

Ethical-disciplinary infractions related to social assistance activities carried out by health professionals

Infracciones ético-disciplinarias relacionadas con las actividades de asistencia social realizadas por profesionales de la salud

Infrações ético-disciplinares relacionadas a atividades socioassistenciais desenvolvidas por profissionais de saúde

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Abstract

The aim was to identify and characterize the production on ethical-disciplinary infractions in the face of social assistance activities provided in health services by professional nurses, doctors, psychologists and social workers. This is an integrative review, using research articles from the last 5 years, carried out in January 2022, in the Virtual Health Library, using the search terms: Ethics, Professional Ethics, Legislation, Codes of Ethics, Professional Misconduct. The main Subject/Type of Occurrence and/or ethical violation presented in the articles were the execution of prohibited practices and violation of bioethical principles as a result of non-compliance with professional duties and responsibilities; violation of the bioethical principles of non-maleficence and justice; and iatrogenic and conflicting professional relationships. The social assistance activities provided in the health services require professional actions that could be developed during graduation, as a way to improve the quality of the service provided and to avoid ethical violations related to social assistance activities.

Descriptors: Professional Ethics; Legislation; Codes of Ethics; Professional Misconduct.**Resumen**

El objetivo fue identificar y caracterizar la producción sobre infracciones ético-disciplinarias frente a las actividades de asistencia social realizadas en los servicios de salud por profesionales de enfermería, médicos, psicólogos y trabajadores sociales. Se trata de una revisión integradora, utilizando artículos de investigación de los últimos 5 años, realizada en enero de 2022, biblioteca virtual en salud, utilizando los términos de búsqueda: Ética, Ética Profesional, Legislación, Códigos de Ética, Mala Conducta Profesional. Los principales Temas/Tipo de Suceso y/o violación ética presentados en los artículos fueron la ejecución de prácticas prohibidas y violación de principios bioéticos como consecuencia del incumplimiento de deberes y responsabilidades profesionales; violación de los principios bioéticos de no maleficencia y justicia; y relaciones profesionales iatrogénicas y conflictivas. Las actividades de asistencia social prestadas en los servicios de salud requieren acciones profesionales que podrían ser desarrolladas durante la graduación, como forma de mejorar la calidad del servicio prestado y evitar violaciones éticas relacionadas con las actividades de asistencia social.

Descriptor: Ética Profesional; Legislación; Códigos de Ética; Mala Conducta Profesional.**Resumo**

Objetivou-se identificar e caracterizar a produção sobre as infrações ético-disciplinares frente as atividades socioassistenciais prestada nos serviços de saúde por profissionais enfermeiros (as), médicos (as), psicólogos (as) e assistentes sociais. Trata-se de uma revisão integrativa, por artigos de pesquisa dos últimos 5 anos, realizada no mês de janeiro de 2022, na Biblioteca Virtual da Saúde, utilizando os termos de busca: Ética, Ética profissional, Legislação, Códigos de ética, Má conduta profissional. Os principais Assunto/Tipo de Ocorrência e/ou infração ética apresentados nos artigos foram execução de práticas proibidas e violação de princípios bioéticos em consequência ao descumprimento dos deveres e responsabilidades profissionais; violação dos princípios bioéticos da não maleficência e da justiça; e iatrogenias e relações profissionais conflituosas. As atividades socioassistenciais prestada nos serviços de saúde necessitam de ações profissionais que dessem ser desenvolvidas ainda na graduação, como uma forma de melhorar a qualidade do serviço prestado e de evitar infrações éticas relacionadas as atividades socioassistenciais.

Descritores: Ética Profissional; Legislação; Códigos de Ética; Má Conduta Profissional.

Introduction

Social assistance activities in Brazil have the necessary representation given the process of inequality that is expressive in Brazil. Many believe that the social assistance activity is a competence developed exclusively by social service professionals. However, when it comes to activities related to health, for example, social assistance activities are developed by all professionals who provide assistance to the population, either individually and/or collectively. Such social assistance activities are based on other areas of action in addition to assistance, such as management, education and research in health, built an ethical care and based on the valorization of central principles of assistance action of the health system¹.

As social assistance activities are developed mainly in vulnerable situations, it is important that they are developed with great responsibility, empathy and commitment. The second list of actions refers to those that make up the service to individual and collective demands, groups and/or families. Actions would be those that promote and structure the population's life processes; in them, the service to users occurs directly, seeking to stimulate their autonomy in institutional and social relationships. They reinforce their rights, duties and are related to education. Social assistance actions can be developed by any health professional and even by the community that is actively part of the health system. However, it should be noted that professionals must assume responsibility for care with issues involving social assistance issues^{2,3}.

The Professional Ethics Councils are advisory bodies to the public authorities in all matters related to the protection of the human person and are also responsible for the regulation and supervision of professional practice, and must make important decisions for the profession in order to ensure the integrity and ethics of the profession quality of work of the categories. Therefore, professional councils such as nursing, medicine, psychology, social services and other professions regulate care activities, preventing professionals in ethical conduct from promoting actions that affect people in a degree of vulnerability¹⁻⁴.

The councils must, through the fulfillment of their mission as a supervisory institution, investigate and judge the infractions committed by the professionals. These councils seek to investigate the so-called ethical-disciplinary infractions when there is any irregular conduct and/or the occurrence of any incident due to the actions of workers during the exercise of the profession. Ethical-disciplinary infractions linked to infractions committed in relation to social assistance activities are more delicate because it deals with care for the vulnerable⁵.

When there is care in disagreement and/or disobedience to the provisions set out in the Professional Codes of Ethics, we have a problem that can directly affect those people who need protection from the state. In some cases, it can cause temporary or permanent damage to the individual or collective in situations of vulnerability. If the professional's negligence, malpractice or imprudence is proven, an Ethical-Disciplinary Process (PED) may then be

instituted to be investigated and investigated by the councils. Thus, the conduct can then be judged and the measures applicable to the case are taken^{6,7}.

Negligence, recklessness and malpractice, in addition to other types of conduct not recognized as social assistance care, can promote serious ethical violations. Therefore, knowing the ethical infractions related to social assistance activities provided by health professionals is necessary, for reflection on the practice and to develop prevention measures aimed at the quality of care provided. Therefore, the objective of this research is to carry out a literature review to identify and characterize the production on ethical-disciplinary infractions in the face of social assistance activities provided in health services by nurses, doctors, psychologists and social workers.

Methodology

The present study was carried out from the development of an integrative literature review. The literature review aims to determine which topics are being addressed in research. With this, it is possible to establish parameters and understand what is or is not being addressed and what is or is not known in these studies. Thus, the review will be able to identify the gaps that exist in knowledge and synthesize the results to facilitate the understanding of these same studies. Specifically, the integrative literature review aims to provide knowledge about the evolution over the years on the subject, thus providing an opportunity to observe the possibilities of research^{8,9}.

This review will be structured according to the six steps of the PRISMA guidelines: identification of the topic and selection of the research question; establishment of inclusion and exclusion criteria; identification of pre-selected and selected studies; categorization of selected studies; analysis and interpretation of results; presentation of the review/synthesis of knowledge¹⁰.

The studies for review were selected from the survey of works indexed in several journals present in the Virtual Health Library (BVS), which has indexed, such as SciELO, MedLine, LILACS, among others. Using the following search terms: Ethics, Professional ethics, Legislation, Codes of ethics, Professional misconduct, using the Boolean indicator "AND".

Only articles published in the last five years were considered for the research. The survey was carried out in January 2022, therefore, only articles published until December 2021 were considered for the research. In addition, only the works that were available in full plausible analysis and presenting a clear and defined methodology were selected. Therefore, the inclusion criteria established were: research articles that addressed ethical infractions committed by health professionals, including nurses, doctors, psychologists and social workers, related to social assistance activities for people vulnerable, published in the last 5 years. Moreover, the exclusion criteria established were: review articles, reflection, experience report, editorial, course conclusion works, dissertations and theses,



articles that present ethical infractions committed to institutions and to another professional.

The pre-selection of articles was made by reading the titles and abstracts of articles that met the established inclusion criteria. Then the pre-selected articles were read in full and only the articles that met the objective of this study were selected and organized in a table with the following information: title, year, journal, professional category.

The use of combined descriptors generated several possibilities in the VHL, so some questions were used to guide the search. With the help of the criteria for selecting the material for the analysis, studies were found that, after reviewing the predetermined questions, offered data for the understanding of trends and gaps in the scientific production of the journals with the best evaluation in the Brazilian context. The guiding questions

used were: What type of study does the work consist of? What conceptions do they bring about ethical infractions? What are the characteristics of ethical-disciplinary infractions? What are the main conclusions of the studies?

In the search, the descriptors were crossed and the following results were presented: Professional ethics, AND Legislation (34 articles), Professional ethics AND Codes of ethics (47 articles), Professional ethics AND Professional Misconduct (1 Article), Legislation AND Code of Ethics ethics (20 articles), Legislation AND Professional Misconduct and the intersection between Code of Ethics AND Professional Misconduct (no articles were generated after applying the inclusion criteria). The total number of articles found were 102 studies, considering different areas of professional activity. We can see the search results in Figure 1, below.

Figure 1. Flowchart of search and selection of studies. Matipó, MG, Brazil, 2022

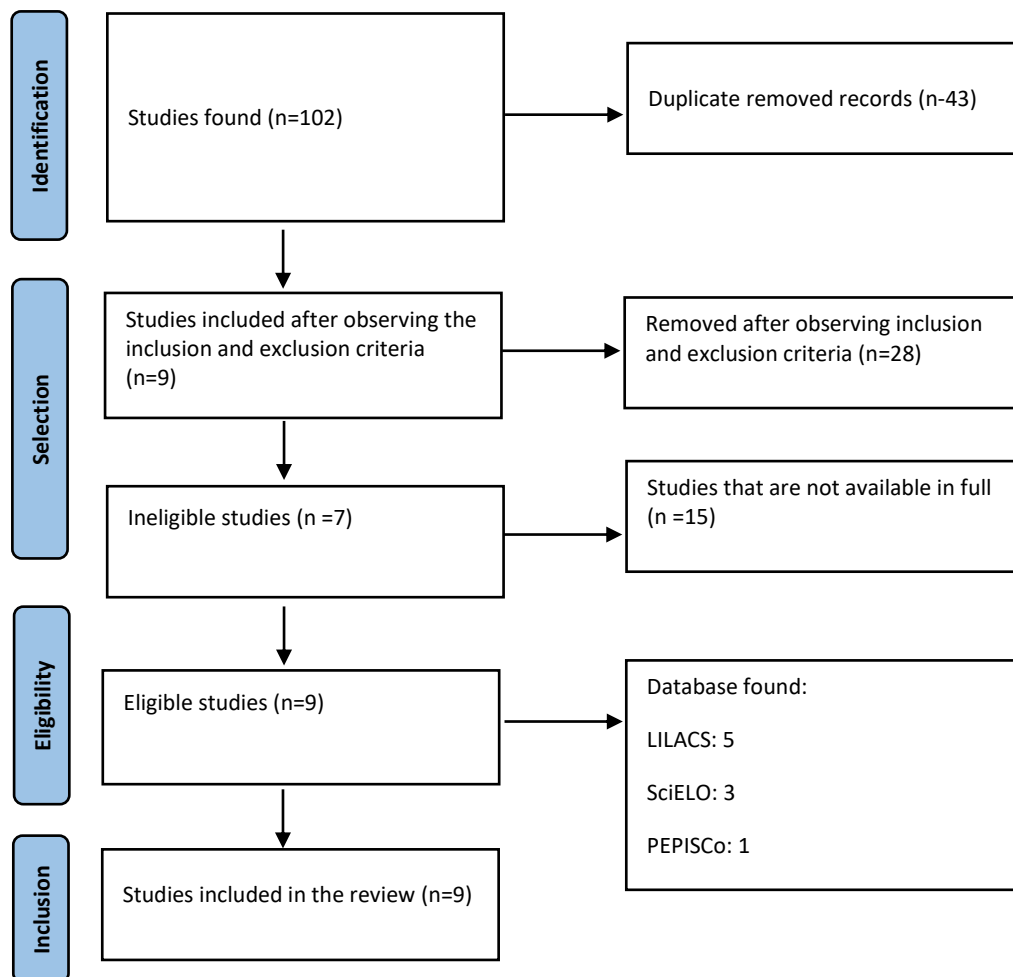


Figure 1 presents the search path that aims to obtain real evidence that respects the research objectives and the stipulated methodological criteria⁹. The final result is made up of 9 articles after the entire process of identification, selection and eligibility. The published studies were distributed in strong and well-regarded journals that address the issue of Ethical-Disciplinary Infractions in relation to social assistance activities.

Internationally, it was not possible to find articles that addressed the topic.

Results and Discussion

In Chart 2, we can identify the number of articles (n=9), article title, area of activity, year of publication and journal.



Chart 2. Characterization of selected studies (n=9), according to title, year of publication and journal in which it was published. Matipó, MG, Brazil, 2022

No.	Title	Occupation area	Year	Journal
1	Vivências da deliberação moral de enfermeiras no atendimento pré-hospitalar móvel	Nursing	2021	Revista Bahiana de Enfermagem
2	A experiência oculta do profissional de enfermagem processado por erro	Nursing	2021	Revista Esc. de enfermagem da USP
3	A escuta qualificada na assistência social: Da postura diagnóstica às formas poéticas de escutar	Social Service	2019	Estud. pesqui. psicol. (Impr.)
4	Psicologia Jurídica: notas sobre um novo lobo mau da psicologia	Psychology	2019	Psicologia e ciência profissional
5	Direitos humanos dos pacientes como instrumentos bioéticos de proteção das pessoas idosas	Social Service	2019	Cad. Ibero Am. Direito Sanit. (Impr.)
6	Reflexão sobre os aspectos e procedimentos éticos de uma pesquisa com médicos cooperados do Programa Mais Médicos	Medicine	2018	Amazônica: Revista de Antropologia
7	Representações sociais da psicologia sobre os (as) usuários (as) do Cras: uma perspectiva relacional	Psychology	2017	Pesquisas práticas psicossociais
8	Problemas éticos e justiça social na Estratégia Saúde da Família	Multi-professional	2017	Revista Bioética
9	Conflitos Éticos Vivenciados por Estudantes de Medicina	Medicine	2017	Rev. bras. educ. méd

In the chart above it is possible to see the listed works that were selected for the study. Among them there are studies in the areas of psychology, social assistance, nursing and medicine and production by a multidisciplinary team that address the theme. Two articles were published in 2021, no studies were found in the year 2020, but there were 3 studies were published in the year 2019, only 1 in the year 2018 and 3 in the year 2017. All studies were published in different journals in different locations in Brazil. The journals are on the Rio-São Paulo axis, with the exception of Revista Bahiana de Medicina. When looking at the area of activity that carried out the study, Nursing, Psychology and Social Work and Medicine have 2 publications and 1 publication was carried out in a Multiprofessional way.

From the reading of the articles, theoretical discussions about the most observed ethical infractions were observed. In general, the studies address various conducts that violate ethical advice and conduct that can generate infringement when there are no discussions about the process of carrying out the conducts. Despite not sticking to the specifics of each case, the data show the execution of prohibited practices and violation of ethical principles as a result of non-compliance with professional duties and responsibilities.

Ethical violations of non-maleficence and justice and of iatrogenic and conflicting professional relationships were evident in care practice when the vulnerability condition of service users and the complexity of the territory were not observed. Professionals are referred to

as those who take care, but through negligence, they break their own code of conduct. Ethical violation happens according to the articles, mainly due to non-compliance with professional duties and responsibilities is one of the infractions pointed out by the articles. In addition to the violation of bioethical principles, iatrogenics, especially those related to negligence, malpractice and recklessness, and conflicting relationships between health professionals^{11,15-19}.

Some studies bring conflicts that can generate ethical infractions^{11-14,16}. This is defined as a dimension of the study of ethics applied to clinical practice as well as scientific research, and it has methods and theories that structure its foundations¹⁶⁻¹⁹. Therefore, it has four basic principles: autonomy, beneficence, non-maleficence and justice¹². The articles show that bioethical infractions can affect the lives of vulnerable people with greater potency than those with greater acquired rights¹⁵.

Studies show that care principles must be followed and emphasize that some of these principles must be followed, especially the principle of beneficence, which deals with the prohibition of inflicting deliberate harm on others, a fact best explained by the principle of non-maleficence, which establishes that the action of the professional aims to obtain the least harm or harm to the patient's health. Therefore, it is understood that this principle aims to reduce the adverse or undesirable effects of diagnostic and therapeutic actions in humans¹²⁻¹⁴.

Another important point that the studies address is the issue of iatrogenics, which could also be considered a



form of violation of the principle of maleficence, since it can be defined as the action of the professional, intentional or not, that causes material and physical damage to the patient. Iatrogenicity can be considered the error itself and occurs when there is an unsatisfactory provision or imposition of care. The principle of justice determines that the natural condition of relationships must always be based on equity, that is, the professional has an ethical obligation to establish an impartial performance when exercising. So that the diverse aspects of the human being are not violated, the professional must know their competences and in the professional-patient relationship^{12,13}.

In accordance with ethical principles regarding social assistance activities, it is important to point out that the main principles violated are those that establish the relationship between the professional and his patient. In addition, this being in a vulnerable situation, the error conduct becomes more fragile.

At some point, professional training does not contribute to the ethical demand of the existing bond between the professional and the patient, generating a deficit in the knowledge, on the part of the professional, of the limits that must be established so that there is no breach of such principles.

In view of the selected studies, ethical occurrences show that professionals with less than five years of training are the main involved in ethical occurrences. For this reason, it is possible to understand the importance of good training in courses that are closely related to social assistance, both at higher and technical levels. Because it is necessary that these professionals be prepared since their formation to deal with the many ethical conflicts related to the professional practice in which they will be confronted throughout their professional life^{11,12}.

The discussion about the teaching of their ethical principles for performance based on the ethical standards of professional practice is crucial to deal with the fact that recent graduates are the main denounced to the inspection bodies. The study also reveals issues related to knowledge of fundamental ethical principles for practice. Moreover, from this discussion, understand that the professional must be able to perform their technical skills concomitantly with the application of ethical principles¹⁹.

Therefore, the analysis of research that addresses the subject is also extremely important to improve knowledge about the regulatory standards of exercise, rights and professional obligations. As well as carrying out more studies that address the ethical aspects in the various professional training, both to understand the real situation and to offer subsidies for the decision-making of professionals.

Final Considerations

Social assistance activities require professional actions that consider the vulnerability process. The studies present several positive discussions for the understanding of further discussions on the subject. The results show the need to produce more content that helps newly trained professionals to guide their professional practice according to the ethical principles established in the ethical councils.

In this sense, professional training must also be closer to the teachings of bioethics so that professionals can be prepared to deal with the different situations of daily life, without inflicting unnecessary damages on the patient due to lack of knowledge of ethical standards.

Thus, it is important that supervisory bodies are not only attentive to professional practice, but also to their training. Increasing supervision within faculties and technical courses, to point out where the educational deficit is that makes professionals not have an understanding of their own legislation.

In addition, professionals must also assume their responsibility and autonomy in the quest to improve what is known about ethics. The production of more studies in the area and the self-knowledge of the limits that must exist in professional relationships should also be considered to help reduce the amount of ethical-disciplinary infractions committed.

Therefore, it is necessary that the academic society can carry out more discussions on the subject, provoking a greater positioning of bodies and professionals regarding care based on the principles of autonomy, beneficence, non-maleficence and justice. Because, in addition to performing the techniques, there is scientific knowledge and understanding of the human being that we must take from our training.

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