

## LEGAL ASPECTS OF PUBLIC HEALTH NURSING

WHO Public Health Nurse

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### **Introduction**

The nursing profession in Korea is changing rapidly. Other countries look back decades and see less development than Korea does by looking back years. This is good and exciting. Public health nursing is part of this development.

Over the years my WHO colleagues, and now I, have been trying to help to establish public health nursing in Korea on a secure basis. We are convinced of its importance, not only to the nursing profession, but to the entire health services of the country.

### **Development of Professions**

The full development of any profession can be seen in three aspects:—

First there must be well prepared practioners.

Then there must be opportunity to put into practice what has been learned. There must be positions, and working conditions must be conducive to good work.

Finally there must be legal recognition of the profession.

Although I have listed three separate aspects, there is no clear cut distinction between them. They should be interdependent. Education prepares nurses for practice, and legislation safeguards the education of the nurse, the quality of her practice, and the quality of care given to society.

Nursing education and service must adjust easily to changing needs and conditions. They must be flexible and dynamic, with nurses continually seeking new ways of improving care.

However, it is a long and complex process to get a law passed or amended, and this cannot be

undertaken very often. Thus any nursing legislation must be drawn up to give security to the profession, as well as to allow for changing circumstances, and to permit development and progress.

Perhaps this is a good time in the history of Korean nursing to take a careful look at Nursing Legislation, and to see what it can accomplish.

### **Nursing Legislation**

I would like to give you some ideas about this. My remarks are general, and do not apply specifically to Korea, or for that matter to any other country in particular. These ideas, and more details about nursing legislation can be found in the ICN publication "Principles of Legislation for Nursing education and Practice."

Nursing legislation accomplishes three objectives:—

1) It protects the public by ensuring that it gets good (i.e. a recognised standard) of nursing care.

2) It protects the profession by ensuring proper standards of care from practioners

3) It protects the employment of nurses by prohibiting the practice of nursing by non licenced practioners.

To achieve these aims there must be educational institutions to provide the knowledge and skills, licencing to ensure minimum standards, and some form of ongoing surveillance to maintain the standard of care.

Nursing legislation should apply to all nursing personnel, but there should be clear distinction between various categories on the basis of their education and preparation. Today the skills which

nurses must possess depend on the stage of development of medical techniques, and on the willingness of the members of the medical profession to hand over to other members of the health team procedures which in the past they alone were willing to carry out. To this I would add that the public health nurse must possess skills from the social as well as the medical sciences. These developments create an ever growing demand for higher qualifications in nursing personnel, and the need for auxiliary staff to complete the team.

The usual definition of an auxiliary nurse, in Korea they are called aides, is one who has undergone preparation of a less comprehensive nature than that of a registered nurse, and contributes to the total nursing care under supervision. Here I would like to put in a plea that the nursing profession considers nurse auxiliaries as nursing personnel, and assumes responsibility for their preparation and work. It is only in this way that the relationship between the professional and auxiliary nurse can be maintained so that the maximum benefit may be derived in nursing and health care.

#### **Legislation and conditions of service.**

Nurses are no different from their fellow men in seeking assurance of basic rights to food, shelter, clothing and recognition. They may wish to use nursing legislation to ensure adequate pay, pension benefits and conditions of service which will permit a way of life that compensates for the financial investment in their education; for the responsibilities they assume, and also enables the profession to compete with other occupations in recruiting and retaining suitable practitioners. However, nursing legislation is not the proper means of achieving these ends, essential as they are.

There is, in every free country, social and economic legislation which provides for conditions of employment, and gives employees, and others, the right to negotiate. Korea is no exception. The employment regulations usually concern age of employment, hours, control of health hazards and minimum pay. These are usually very basic. Of greater importance to the nursing profession is the right to negotiate.

Changes through negotiation are best achieved through a strong organization, one which repre-

sents the majority of the practitioners, both in numbers and in their views. The Korean Nurses' Association is such a professional organization.

Professional Nurses Associations, or organizations, are usually more than mere negotiating agents. They are also active in trying to promote higher standards of practice, they provide a social setting for nurses to meet, and permit exchange of ideas from other countries. The association can also act as an advisory body to the Government on nursing matters, and to nurses on professional matters. Many nursing associations have the full or part time services of a member of the legal profession for such purposes.

#### **Other legislation concerning nurses.**

Nurses are subject to the same laws as any other citizen, and in many instances need to be more aware of legislation than the average person. For instance, they must know the laws regulating drugs and other pharmaceuticals. Public health nurses, in particular, should be conversant with laws concerning social welfare, child welfare women's rights, property control, control of nuisances, sanitary regulations, food and price control, and any other laws which affect the way of life of members of society.

#### **Future of public health nursing in Korea.**

I was asked to talk to you about the legal aspects of public health nursing. I have interpreted this request in the broadest sense. Public health nursing is part of the nursing profession. Legally it should be covered by the nursing legislation of the country, but be clearly defined and recognized as a nursing specialty.

Someone whom I admire, and whose views I respect highly, made the following comment: "Perhaps Korea is not yet ready for public health nursing." To me this comment was a challenge. There is a need for public health nursing. Indeed public health nursing is being practiced in Korea. Does it involve the best use of the professional public health nurse?

Before any legislation can be drawn up, or passed, we must ask ourselves what contribution should public health nurses make to the Korean health services so that it may be recognized as an essential need which only can fulfil.