielęgniarek i położnych. Warszawa. Dostępny pod adresem: <http://www.zdrowie.abc.com.pl/czytaj/-/artykul/odpowiedzialnosc-zawodowa-pielegniatek-w-swietle-nowej-ustawy-osamorzadzcie-pielegniatek-i-polozonych> [12.10.2012].
6. Wrońska I. Filozoficzne i etyczne- deontologiczne podstawy pracy pielęgniarki. In: K. Zahradniczek (ed). *Pielęgniarstwo*. Warszawa: Wydawnictwo Lekarskie PZWL; 2004.
7. Huzarska D, Piątkiewicz A, Nowacki P, et al. Różnice dotyczące odpowiedzialności zawodowej w ochronie zdrowia - regulacje prawne. *Zdr Publ.* 2010;120(3):286-91.
8. Jara K. Odpowiedzialność zawodowa pielęgniarki. In: M. Kosińska, L. Niebrój (ed). *Poszerzenie Unii Europejskiej: polskie pielęgniarstwo w czasie zmian*. Katowice: Wydawnictwo ŚAM; 2005. p.47-51.
9. Ustawa z dnia 1 lipca 2011 r. o samorządzie pielęgniarek i położnych (Dz. U. z 2011 r., Nr 174, poz. 1038).
10. Gawel G, Pater B, Potok H, Ogonowska D. Świadomość odpowiedzialności zawodowej wśród pielęgniarek. *Probl Pielęg.* 2010;18(2):105-10.
11. Rozwadowska E, Krajewska-Kula E, Kropiwnicka E, et al. Ocena znajomości ustawy o zawodzie pielęgniarki i położnej przez studentów pielęgniarstwa i położnictwa oraz pielęgniarki i położne. *Probl Pielęg.* 2010;18(4):443-54.
12. Kostrzanowska Z, Małek K. Respektowanie zasad etycznych w pracy zawodowej pielęgniarek. *Probl Pielęg.* 2008;16(3):259-68.
13. Mroczek B, Kędzia A, Trzasczka, et al. Stan wiedzy na temat Kodeksu Etyki Zawodowej wśród pielęgniarek i położnych. *Probl Pielęg.* 2008;16(4):369-73.
14. Grochonas E, Głowacka T, Szkup-Jabłońska M, et al. Wpływ poziomu wykształcenia pielęgniarek na znajomość wybranych aktów prawnych wykorzystywanych w pielęgniarstwie. *Probl Pielęg.* 2011;4:463-7.
15. Salomon J. Wartości i cnoty etyczne pielęgniarki i ich znaczenie w pracy zawodowej. *Onkol Pol.* 2005;3(8):177-80.
16. Kieczka K. Opieka profesjonalna i zakres kompetencji pielęgniarek w Polsce w świetle prawa w ostatnim stuleciu. *Pielęgniarstwo XXI wieku.* 2010;1-2(30-31):81-6.
17. Fedak M, Wieczorek A, Papiernik M, Krupienicz A. Realizacja funkcji zawodowych. *Mag Pielęg i Położ.* 2008;8:5-8.

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