

117 - OPINION OF NURSING AUXILIARIES ABOUT MUNICIPAL LAW ON RIGHTS OF USERS IN HEALTH CARE IN THE CITY OF NATAL / RN.

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INTRODUCTION

The construction of the Unified Health System (SUS) has been brought several innovations to Brazilian society. As an important reform of the State, constructed grounded in the mobilization of large social sectors. The health system is based in innovative principals and values: expanded concept of health, Intersectorial actions, and integrality of care.

Among the guarantees, it is highlighted that all Brazilian citizens have the right to be assisted with order and organization, quality, and humane treatment without discrimination according to his needs, regardless of hours or days, by health professionals in respect the rights of the patient (BRASIL, 2006).

Into the framework of constitutional guarantees, among other legal rights that ensure the Brazilian population, in particular the Law 8078/1990 which protects and guarantees the rights of consumers. On this perspective, it is established the Charter of Patient Rights, Municipal Law N. 5071, December 16th, 1998, establishing the obligation of divulgation and total advertising, posting it on each unit of the Municipal Health System and Convened Network of the City of Natal / RN, the rights and guarantees of patient (PREFEITURADO MUNICÍPIO DO NATAL, 1998).

In this sense, this study proposes a reflection on the information of nursing auxiliaries about the municipal legislation. Also, it's aimed to know the opinion of nursing assistants on the rights of users of health services.

LITERATURE REVIEW

It is acknowledge that the professional of technical school of nursing acts in the forefront in providing assistance and health care procedures for different levels of the Unified Health System, in primary, medium and high complexity. It's particularly more recognized in the last two instances of solving the health problems of the population.

Overcoming the mechanic or technocrat learning in favor of participatory processes and creative, critical-reflective and humanistic requires the courage to try new ways of being and behave in the merchandising universe of activities of the nursing auxiliary. The inconsistency found in the practice of professionals regarding the changes in methods of design and work production in health field, in advance, is likely to be culpable and deceit, because the negligence, carelessness and malpractice are constituents of fault. They are all likely to disciplinary sanctions and criminal prosecution. In the presence of any of these circumstances the four basic principles of bioethics, singly or together, are severely compromised, such as autonomy, nonmaleficence, beneficence, justice among other (BRASIL, 1996).

It is agreed that nursing education of technical level requires integration between theory and practice to train professionals aware of their responsibility, translated into a critical reflection on the society and health care practice with a perspective on redirecting the practice from its commitment to the social context and the real interests of the community ahead care processes.

Collière (1989) defines care as primarily "an act of life" highlighting two basic types of care, those that serve to maintain and sustain life, called "maintenance of life care" represented by usual care or domestic, for example: food, hygiene, comfort. On the other hand, the so-called "remedial care", represented by care aimed to cure disease or limit its process when it poses a threat to life, and it involves the medication administration, physiotherapy, dressings and more.

In this scenario, all patients have rights to receive an attentive service with respect; personal dignity (including not being forced to stay naked longer than necessary, and right to require the presence of someone of the same-sex when examined); secrecy or medical confidentiality; to know the identity of professionals involved, to receive clear information with an accessible language about diagnosis, treatment and prognosis; to communicate with people outside the hospital and have, if necessary, a translator; to refuse treatment and be informed about the consequences of this option; to receive a full explanation about their treatment at the hospital; to claim (the claim should have no influence on quality of treatment outcomes), to refuse to undergo unnecessary tests (e.g. X-rays, laboratories, etc., performed recently); to ask question about prescribed medication, and have access to medical records (GAUDERER, 1998).

Particularly, it is required in Natal city that all units of the Municipal Health System and Convened Network are in agreement about rights and guarantees of the Patient with wide dissemination of them. Patients' rights regarding this Law are all set out and defined by professional regional councils of each health professional involved in the health system and entities of consumer protection.

METHOD

This is a descriptive study with a quantitative approach. It is known that descriptive research is often used in the humanities and social sciences approaching data and addressing issues that deserve to be studied, whose record is not documented. Quantitative research considers that everything can be measured, which means translated in figures, opinions reviews and information to be classified and analyzed (CERVO; BERVIAN, 2002).

Regarding to data collection instrument held in January 2001, it was used three (03) Questions: Have you had knowledge of laws that ensure patients' rights? Do you believe that the leaders in the institution where you work know these laws? Do you believe that most patients know their rights?

It is emphasized the preliminary nature of the issues that make up this instrument. Thus, outlines that the results reflect the testing, or pre-testing, aiming to develop a future project on the topic. It is considered that the meaning of professional training is, predominantly, a relationship established in places where education is embodied specifically in health care field: the classroom, laboratories, health services, community spaces (FRÓES BURNHAM, 2000; YOUNG, 2000).

The legal ethics principles of Resolution No. 196/CNS/1996 were guaranteed by the explanation of objectives of the study and the use of results to support future research and, ultimately signing the Informed Consent Form (TCLE).

RESULTS AND ANALYSIS

The findings were analyzed from the raw number of responses and their respective percentage

Concerning to the knowledgment about the Law of Patient's Right, the data revealed that from 15 (fifteen) nursing auxiliaries included in the study, from a Public Hospital of Natal, 90% had no knowledgment about the legislation that ensure the patient's right and only 10% were aware about the law.

Regarding the nursing auxiliaries opinion about knowledgment of managers and directors being aware of the legislation that ensure the patient/client/users' rights. Mostly of the interviewed, 90% stated that the leaders of the institution where they work, had no knowledgment about this specific law. They will become aware or will make aware of this fact through denounce to the justice by some patient that represent institution or some professional.

With concern to the knowledge of patients about laws of protection, in the opinion of respondents, 80% of nursing auxiliaries believe that the majority of patients undergoing public health services in the city of Natal ignore the laws that benefit them.

In this light, the group believes that is urgent and necessary implement the legislation content and legal guarantees into technical nursing courses to deepen this subject. COLLIÈRE (1989, 385p.) refers to "care" as an essential act, not only to lives of individuals, but to the longevity of any social group. For the author, this act represents a major factor inherent to the survival of every living being. "Nursing is a direct guarantee for the life continuation of the group, the Homo species".

FINAL CONSIDERATIONS

The foregoing explains that the rights of the patient/client/user are not respected by most professionals and managers of health services. This is compounded by lack of knowledge of them. The lack of information persists in patients about their rights into hospitals. The obligation to fulfill the duties expressed in state legislation, did not reach the goal proposed in the context of health analyzed of a hospital service.

It is underlined that the ethical, legal, constitutional concern to the practice and nursing auxiliaries teaching-learning process, as well as technical and everyday performance beyond an appreciation and updating of them, with a proactive approach to learn learning, and thus ensure a more satisfactory performance in attention to the rights of them.

For the training health professionals' field, the new pedagogical models should reflect on teaching and learning processes in order to take the principles, foundations, conditions and procedures established by the curriculum guidelines of a course with a technological level. In this way, it is aimed to ensure qualifications and development of professional with critical, reflective and transformed practices, and committed to the [re] construction of the health care model.

It is suggested, on the one hand, the continuing education to suit the transformations and changes in society; on the other hand, from disciplinary content while guiding axis, the Ethics Applied to Nursing approach. This, as a critical-reflective process, is able to provide knowledge on proper conduct in the care ambient, since this ambient interact values of Professional Nursing, society and patient. Therefore, it is necessary to study not only the professional rights and duties, but the Patients Rights.

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ABSTRACT

This is a descriptive study aimed to evaluate the opinion of nursing auxiliaries on Patients' Rights in the city of Natal /

RN. It was carried out in January 2001. It's considered a pre-test to develop a project, posteriorly. Participants were fifteen in a random sample of nursing auxiliaries of a public hospital, in accordance with the legal precepts of Resolution No. 196/CNS/1996. Findings shows that 90% were unaware of the existence of laws that ensured the patients' rights, 90% of respondents believe that managers and leaders of the institution in which they work do not know, except in cases of legal representation; 80% of the auxiliary nursing respondents believe that most users of health services ignore them. It is suggested a critical reflective rethink on ethics in nursing approach, both in professional practice through continuing education, or in the learning process from a pivot point coordinated with other content.

KEYWORDS: Nursing; Patients Right, nursing auxiliaries.

L'AVIS DES INFIRMIERS AUXILIAIRES SUR LA LOI MUNICIPALE QUI TRAITE DES DROITS DES USAGERS DE SANTÉ DE LA VILLE DE NATAL/ RN

RÉSUMÉ

Étude de caractère descriptif ayant pour but d'évaluer l'avis des infirmiers auxiliaires à propos des droits des patients dans la ville de Natal/RN. Accompli en janvier 2001, il s'agit d'un pré-teste pour le développement d'un projet à posteriori. Un échantillon aléatoire de quinze infirmiers auxiliaires d'un hôpital public y participèrent, en respectant les préceptes éthiques légaux de la Résolution n° 196/CNS/1996. On constata que 90% des interviewés ne connaissaient pas l'existence des lois qui assuraient les droits des patients ; 90% trouvent que les gestionnaires des institutions où ils travaillent ne les connaissent pas non plus, excepté dans les cas de représentation légale. 80% de infirmiers auxiliaires interrogés croient que la plupart des usagers des services de santé l'ignorent aussi. Ainsi, il est proposé qu'on pense de façon critique et qu'on réfléchisse à l'approche éthique dans les Soins Infirmiers, soit dans l'exercice professionnel à travers l'éducation continue, soit dans le processus enseignement-apprentissage à partir d'un axe qui fasse l'articulation avec les autres matières.

MOTS-CLÉ : Soins Infirmiers, droits des patients, infirmiers auxiliaires.

OPINIÓN DE LOS AUXILIARES DE ENFERMERÍA ACERCA LA LEY MUNICIPAL DE DERECHOS DE LOS USUARIOS DE LA SALUD DE LA CIUDAD DE NATAL/ RN

RESUMEN

Estudio de carácter descriptivo con objetivo de evaluar la opinión de los auxiliares de enfermería acerca los derechos de los pacientes en la ciudad de Natal / RN. Realizado en enero de 2001. Considerado como un pre-test para desarrollar un proyecto en el futuro. Participó del estudio una muestra aleatoria de quince auxiliares de enfermería de en un hospital público, con respeto de los preceptos legales de la Resolución N ° 196/CNS/1996. Se encontró que el 90% desconocía la existencia de leyes que garantizan los derechos de los pacientes, el 90% de los encuestados cree que los líderes y los administradores de la institución en que trabajan no lo saben, salvo en los casos de representación legal, el 80% de los auxiliares de enfermería encuestados creen que la mayoría de usuarios de los servicios de salud ignorarlos. Se sugiere un repensar crítico y reflexivo del abordaje ético en la enfermería, tanto en la práctica profesional a través de la educación continua, cuanto en el proceso de aprendizaje de una coordinación con otros contenidos.

PALABRAS CLAVE: Enfermería; derechos de los pacientes, auxiliares de enfermería.

OPINIÃO DOS AUXILIARES DE ENFERMAGEM SOBRE LEI MUNICIPAL SOBRE DIREITOS DOS USUÁRIOS DE SAÚDE DO MUNICÍPIO DO NATAL/RN

Estudo de caráter descritivo com o objetivo de avaliar a opinião dos auxiliares de enfermagem sobre os direitos dos pacientes no Município do Natal/RN. Realizado em janeiro de 2001. Considerado um pré-teste para desenvolvimento de um projeto a posteriori. Participaram mediante amostra aleatória quinze auxiliares de enfermagem de um hospital público, respeitados os preceitos éticos legais da Res. n° 196/CNS/1996. Constatou-se que 90% não sabiam da existência de Leis que asseguravam os direitos aos pacientes; 90% dos entrevistados acham que os dirigentes gerências da instituição, em que trabalham não as conhecem, exceto em casos de representação legal; 80% dos auxiliares de enfermagem entrevistados acreditam que a maioria dos usuários dos serviços de saúde ignoram-nas. Sugere-se um repensar crítico reflexivo da abordagem ética na enfermagem, quer no exercício profissional através da educação continuada, quer no processo ensino aprendizagem a partir de um eixo articulador com os demais conteúdos.

PALAVRAS-CHAVES: Enfermagem; direitos dos pacientes; auxiliares de enfermagem.

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