

**Statement of the Position of the Deutschen Pflegerates e.V. (DPR)**

**a) Draft of a law, changing the law "Chamber of Health Professions" and for the creation of Chamber of Nursing Professions in Lower Saxony**

Draft law of the parliamentary faction Bündnis 90/Die Grünen – Drs. 16/2175

**b) Raising the appeal of Nursing Professions – Creating a Chamber of Nursing Professions**

Proposal of the parliamentary faction SPD – Drs. 16/2179

The Deutsche Pflegerat e.V. (DPR) heartily welcomes the draft law of the parliamentary faction Bündnis 90/Die Grünen for change to the "Law of Chamber of Health Professions" and for the establishment of a Chamber of Nursing Professions in Lower Saxony (Niedersachsen) and the proposal of the parliamentary faction SPD "Raising the appeal of Nursing Professions - Creating a Chamber of Nursing Professions"

The proposal to make changes to the Chamber law underlines the necessity of regulating the Nursing Professions/the Nursing Profession by way of a Chamber law for Lower Saxony.

The proposal of the SPD demonstrates the necessity for the establishment of a Chamber of Nursing and the most essential cornerstones for provision of quality nursing to the population of Lower Saxony by way of that Chamber.

The Deutsche Pflegerat stated its position on 22nd January 2009 as follows:-

*"The Deutsche Pflegerat, as the umbrella organisation of the various nursing organisations, demands forthwith initiatives from the German States (Bundesländer) for legislation for the creation of Chambers of Nursing in the form of public corporations, fulfilling the objective of self administration."*

*Essential aims:*

- Securing (protection) professional nursing based on sound practice for the citizens in line with state-of-the-art scientifically based nursing knowledge.*
- Advancing and monitoring the professional concerns of the care givers giving due consideration to the interests of the general public*
- controlled integration of nursing professionalism in political decision making processes in healthcare*
- creation of basic principles for professional practices and ethics within the context of regulations and guidelines of the European Union*

*According to the expert opinion of Prof. Dr. Igl, Kiel 2008, the arguments of the state governments based on constitutional issues have been refuted*

*Nursing and other professional organisations, as well as the public sphere will, of course, be encouraged to participate in the committees of the Chamber of Nursing"*

Competent legal opinions exist concerning the creation of a Chamber of Nursing including that of Dr. Markus Plantholz, Hamburg 1994 und Prof. Dr. Ottfried Seewald, Passau. The current legal opinion of the legal expert from Kiel, Prof. Gerhard Igl (2008) on behalf of the DPR, rebuts all counter arguments till now. He comes to the conclusion that:

*A "Verkammerung", i.e. the establishment of a public corporation with compulsory membership of all nursing professions, is fully in accordance with the constitution. The legal jurisdiction lies with the individual German States (Bundesländer)*

## **The Justification for the Establishment of a Chamber of Nursing**

**The safeguarding of the provision of a highly qualified, professional nursing care and the protection of the public against unqualified nursing, would be the main purpose of a Chamber of Nursing.** This has relevance in legal terms both in nursing as well as in service provision. The Chamber of Nursing would define binding professional ethics and act as watchdog over them, thus making possible the necessary participation of the individual nursing-profession groups in the provision of a qualitative and highly valued health and nursing system.

The objectives and functions of a Chamber of Nursing are directed towards the protection and safety of the public. These objectives will be achieved by way of:-

- Professional ethics and regulation and the supervision thereof
- Quality standards and quality control
- Professional review and mediator activities
- Registration; Statistics; Issue of health profession identity cards
- Advising law and regulation makers
- Participation in the law making process
- Supervising examinations
- Issuing of Licenses, Certificates
- Professional and legal consultation

The exact specification of the tasks of a Chamber of Nursing will be decided by the law makers. The Deutsche Pflegerat makes a point explicitly here, that, in relation to the founding of a Chamber of Nursing, it is not, in any way, concerned with the creation of a pension scheme for the nursing profession.

Health and social policies are characterised by self administration based on mandatory services. Up to the present time, the nursing professions are lacking a appropriate structure that would enable them to make their contribution to an effective health and social system. The largest manpower component in healthcare is nursing (the nursing professions represent 1.2 million employees in Germany) which is, until now, marginally involved, especially taking into account the minimal resources that are available to the members of the various professional organisations/associations.

Associations of health care providers, chambers of medicine and health insurance providers are directly or indirectly financed with public funds or health insurance premiums and are thus able to have effect on the system accordingly. It follows automatically, that they are firmly placed as negotiating partners in the basic political and strategic policy making decision process. It follows, therefore, that in this process, the quality of nursing as well as the sufficient (or insufficient) level of nursing is decided, bearing in mind that, in the last instance, the existing self administration entities make the decisions. A similar situation exists in relation to the quality assurance committees at both the state and the federal level.

It is obvious that the emergency situation is greater today than it was in 1989 and, additionally, there are enormous challenges ahead in order to achieve adequate human resource capacity when taking into account the demographic change in the population. The recent discussion about pandemic planning in relation to swine flu illustrated that a critical (and the largest) group among the healthcare professionals could not make their full contribution in overcoming the crisis, as a result of not being registered. This background is a further justification for the necessity of having self administration for nursing professions.

During the last 15 years, there have been **initiatives for a Chamber of Nursing**<sup>1</sup> in a number of federal states. The counter argument, that Chambers are not in keeping with modern times, has been put forward ad absurdum and without any alternative. The establishment of a Chamber of Psychotherapists further proves the point. In the federal states, the interest for the theme "Chamber of Nursing" is steadfast. This is also backed up by a series of enquiries of various factions in the individual state parliaments. In many countries within the E.U. Chambers of Nursing or similar bodies are a matter of fact.

The often recurring argument from those opposing, that the nursing grassroots would not tolerate such Chambers just does not hold water as witnessed by persuasive signature campaigns as well as substantial positive resonance at numerous public events. As a result of the long standing and hard to bear smouldering dispute over competence and responsibility, the nursing "grassroots" is demanding a legally binding corporation that is effective both internally and externally.

In the Krankenpflegegesetz (law of nursing) since 01.01.2004 and in the Altenpflegegesetz (geriatric nursing law) since 01.08.2003 have assigned the nursing profession, under their own responsibility, the task of being training centres. The Government has undertaken, during the current legislature period, to bring a professions-law for the nursing professions before the parliament. From the standpoint of the DPR, this law must regulate, as a priority, reserved tasks for the nursing professions. It is totally insufficient, as in Bremen and in the Saarland, to enact "Berufsordnungen" (profession ordinances) that are not (nor can be) controlled in practice.

All the political parties have a chance, with the establishment of Chambers of Nursing, to make their contribution to a sustainable and quality-oriented care in the nursing profession! The establishment of a Chamber of Nursing is, therefore, the logical and absolutely most important corollary for the safeguard of nursing care provision in Niedersachsen (Lower Saxony) and beyond.

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<sup>1</sup> Saarland 1996 - Motion in the state parliament for the establishment of a Chamber of Nursing; Bayern (Bavaria) 1996 - Draft Law before the state parliament; Sachsen (Saxony) 1997 - a hearing in the state parliament; Berlin 1999 - Draft law in the House of Representatives; in Hessen (Hesse), the "Fachbeirates Pflege" has presented a comprehensive statement of position to the Social Ministry - "For the Establishment of a Chamber for Nursing Professions in Hessen"

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