

# Notifications issued by the Paraná Regional Nursing Council

## Notificações emitidas pelo Conselho Regional de Enfermagem do Paraná

## Notificaciones emitidas por el Consejo Regional de Enfermería de Paraná

Marcus Vinicius da Rocha Santos da Silva<sup>1</sup>, Marilene Loewen Wall<sup>2</sup>, Gisele Basso Zanlorenzi<sup>3</sup>, Tatiane Herreira Trigueiro<sup>4</sup>, Elizabeth Sousa da Cunha<sup>5</sup>,  
Aline Lara de Carvalho<sup>6</sup>, Tatiane Taiz da Paixão<sup>7</sup>

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# REVISA

1. Federal University of Paraná. Regional Nursing Council of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0002-5905-6434>

2. Federal University of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0003-1839-3896>

3. Federal University of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0002-6111-9326>

4. Federal University of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0003-3681-4244>

5. Regional Nursing Council of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0002-5942-1454>

6. Federal University of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0001-5935-635X>

7. Federal University of Paraná. Curitiba, Paraná, Brazil.  
<https://orcid.org/0000-0002-4290-8055>

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### RESUMO

**Objetivo:** Levantar e caracterizar as notificações de irregularidades e ilegalidades emitidas pelo Conselho Regional de Enfermagem do Paraná (COREN-PR) entre os anos de 2018 a 2022. **Método:** Pesquisa documental, com abordagem quantitativa, tendo o COREN-PR como cenário de pesquisa. Foram coletados dados de fonte primária e de domínio público do COREN-PR referentes aos relatórios de fiscalização em que constam os quantitativos de notificações por irregularidades e ilegalidades emitidas entre os anos de 2018 a 2022. Os dados foram analisados mediante análise estatística simples. **Resultados:** Verificou-se prevalência das notificações de inexistência ou inadequação de documentos relacionados ao gerenciamento dos processos de trabalho do serviço de Enfermagem, inexistência de anotação de responsabilidade técnica do serviço de enfermagem, profissionais de Enfermagem que não registram o processo de Enfermagem contemplando as cinco etapas preconizadas, inexistência ou inadequação dos registros relativos à assistência de enfermagem, inexistência ou ausência de enfermeiro onde são desenvolvidas as atividades de enfermagem e exercício irregular da enfermagem. **Conclusão:** Conhecer o perfil das notificações emitidas pelo Conselho de Classe representa um norteador para os profissionais de enfermagem direcionarem a sua atuação, em consonância com a legislação de enfermagem vigente, com vistas a um cuidado de enfermagem seguro, ético e qualificado. **Descritores:** Levantamento; Notificação; Fiscalização; Exercício profissional; Enfermagem.

### ABSTRACT

**Objective:** To survey and characterize the notifications of irregularities and illegalities issued by the Paraná Regional Nursing Council (COREN-PR) between the years 2018 to 2022. **Method:** Documentary research, with a quantitative approach, with COREN-PR as the research scenario. Data were collected from a primary source and from the public domain of COREN-PR regarding inspection reports containing the number of notifications for irregularities and illegalities issued between the years 2018 to 2022. The data were analyzed using simple statistical analysis. **Results:** There was a prevalence of notifications of non-existence or inadequacy of documents related to the management of work processes in the Nursing service, lack of notes on the technical responsibility of the nursing service, Nursing professionals who do not register the Nursing process contemplating the five recommended steps, non-existence or inadequacy of records related to nursing care, non-existence or absence of a nurse where nursing activities are carried out and irregular nursing practice. **Conclusion:** Knowing the profile of notifications issued by the Class Council represents a guide for nursing professionals to direct their actions, in line with current nursing legislation, with a view to safe, ethical and qualified nursing care. **Descriptors:** Survey; Notification; Oversight; Professional exercise; Nursing.

### RESUMEN

**Objetivo:** Relevar y caracterizar las notificaciones de irregularidades e ilegalidades emitidas por el Consejo Regional de Enfermería de Paraná (COREN-PR) entre los años 2018 a 2022. **Método:** Investigación documental, con enfoque cuantitativo, teniendo como escenario de investigación el COREN-PR. Los datos fueron recopilados de fuente primaria y del dominio público de COREN-PR sobre informes de inspección que contienen el número de notificaciones de irregularidades e ilegalidades emitidas entre los años 2018 a 2022. Los datos fueron analizados mediante análisis estadístico simple. **Resultados:** Hubo predominio de notificaciones de inexistencia o insuficiencia de documentos relacionados con la gestión de procesos de trabajo en el servicio de Enfermería, falta de notas de responsabilidad técnica para el servicio de enfermería, Profesionales de enfermería que no registran el proceso de Enfermería contemplando los cinco pasos recomendados, inexistencia o insuficiencia de registros relacionados con los cuidados de enfermería, inexistencia o ausencia de enfermero en el lugar donde se desarrollan las actividades de enfermería y práctica irregular de enfermería. **Conclusión:** Conocer el perfil de las notificaciones emitidas por el Consejo de Clase representa una guía para que los profesionales de enfermería orienten sus acciones, de acuerdo con la legislación de enfermería vigente, con miras a una atención de enfermería segura, ética y calificada. **Descritores:** Encuesta; Notificación; Vigilancia; Ejercicio profesional; Enfermería.

## Introduction

Law No. 7,498/1986, of June 25, 1986, provides for the regulation of nursing practice, and provides other measures. According to article 1 of the aforementioned Law, "the practice of nursing is free throughout the national territory, subject to the provisions of this law".<sup>1</sup>

In addition, Decree No. 94,406/1987, which regulates Law No. 7,498/1986, explains in its article 1 that:

The exercise of the nursing activity, observing the provisions of Law No. 7,498, of June 25, 1986, and respecting the degrees of qualification, is private of Nurse, Nursing Technician, Nursing Assistant and Midwife and will only be allowed to the professional enrolled in the Regional Nursing Council of the respective region.<sup>2</sup>

Law No. 5,905/1973 establishes the COFEN/Regional Nursing Councils System (CORENs), which is constituted by the set of Federal Authorities That Inspectorate the exercise of the Nursing profession, whose purpose is the normativity, discipline and supervision of the professional exercise of Nursing, and the observance of its professional ethical principles.<sup>3-4</sup>

Cofen Resolution No. 617/2019 updates the inspection manual of the COFEN/CORENs System, the framework of irregularities and illegalities and gives other measures, being the normative that establishes the measures to be adopted in the inspection actions. The aforementioned inspection manual highlights the difference between the concepts of illegality and irregularity:

Illegality: character of that which is contrary to the provisions of the law.

Irregularity: Refers to the situations that characterize the disrespect to the normative administrative acts downloaded by the Cofen System/Regional Nursing Councils, during the exercise of the profession and, therefore, suggest the adoption of ethical and/or administrative measures by the Nursing Council itself (COFEN, 2019, p.38).

It is noteworthy that the inspection act obeys a methodical planning of inspection in the institutions, as well as can be motivated by the receipt of complaints. Regarding the inspection, it is the inspection act that takes place on the premises of health institutions, focusing on the performance of nursing professionals.<sup>4</sup>

It should be noted that during the inspections the inspection team reports to the Technical Responsible Nurse (ERT) of the service, which acts as a point of connection between the Nursing Service of the institution where it works and the COREN of the respective jurisdiction.<sup>5</sup>

The nonconformities found in the inspection are classified as illegalities and irregularities of the professional exercise of Nursing, according to the Inspection Manual, updated by COFEN Resolution No. 617/2019.<sup>4</sup>

The following are illegalities related to the professional practice of Nursing: Inexistence or absence of nurses where nursing activities are developed; Illegal Nursing Practice; No annotation of technical responsibility of the Nursing service; No company registration; Nursing professional performing an activity

with impairment as a result of an ethical process that has become final; Coordination/Direction of Nursing course by non-Nurse; Inexistence or insufficient number of nurses in a sporting event in the proportion indicated by Law.<sup>4</sup>

In addition, the following are irregularities related to the professional practice of Nursing: Inexistence or inadequacy of document(s) related to the management of the work processes of the Nursing service; Inexistence or inadequacy of records related to nursing care; No Nursing Ethics Committees; Irregular exercise of Nursing; Nursing professional performing activities that differ from those provided for in the administrative/normative acts downloaded by the Cofen System / Regional Councils; Undersizing of nursing staff; Nursing professional(s) who do not register the nursing process contemplating the five recommended stages.<sup>4</sup>

It should be mentioned that the notification constitutes the procedural administrative procedure through which the professional, natural person, or company(ies), legal entity, is made aware of an order or decision that orders to do or not to do something, pointing out the infraction and its respective legal or ethical basis, establishing a deadline for compliance with the necessary measures.<sup>4</sup>

During the inspection acts, the inspection agents use the inspection term, an instrument used in all inspections, in which the pertinent actions, findings and notifications are recorded. In the case of the notification record, it contemplates the infractions verified during the inspection, notifying the deadlines for regularization of the nonconformities by the professional and/or nursing service of the institution.<sup>4</sup>

As for the item of nonconformity "nursing professional(s) who do not register(s) the Nursing process contemplating the five recommended stages", which is an irregularity, until December 2019 it was a notification item, according to Cofen Resolution No. 374/2011, and after the entry into force of Cofen Resolution No. 617/2019, which revoked Cofen Resolution No. 374/2011, it became the only item, when found, that could be recommended. All other items of nonconformities (illegalities or irregularities) are notifiable.<sup>4,6</sup>

In view of the above, considering the need to promote greater discussion about the inspection activity performed by the COFEN/CORENs System, which seeks to ascertain whether the professional practice of Nursing is in line with the ethical and legal principles that guide it and that aims to contribute positively to the improvement of nursing care provided to society, it is mentioned that the present study aimed to raise and characterize the notifications of irregularities and illegalities issued by COREN-PR between the years 2018 to 2022.

## Method

This is a documentary research, with a quantitative approach, with COREN-PR as a research scenario. Data from primary source and public domain contained in the transparency portal of the aforementioned municipality were used, in this case the inspection reports, available in full on that portal.

About the COREN-PR Transparency Portal, it is a tool that complies with Law No. 12,527/2011, called the Access to Information Law, which allows

citizens transparent and full access to various information about the aforementioned federal agency.<sup>7</sup>

In the COREN-PR Transparency Portal, there is the item "reports", within which the following sub-items are included: declassified documents, classified documents, inspection, financial statements, external control, statement of expenses and revenues, commitments and payments and internal control. It is emphasized that in the sub-item "inspection" are the inspection reports, in annual, quarterly or monthly formats (depending on the year), which contain the number of notifications for irregularities and illegalities related to the professional practice of Nursing.

Regarding the inclusion and exclusion criteria, it is noteworthy that all the inspection reports made available in the COREN-PR Transparency Portal were included for analysis, referring to the period from January of the year 2018 to December of the year 2022. Inspection reports prior to January 2018 were excluded because they were not available on the aforementioned Transparency Portal, and were therefore not public domain information.

Data collection occurred between the months of December 2022 and January 2023. It is noteworthy that the time interval cited in the inclusion criteria was defined by the fact that the availability of the reports in the referred portal date from January 2018, and until the month of January 2023 the last inspection report made available referred to the month of December 2022, therefore, a period of five years.

It should be noted that the inspection reports include topics related to: the identification of the Regional Council, the human resources of the Inspection Department (DEFIS), the infrastructure of DEFIS, the budget availability, the work process of DEFIS and the inspection process.

The information extracted for analysis is contained in the topics "DEFIS' work process" and "inspection process", with the total number of inspections carried out, as well as the number of illegalities and irregularities notified. These data were entered into a Microsoft Excel spreadsheet, where they were duly accounted for. It is explained that the data were analyzed through simple statistical analysis, according to absolute frequencies. For the presentation of the analyzed data, we opted for the use of a table.

Although it is a documentary research, using information from the public domain, which is not registered or evaluated by the CEP/CONEP System - Research Ethics Committees/National Research Ethics Commission,<sup>8</sup> it should be noted that this study is part of the master's thesis entitled "Construction and validation of e-book to guide the performance of technical responsible nurses in the state of Paraná", which is part of a larger project entitled "Careful-educational technologies for the practice of nursing care", with Certificate of Presentation for Ethical Appreciation (CAAE) No. 62704022.7.0000.0102 and approval opinion No. 5,684,992 by the Health Sciences Sector of the Federal University of Paraná (UFPR).

## Results

31 inspection reports were analyzed, being 01 annual for the year 2018, 04 quarterly for the year 2019, 04 quarterly related to the year 2020, 01 quarterly and 09 monthly concerning the year 2021, and 12 monthly related to the year 2022.

After the analysis of the aforementioned inspection reports, it was found that, between the years 2018 to 2022, 6,465 inspections were carried out by COREN-PR, 735 in 2018, 1,238 in 2019, 1,048 in 2020, 1,535 in 2021 and 1,909 in 2022, with the issuance of a total of 12,412 notifications in the aforementioned time interval.

Chart 1 details the number of notifications issued by COREN-PR between the years 2018 and 2022, considering the order of frequency, non-compliance and its type (illegality or irregularity), as well as the number of notifications themselves.

**Chart 1-** Quantity of notifications issued by COREN-PR between the years 2018 to 2022, contemplating the order of frequency of the notified nonconformities. Curitiba, 2023.

Frequency Order	Nonconformities	Type of nonconformity	Number of notifications
1st place	Inexistence or inadequacy of document(s) related to the management of the work processes of the Nursing service	Irregularity	3.476
2nd place	No annotation of technical responsibility of the Nursing service	Illegality	1.828
3rd place	Nursing professional(s) who does not register (m) the Nursing process contemplating the five recommended stages	Irregularity Notification item until December 2019 and recommendation item after the said period.	1.815
4th place	Inexistence or inadequacy of records related to nursing care	Irregularity	1.221
5th place	Inexistence or absence of a nurse where nursing activities are developed	Illegality	1.211
6th place	Irregular nursing practice	Irregularity	1.020
7th place	Undersizing of nursing personnel	Irregularity	881
8th place	Illegal Nursing Practice	Illegality	561
9th place	Nursing professional performing activities that differ from those provided for in the administrative/normative acts downloaded by the Cofen System/Regional Councils	Irregularity	197
10th place	Inexistence of Nursing Ethics Committees	Irregularity	98
11th place	No company registration	Illegality	85
12th place	Inexistence or insufficient number of nurses in a sporting event in the proportion indicated by Law	Illegality	19
<b>Total number of notifications</b>			<b>12.412</b>

## Discussion

According to Law No. 7,498/1986, article 15, the activities performed by nursing technicians and auxiliaries, when performed in public and private health institutions, and in health programs, can only be performed under the guidance and supervision of a nurse.<sup>1</sup> In this logic, the absence or absence of a nurse can generate a series of negative repercussions in the services where the nursing activities are developed.

According to article 11 of the aforementioned law, among the nurses' private nursing activities are the organization and direction of nursing services and their technical and auxiliary activities in the companies providing these services, as well as the planning, organization, coordination, execution and evaluation of nursing care services.<sup>1</sup>

About this, it is mentioned the performance of the ERT, to whom COREN grants the annotation of technical responsibility (ART). It is noteworthy that the ART consists of the administrative act in which COREN grants, from the fulfillment of legal requirements, license to the ERT to act as a link between the Nursing Service of the institution where it works and COREN, in order to facilitate the exercise of the inspection activity, as well as to promote the quality and development of a safe nursing care.<sup>5</sup>

The Cofen Resolution No. 509/2016, in its article 10, item IX, explains that among the attributions of the ERT is included the organization of the Nursing Service through the use of administrative instruments or management documents, such as the internal regulations, the norms and routines, the protocols, the standard operating procedures (SOP) and others.<sup>5</sup>

It is recognized that administrative instruments are documents that structure and standardize an institution and/or service. It is noteworthy that the elaboration of instruments related to the management of nursing work processes is indispensable and is part of the nurse's managerial and private activities.<sup>9</sup>

Therefore, it is possible to infer that the nonconformity of "inexistence or absence of nurse" directly influences the situation of "inexistence or inadequacy of document(s) related to the management of the work processes of the nursing service", considering that in the absence or inexistence of nurses the process of organization of the nursing service is compromised.

Other attributions of the ERT provided for in Cofen Resolution No. 509/2016 include the responsibility for the implementation/implementation of the Systematization of Nursing Care (SAE), as well as ensuring that the registration of nursing actions is carried out in accordance with current legislation.<sup>5</sup>

According to Cofen Resolution No. 358/2009, which provides for the Systematization of Nursing Care (NCS) and the implementation of the Nursing Process (NP), the NP should be carried out in a deliberate and systematic way, in all environments, public or private, in which professional nursing care occurs, consisting of five interrelated, interdependent and recurrent stages, which are nursing data collection, nursing diagnosis, nursing planning, nursing implementation and evaluation.<sup>10</sup>

In this regard, the importance of using the NP is emphasized, since it is a method of organizing nursing work, which enables the proper planning of actions, with positive effects on the care provided to patients.<sup>11</sup>

Ratifying this understanding, a research developed with the objective of identifying the implication of the NP in the professional practice of nurses demonstrated that the application of the NP favors autonomy and strengthens nursing professionals. However, this research pointed out that several times the EP is trivialized, being merely perceived as something bureaucratic and without due relevance.<sup>12</sup>

With regard to nursing records, COFEN, through the Guide of Recommendations for Nursing Records in the patient's medical record, exposes that the records made in the patient's medical record are considered as a legal document of defense of the professionals. In this perspective, to be considered authentic and valid, the actions recorded in the patient's medical record must be legally constituted, that is, have the signature of the author of the record and no erasure, between the lines, amendment, blur or cancellation, characteristics that may generate the legal disregard of the document produced as documentary evidence.<sup>13</sup>

Moreover, it is essential that at the end of the nursing records the correct identification of the professional who provided care to the patient should be included. In this sense, Cofen Resolution No. 545/2017 contains the rules for the annotation and use of the registration number, or authorization, in the Regional Councils, by the members of the various categories included in the Nursing services.<sup>14</sup>

According to article 5 of the aforementioned resolution, the use of the stamp by the nursing professional is mandatory in the following cases: in receipts related to the perception of fees, salaries and salaries arising from the professional exercise; in applications or any petitions addressed to the authorities of the Municipality and to the authorities in general, depending on the exercise of professional activities; and, in every document signed, during professional practice, in compliance with the Code of Ethics of Nursing Professionals.<sup>14</sup>

In this context, it is important to emphasize that the ERT should be able to plan the work, lead the nursing team, evaluate the nursing care provided, as well as periodically perform the training of nursing professionals under their supervision, based on the identified demands.<sup>15</sup>

Regarding the irregularity of "undersizing of nursing personnel", located in the seventh position of most frequent notifications, it is mentioned that, according to the Manual of Supervision of the COFEN/COREN System, it contemplates calculation situations for the dimensioning of nursing personnel that do not exist or in disagreement with the current legislation, as well as the quantity of personnel assigned to nursing below the dimensioning provided for in the current regulations. In this regard, the existence of Cofen Resolution No. 543/2017 is mentioned, which establishes the minimum parameters for dimensioning the number of professionals from the different nursing categories for the services/places where nursing activities are performed.<sup>16</sup> According to Cofen Resolution No. 509/2016, the ERT is responsible, among other attributions, for the dimensioning of nursing personnel, according to the provisions of the current resolution of COFEN informing, ex officio, the legal representative of the company / institution / education and COREN.<sup>5</sup>

The dimensioning of nursing personnel can be conceptualized as a systematic process that provides subsidies for the provision of personnel, with

the purpose of predicting and guaranteeing the sufficient amount of nursing professionals to supply the needs of health care.<sup>17</sup>

It is explained that the adequate dimensioning of the nursing staff in health institutions is paramount for the safety of the client, for the quality of life of the workers, for the care qualification and, consequently, for the optimization of the application of health resources, considering that adequately treated patients will be less exposed to adverse events related to health care.<sup>18</sup>

On this theme, research developed in Primary Care in a municipality of Amazonas revealed that the study of personnel dimensioning represents an important management tool, as it grounds the projection of the adequate number of professionals to favor qualified care.<sup>19</sup>

Other items of nonconformities that deserve to be highlighted are the "irregular exercise of nursing" and the "illegal exercise of nursing", which are included in the sixth and eighth position of most frequent notifications, respectively. In this regard, it is emphasized that it is also the responsibility of the ERT to inform, ex officio, the legal representative of the company/institution/teaching and COREN situations of violation of the Nursing legislation, in these cases situations of irregular and illegal exercise of nursing.

According to the Supervision Manual of the COFEN/COREN System, situations of irregular nursing practice characterize: the habitual exercise of the profession for a period longer than 90 days outside the area of jurisdiction of the main registration without the secondary registration or transfer of registration; the practice of Nursing with expired professional identity card; the lack of registration of postgraduate degrees with the Regional Nursing Council, in line with the requirements of professional practice; and the lack of registration of specialization titles of mid-level nursing professionals, in line with the requirements of professional practice.<sup>4</sup>

Moreover, according to the Inspection Manual above, situations of illegal nursing practice include: the exercise of the profession without registration; the exercise of the profession by a professional with registration cancelled on request; the execution of acts/activities provided for in the law of professional practice that go beyond the legal qualification by a professional with a lower education than that required for the Nursing category; and the execution of private activities of nurses by a person without legal qualification.<sup>4</sup>

It is reinforced that the illegal exercise is considered a crime, because it characterizes non-compliance with article 47 of the Criminal Offenses Law (Law No. 3,688/41), which states that "exercising profession or economic activity or announcing that it exercises, without fulfilling the conditions to which by law its exercise is subordinate" constitutes an act liable to imprisonment or fine.<sup>20</sup>

Another item of nonconformity that draws attention is that of "nursing professionals performing activities that differ from those provided for in the administrative/normative acts downloaded by the COFEN/CORENs System", which is in the ninth position of most frequent notifications.

In this regard, considering that Article 2 of Law No. 5,905/1973 states that COFEN and CORENs constitute disciplinary bodies for the professional practice of nursing, it is understood that all nursing professionals must respect the administrative/normative acts downloaded by the COFEN/CORENs System



with regard to the Resolutions of the Federal Council, Normative Opinions or Decisions of the Regional Councils.<sup>3-4</sup>

Regarding the less frequent notifications, they refer to the non-conforming items of "lack of Nursing Ethics Committees (NCE)", "lack of company registration" and "inexistence or insufficient number of nurses in sports events in the proportion indicated by Law".

With regard to the Nursing Ethics Committees (CEE), their creation and functioning are regulated by Cofen Resolution No. 593/2018, which explains that the EEC represent the Regional Councils in the institutions where there is a Nursing Service, with educational, consultative, and conciliation, guidance and surveillance functions to the ethical and disciplinary exercise of nursing professionals. In addition, article 4 of the aforementioned resolution points out the mandatory creation and operation of the EEC in institutions with at least fifty nursing professionals in their staff.<sup>21</sup>

With regard to company registration (NO), according to Cofen Resolution No. 721/2023, a nursing company contemplates the organization characterized as a legal entity duly constituted in business registration bodies with a description of activities and/or social object "nursing activities", and that provides and/or performs exclusive services in the area of Nursing. According to article 3 of the aforementioned regulations, every nursing company must have the NO with COREN, and the registration is provided to other companies, for administrative autonomy.<sup>22</sup>

Regarding the number of nurses in sporting events, Law No. 10,671, of May 15, 2003, which provides for the Fan Defense Statute, expressed in its article 15, item III, that among the duties of the entity responsible for organizing the competition was included the availability of a doctor and two standard nurses for every ten thousand fans present at the match.<sup>23</sup>

However, this regulation was repealed by Law No. 14,597, of June 14, 2023, which establishes the General Sports Law, which states in its article 149, item IV, that among the duties of the sports organization directly responsible for the realization of the sporting event is included the availability of 1 (one) doctor and 2 (two) nursing professionals, duly registered in the respective professional councils, for every 10,000 (ten thousand) fans present at the event.<sup>24</sup>

## **Conclusion**

It is concluded that the supervision of the professional nursing practice constitutes the final activity of the COFEN/CORENs System, and the notifications issued in the inspection actions, when nonconformities are found, aim to improve the safety and quality of nursing care provided to the population, in compliance with the ethical and legal rules of the profession.

In the meantime, knowledge of the profile of the notifications issued by the Class Council represents a guiding tool for nursing professionals to direct their professional practice, in line with current nursing legislation, with a view to safe, ethical and qualified nursing care.

In addition, it is identified the need that during the training courses in the area of Nursing be given greater emphasis to the process of action of the COFEN/CORENs System, with a view to obtaining greater clarity on the part of

the students about the relevance of the supervision of the professional exercise of Nursing for the strengthening of the profession.

As a limitation, it was possible to observe the scarcity of studies in the literature involving the supervision of the professional practice of nursing. It is expected that this research will stimulate future investigations with emphasis on this theme, since the inspection actions aim to ensure that nursing activities are only performed by responsible and legally qualified professionals.

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**Correspondent Author**

Marcus Vinicius da Rocha Santos da Silva.  
74 Prof. João Argemiro Loyola St. ZIP: 80240-530 -  
Seminar. Curitiba, Paraná, Brazil.  
[marcusvinicius.darocho@yahoo.com.br](mailto:marcusvinicius.darocho@yahoo.com.br)