

POSERS ON LEGISLATION

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I AM presenting a paper on the much debated subject as the health care system in the country is undergoing vast changes in its approach and implementation.

Nursing today is standing on the crossroads not knowing in which direction to move. I am making an attempt to give the present position of Nursing Legislation in our country and what will be expected of this legislation with the expanded role of a nurse.

Purpose of Legislation

"The purpose of professional licensure is, on the one hand, to secure to society the benefits which come from the services of a highly skilled group and, on the other hand, to protect society from those who are not highly skilled, yet profess to be, or from those who, being highly skilled, are nevertheless, so unprincipled as to misuse their superior knowledge to the disadvantage of the people".¹

"Regulation of a profession or a vocation must primarily protect the public health, safety, welfare or morals by prohibiting practice in a field in which incompetent practice would create a threat to the public, and it must tend to ensure competency by requiring persons who engage in those professions to qualify themselves under standards established by the state".²

From these two quotations one sees that the purpose of Legislation in granting license has two main objects : first, to restrict practice to those who have the knowledge required for practice, and second, to assure the public that those who practise have the knowledge necessary to perform the functions for which they are licensed.

Legislation in India

After studying the purpose for which the legislation is required, the question that arises is:

- (i) Do we in Nursing Legislation in India meet these purposes ?
- (ii) Do we ensure to the people safe nursing practice ?
- (iii) Are our nurses prepared for meeting the needs of the community ?

To answer these questions we have to look at the Indian Nursing Council Act which came into force in 1947, and became the landmark in providing safe nursing practices in the country. The main aim of

this Act and the Council is to lay down the minimum standards of Nursing Education. The syllabi are provided for preparing different categories of nursing personnel, i.e., B.Sc. Nursing, General Nursing and Midwifery, Auxiliary Nurse Midwives and Health Visitors. The Council assures these minimum standards through inspection of the institutes, and directly and indirectly through questionnaires etc.

These standards are followed by the state Nursing Councils by conducting examinations based on these minimum standards and registering nurses and midwives for practice in nursing. The State Nursing Registration Councils give a nurse the right to practise nursing. However, no detailed functions are outlined by either the Indian Nursing Council or the State Registration Councils for nurses which will give them legal protection; it is nowhere stated that nurses cannot give intravenous infusion or give other treatments which may save the life of a patient.

It is left to the institutions or service agencies to fill the gap. The institutions and agencies give the list of functions which it would want the nurse to perform according to the availability of manpower and needs of the institutions without caring whether she is qualified for the job or not. Would we like to list down the area or nurses' functions strictly to ensure legal protection for them ? Should we have a separate "Nurse Practice Act" as developed in the various developed countries. What will be the advantages and disadvantages if we are to develop this Act and who should develop this Act ? These are some of the questions which we have to answer with the expanding role of the nurse.

Non-Nursing Activities

Let me now review the activities of the present day nurse after being prepared for 3½ years in General Nursing which is the first level of preparation. In terms of the objective laid down in the I.N.C. syllabus she is prepared to function as a first level nurse either in the hospital or in the community. Many of you would agree that the nurses' functions in hospital include maintaining stores, clerical records, house-keeping and a variety of non-nursing activities. Again, there are areas which demand exacting and highly skilled nursing care, e.g., in renal dialysis, cardiopulmonary and neurosurgery, etc. With this wide range of activities of nurses today and with this vast range of practice areas, there is need for nurses to hand over the non-nursing activities and also some of the less skilled nursing activities and get into areas of specialisation and meet the demands of the present day medical technology, which will give her job satisfaction and professional recognition.

In the community health field the expected category of nursing personnel are public health nurses, health visitors and auxiliary nurse midwives. Their functions vary from simple guidance to the community in health matters to dealing with complicated problems of maternity and family planning services, child care services, control of communicable diseases. It even extends to diagnosing and treating ailments specially in the absence of doctors in the sub-centre and remote

(1&2): From *Principles of Legislation for Nursing Education and Practice*, Section-I. (A Guide to Assist. National Nurses Association).

areas. These nursing personnel have been in the community field since the inception of the development of health services but their acceptance and recognition in the health team is highly debatable till today, which is evident from the scheme for training of support manpower. The functions listed in this report are somewhat the functions which have been performed by nurses in the community. The additional inputs of diagnosis and treatment of common diseases, minor surgery, etc., can well be covered within the existing syllabus of public health nurses. This area of functions needs the support of legislation.

The codes of Nursing ethics mostly guide and control the practice of nursing. This may need revision in terms of helping or teaching nurses to 'Diagnose and Treat'.

Preparation for the Role

Once the expanded role is established and acceptable, we have to take steps to develop curricula for preparing nurses for their roles. The legislation for the education and preparation of such nurses can then be developed by the Indian Nursing Council by way of laying down

the standards for the educational programme and steps can be taken to enforce these standards through State Nursing Councils.

At this stage, it is worthwhile studying the possibilities of developing a separate 'Nurse Practice Act' as is prevalent in many developed countries. This Act may list down the detailed functions which nurses of different categories in different practice areas need to perform. This will provide legal protection to nurses and safe nursing practices for the community. However, advantages and disadvantages of establishing this Act will need further study.

I am delighted to report that the Trained Nurses Association of India has set up a Law Committee to study the pros and cons of 'Nurse Practice Act'. This Committee is in the process of collecting information on functions/job description of nurses of different categories. The Committee has also to study the 'Nurse Practice Act' in certain other countries. The formulation of this Act will have to be studied in a very wide range, i.e., in the sphere of health legislation of our country.

A Must for Nurses in their New Expanding Role **MANAGEMENT AND POPULATION**

a systems view and review of family planning
programme in India

by N.V.R. Ram

Size : 23 cm; pp. 130; Rs. 25

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Opinions:

Dr. Ram has made some substantial points in his systems analysis of the family planning programme in India. These points made by the author deserve careful consideration by the concerned authorities.

R.C. Dutt in Indian & Foreign Review

One need not agree to either the approach or the conclusions of Dr. Ram but still he has enough valuable data for any one seriously interested (and involved) in population studies, including those pertaining to population management.

Shankar's Weekly

This book is a most competent work touching upon almost all aspects of the basic population problem and its concomitants in regard to food, living standards, education, health and administration.

Economic Times

In the light of his systems analysis the author has made a number of recommendations to improve the system and make the family planning programme more effective.

Eastern Economist

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