

Artigo Original

# IMPLICACIONES ÉTICAS Y LEGALES DE LAS SOLICITUDES DE EXENCIÓN POR ENFERMEDAD: EL PAPEL DE LOS ÓRGANOS PROFESIONALES

IMPLICAÇÕES ÉTICAS-LEGAIS DOS PEDIDOS DE ISENÇÃO POR DOENÇA: O PAPEL DOS ÓRGÃOS DE CLASSE

ETHICAL AND LEGAL IMPLICATIONS OF REQUESTS FOR EXEMPTION DUE TO ILLNESS: THE ROLE OF PROFESSIONAL ASSOCIATIONS

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**Resumen: Objetivo:** el estudio analiza las implicaciones éticas y legales de las solicitudes de exención de la cuota anual por enfermedad de los profesionales de enfermería, destacando el papel de los Consejos Regionales (COREN) bajo la supervisión del Consejo Federal (COFEN). La investigación aborda la Resolución COFEN n.º 749/2024, que establece criterios para estas solicitudes, garantizando la transparencia y la equidad en las decisiones. **Metodología:** se trata de un análisis documental y cualitativo, en el que se revisan documentos normativos oficiales de los consejos profesionales y la literatura académica. **Resultados:** el estudio revela que los organismos profesionales garantizan la transparencia y la justicia en las

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solicitudes de exención, evitando la judicialización y promoviendo la confianza en las instituciones reguladoras. Además, el análisis destaca la importancia del apoyo más allá del financiero, como la salud ocupacional y el apoyo psicosocial. **Conclusión:** los consejos son esenciales para apoyar a los profesionales de la enfermería, reforzando la valoración y el bienestar de la categoría, al establecer normas claras que garanticen la equidad en el proceso de exención.

Palabras clave: Enfermería, Práctica profesional, Ética, Salud laboral, Asistencia integral de salud.

**Resumo: Objetivo:** o presente estudo analisa as implicações éticas e legais dos pedidos de isenção de anuidade por doença de profissionais da enfermagem, destacando o papel dos Conselhos Regionais (CORENs) sob supervisão do Conselho Federal (COFEN). A pesquisa aborda a Resolução COFEN nº 749/2024, que estabelece critérios para essas solicitações, garantindo transparência e decisões justas e equitativas. **Método:** trata-se de uma análise documental e qualitativa, revisando documentos normativos oficiais dos conselhos de classe e literatura acadêmica. **Resultados:** o estudo revela que os órgãos de classe asseguram a transparência e a justiça nos pedidos de isenção, evitando judicialização e promovendo confiança nas instituições reguladoras. Além disso, a análise destaca a importância de suporte além do financeiro, como saúde ocupacional e apoio psicosocial. **Conclusão:** os conselhos são essenciais para apoiar os profissionais da enfermagem, reforçando a valorização e o bem-estar da categoria, ao estabelecer normativas claras que garantam equidade no processo de isenção.

Palavras-chave: Enfermagem, Prática profissional, Ética em enfermagem, Saúde ocupacional, Assistência integral à saúde.

**Abstract: Objective:** the study analyzes the ethical and legal implications of requests for exemption from annual fees due to illness by nursing professionals, highlighting the role of Regional Councils (CORENs) under the supervision of the Federal Council (COFEN). The research addresses COFEN Resolution No. 749/2024, which establishes criteria for these requests, ensuring transparency and fair and equitable decisions. **Methodology:** this is a documentary and qualitative analysis, reviewing official regulatory documents from professional councils and academic literature. **Results:** the study reveals that professional bodies ensure transparency and fairness in exemption requests, avoiding judicialization and promoting trust in regulatory institutions. In addition, the analysis highlights the importance of support beyond financial support, such as occupational health and psychosocial support. **Conclusion:** professional associations are essential to support nursing professionals, reinforcing the value and well-being of the profession by establishing clear regulations that ensure equity in the exemption process.

Keywords: Nursing, Professional practice, Ethics, Occupational health, Comprehensive health care.

## INTRODUCTION

Nursing, as an essential profession within the structure of the health system, faces a growing impact on the occupational health of its professionals, resulting from continuous exposure to factors such as work overload, intense physical demands, and psychological strain. These conditions highlight the urgency of institutional interventions that promote better working conditions and preserve the health of these professionals.<sup>1</sup>

In this context, the Federal Council of Nursing (COFEN) issued, on May 3, 2024, Resolution No. 749/2024, which establishes objective criteria for exempting professionals affected by health conditions from paying the annual fee. This resolution aims to mitigate both the health impacts and the financial vulnerabilities faced by these nurses, and it requires that the request be formally submitted to the Regional Nursing Council (COREN), accompanied by a medical report containing the ICD, stamp, and signature, under penalty of ethical proceedings in cases of false information.<sup>2</sup>

From an ethical and legal standpoint, this mechanism implies proactive action by the professional councils. COFEN and the regional councils play a regulatory and protective role, ensuring that rights are guaranteed legitimately and responsibly, as established in the Code of Ethics for Nursing Professionals (COFEN Resolution 564/2017), which outlines fundamental principles such as autonomy, dignity, and safety in the exercise of the profession, in addition to granting professionals the right to appeal to the councils when working conditions become unfeasible or harmful.<sup>3</sup>

Furthermore, the increasing judicialization of professional practice shows that strict compliance with ethical and legal standards is not only a normative requirement but also a strategy for legal and institutional protection. Recent studies demonstrate that nursing professionals are subject to civil, criminal, and ethical responsibilities in cases of negligence, recklessness, or malpractice, reinforcing the need for practice guided by professional regulations and clear legal protocols.<sup>4</sup>

In this scenario, it becomes essential to understand the ethical-legal implications involved in requests for exemption due to illness and the institutional role of professional councils. By regulating these requests, the councils act as guardians of both individual and collective professional integrity, promoting a balance between protecting the nurse and ensuring ethical, legal, and financial safety for both the professional and society.

## METHOD

This is a documentary, retrospective study with a qualitative and descriptive approach.<sup>5</sup> The research used official documents made available by the Federal Council of Nursing (COFEN) and the Regional Councils (COREN), such as resolutions, technical notes, opinions, and the Code of Ethics for Nursing Professionals. In addition, articles from the SciELO database were used to provide theoretical support.

Considering that the research is based on public domain documents such as resolutions, technical notes, and opinions, there was no need for a Free and Informed Consent Form (TCLE) or submission to the Research Ethics Committee (CEP), in accordance with Article 1, sole paragraph, item III, of CNS Resolution No. 510/2016.

## RESULTS

The analysis of requests for exemption from annual fees due to illness within the Nursing Councils revealed that this practice goes beyond a bureaucratic dimension, assuming ethical, legal, and social relevance. It was found that the exemption constitutes a mechanism of professional protection that seeks to balance the sustainability of professional councils with equity in the treatment of workers facing health limitations.

From an ethical perspective, the centrality of confidentiality and the dignity of the nurse stood out, highlighting the need for absolute secrecy regarding sensitive information, under penalty of embarrassment and discrimination. From a legal standpoint, it was observed that although the annual fee is legally established as a means of maintaining regulatory and supervisory activities, flexibilization mechanisms such as exemption demonstrate the adaptive capacity of the COFEN/COREN system when faced with the vulnerabilities of professionals.

COFEN Resolution No. 749/2024 reinforces this adaptive character by establishing normative criteria that ensure legitimacy, reduce arbitrariness, and minimize the risk of judicialization.<sup>2</sup> It was also found that humanized reception during the analysis of requests is essential, since practices grounded in empathy and justice strengthen the bond between the professional category and institutions.

The results also indicated that financial exemption, although relevant, is not sufficient to address the complexity of illness, which involves prolonged leave, loss of income, and difficulties in professional reintegration. In this regard, the study identified the role of the “Enfermagem Solidária” program, created in 2020 by COFEN, which offers psychosocial support through the digital platform COFENPLAY+, reinforcing the institutional commitment to mental health and the well-being of the profession.<sup>6</sup>

## DISCUSSION

The results obtained allow us to understand that exemption requests due to illness represent an interface between ethics, law, and professional policy, and that the manner in which they are handled can either strengthen or weaken the institutional legitimacy of the Nursing Councils. From an ethical perspective, confidentiality emerges as a fundamental principle not only because of its legal character, but because it constitutes a central element in maintaining trust between professionals and their regulatory bodies.

In the legal sphere, the mandatory annual fee is shown to be compatible with the supervisory and regulatory mission of the councils, but the existence of clear criteria for exemption reflects a sensitive response to the vulnerabilities of the profession, reinforcing the legitimacy of decisions and preventing unnecessary judicialization.<sup>2</sup> Furthermore, humanized reception in the analysis of requests helps reduce perceptions of institutional distancing, reaffirming the commitment to professional recognition and support.

However, the challenge of expanding the forms of support offered remains, since financial exemption alone does not encompass all the consequences of illness on nursing practice. The inclusion of initiatives such as the *Enfermagem Solidária* program points to innovative pathways by addressing psychosocial dimensions of worker support, but it also highlights the need for broader reach and strengthening of these actions. Thus, it is argued that the analysis of exemption requests should be articulated with more comprehensive policies for the protection and appreciation of nurses experiencing illness, consolidating the role of the Nursing Councils as institutions that, in addition to regulating and supervising, also promote care and social justice.

## CONCLUSION

Therefore, the analysis of the ethical and legal implications of requests for exemption from the annual fee due to illness highlights the complexity and importance of the role played by the Nursing Councils, especially in protecting the dignity of professionals in the field. Regulation of the process based on clear guidelines and resolutions, such as COFEN Resolution No. 749/2024, ensures the legitimacy of the decisions made by the councils, reaffirming their commitment to justice and equity while preventing arbitrariness and judicialization in the health sector.

With regard to ethics, reflecting on confidentiality and the humanized reception of professionals requesting exemption from the annual fee is essential to preserving trust and strengthening the bond with professional institutions. Moreover, although fee exemption

represents a relevant measure to alleviate the financial burden of ill professionals, it is essential that the councils maintain a commitment not only to this exemption but also to a broader support approach. This includes implementing complementary health actions, such as the “Enfermagem Solidária” program, which, by offering qualified listening, recognizes the importance of psychosocial care in the comprehensive health support of workers.

Finally, it is understood that the Nursing Councils have a fundamental role in the process of annual fee exemption requests, ensuring a balance between professional regulation and care for the caregivers themselves. By receiving professionals experiencing illness with responsibility and ethical commitment, the councils strengthen their institutional legitimacy and reaffirm their commitment to valuing the nursing profession.

PREVIEW VERSION

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