Evaluation on the possibility of intervention by the physical education professional in a practice of health prevention, in secondary and tertiary levels, from legal, moral and epistemological viewpoints

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ABSTRACT: With the regulation of Physical Education, it became opportune to discuss intervention, training and professional exercise in legal, moral and epistemological terms. Possibility of intervention by Physical Education professionals, in health prevention at secondary and tertiary levels, taking into account the legal, moral and epistemological limits, comprises the objective this study. The theoretical foundation was based on the ideas of authors such as BERESFORD (1999), MONDIN (1981) and HELMER (1967). The typology of the method was a descriptive study of document analysis and, as a methodological strategy, the methodological principles of RICHARDSON (1985) and the Delphi method, proposed by HELMER (1967). It is concluded that, regarding, considering the legal viewpoint, the results were controversial. In moral terms, it was concluded that the main issue relates to the beneficiaries’ needs and not only to those of the professional and the profession. Regarding legitimacy of the legal and Moral aspects, the evidence indicates that it is controversial and that, at least, complementary studies should be carried out to determine definitively whether or not such intervention is legitimate. In Epistemological terms, the example of Structural Alterations of the Vertebral Column proved to be necessary, at least for future investigations. Such research would enable, the affirmation of this further possibility of professional action.

Keywords: Regulation, Intervention, Prevention, Professional Exercise, Legal, Moral and Epistemological Limits.

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INTRODUCTION

In a contemporary view, it can consider that the Physical Education is being studying the Human being in one corporeal culture context of multiple possibilities, on the physic activities practice in a systemized and direction way, to an education, sport, static and health, and many more.

Medina (1983, p. 63) reinforces this affirmation as he says “the concerning with the body would be fundamental to the full possibilities in gathering thoughts, feelings and human’s movements”.

Among many other tendencies, the Physical Education is also inserted on a Human Motricity Science context. As examples of this insertion are a few Graduation and Post-graduation programs in Brazil, as, for instance, the ones from Campinas University, the Rio Claro’s University and the Castelo Branco’s University – RJ.

These Universities have their Mastering courses in Human Motricity as being one designated institution of Physical Education, and their specific entails with the Health area together with the CAPES (Coordination of Improvement on Superior Level People).

On the specific case of Mastering from Castelo Branco University – RJ, in order to insert the producing professor and students on the Physical Education context, as a Human Motricity comprehension, the Human Motricity Science is understood as being a known area that, in an interdisciplinary way, trans disciplinary and through the knowledge mechanisms of the pre-comprehension, of the phenomenology comprehension and the moral values, and the phenomenal explanation, study the multiple intentional possibilities of motor conduct from the Human being, in your life, on the complexity in one cultural context of circumstances, facticity and corporeity, in one ontology perspective, affronting, a living creature, and anthropologically conceived, through its complex needs or necessity of physic/biologic nature, emotional/psychology, moral/social-historical, overpass/cosmic and human, or as a human person.

On this Human Motricity context, in which the Physical Education is inserted on the activities towards to the different levels of prevention, it shows as in eminence. It is really eminence on the conception on aiming the Physical Education study, establishing as a basic reference that also delimits the production of knowledge on body of professor and students from the Stricto Sensu’s program in Human Motricity Science at University of Castelo Branco – PROCIMH/UCB-RJ.

On the following words, describes as being representative on aiming the Physical Education’s study, it will be emphasize the connotation referred to the health prevention.

The Ministry of Education, through the Foundation Coordination of Improvement from the Superior Level People – CAPES and the Ministry of Science and Technology, through the Brazilian’s Development Scientific and Technologic Council, fits the Physical Education as a knowledge area, into the great area of Health. Also at the World Manifesto of the Physical Education (FIEP, 2000), is emphasized this same connotation on the prevention of health:
The Physical Education, in order to practice its functions of Education for the health and it could act preconception on the reduction of illnesses related with the obesity, cardiac diseases, the hypertension, a few forms of cancer and depressions, it contributes to the quality of life of its beneficiary ones, it should develop some habits in a regular practice of physic activities on people (art. 7th).

Manoel Tubino, world president of FIEP, textually speaking says: “The Manifesto Worldwide of Physical Education – FIEP 2000, is one synthesis document of all that was discussed on the second half of the XX century and offered by the FIEP ones from all continents in general” (P. 5).

With this recognition of the Physical Education profession in Brazil, there were created the Federal Councils and District of Physical Education, as a purpose to normalize and observe the performance of all professional ones, together with the Brazilian society. For that reason, it became really necessary one large discussion about the social intervention, mainly to the habit of health preventive, on the secondary levels (curative) and thirdly (rehabilitation), as that the primary level does not have any disagreement.

Another point of reference which is a matter of problematic thing is the document prepared by the Federal Council and District of Physical Education; send to the Labor Ministry, in order to reference the new Brazilian’s classification of occupation. Such document has the base on the Resolution from March 6th, 1997, from the National Health Council, which obligates the Federal Council of Physical Education to be concerned with the performance of the professional in Physical Education, as the responsible by the prevention (in a primary level), and as an integrated of a multi-disciplinary crew on the secondary and thirdly actions.

However, all this institutional effort in normalizing pursues one serious risk of not being effective, if it is not taken any decision that could create alternative mechanisms, in order to operate and practice them. It should be taken to consider that the technique’s aspects, scientific and morally to be established to one performance on the professional from the Physical Education, observing that the limits of such performance with many other professional ones, that also performs on this different ways of prevention on health.

The complexity on such intervention is clear, which it could be represented by the limits and interfaces that need to be observed and establishes an agreement, as the performance among the other professionals on the health area, represented by Picture 1.

The largeness of such complexity needs to be discussed, because, according with the sub-area nature of the investigation (orthopedic, neurologist, pediatric, geriatric, pulmonary doctor, etc), there will have a necessity on establishing one ontology and epistemological structure of scientific knowledge, a private area of each one, as with the interdisciplinarity points or common among these things. All of this clearly, as one “background” of a suitable social behavior from the professional ones, under the point of view moral and ethical, in terms of individual and collective or public.

It fits yet on this topic, a complementary explanation about the levels of health prevention, in order to allow a better comprehension. It is shown bellow one alternative of a beginning description of all we said before.

**Primary Level of Health Prevention** – Applied in phases beforehand at the beginning biologically of the disease, which it is conducted to a maintenance health. It treats on occurrence of the pathological phase prevention.

**Secondary Level of Health Prevention** – It is guided to the pathologic period, while the disease stills on progressing, they are aiming on preventing the evolution.

**Thirdly Level of Health Prevention** – It is directed to the final phase of the process, aiming in developing one residual capacity, whose potential was reduced by the disease. The center idea consists in diminishing the invalidated and promote the settlement of the patient to the incurable conditions, which it is understood on an enlargement rehabilitation way.

The prevention levels of health; can be unfolded into five sublevels: Health’s Promoted way; Specific Protection; Precocious Treatment and Diagnostic; Limitations of the Damage and Rehabilitation.

**Health’s Promoted way** – Sanitary education, food and nutrition, a suitable treatment, employment and a worthy salary and also basic necessaries for each individual.

**Specific Protection** – Vaccination, birth control exams, fluorideting the water, elimination of the carcinogen agents exposed etc.

**Precocious Treatment and Diagnostic** – Periodic exams of Health, pursuing, auto exams, medical precocious interventions and etc.

**Limitations of the Damages** – Facilitated access to the health’s services, medical treatment and hospitalizing in order to our needs.

**Rehabilitation** – Rehabilitation services with its own multi professional crew ones, a better working condition for handicapped ones, educate the population to accept handicapped people to work and etc.

Like that, it ends up these initial considerations, making evident that the essence of the problem of this study is the necessity on being conceived to a possibility of an intervention or performance from professionals of Physical Education, on the ambit and the prevention of health, on the secondary and thirdly levels, considering all the legal limits, morally and epistemologically.

**AIMS AND PURPOSES OF THE STUDY**

The aims to be reached on the study were: in one general view, investigating the possibility of performance from professionals of Physical Education on the levels of health prevention, secondary and thirdly ones, through a legal focus, moral and epistemological way. Specifically, this study has worked in order to:
1 – Identifying legal principles that could justify it in a juridical way to the possibility on interfering of the professional of Physical Education, from the levels of health prevention, secondary and thirdly ones, under a point of a legal view;

2 – Identifying one ethic principle, which it could justify the possibility to analyze the intervention from the professional of Physical Education, on the prevention health levels, secondary and thirdly ones, under the moral point of view;

3 – Analyze the rightful of the intervention from a professional of Physical Education, from the prevention health levels, secondary and thirdly ones, under the focus of the legal and moral ways;

4 – To show, as a title of exemplification, a possibility on intervention from a professional of Physical Education, in one preventive practice of health, on the secondary and thirdly levels, through one epistemological construction, established around the vertebral column structures.

**METHODOLOGY**

There was chosen one theory of nature and philosophical study, a descriptive type to analyze the documental context, for the first three specific objects.

The methodological strategy used on the operational from the three first specific objectives was a few methodological principles, defined by Richardson (1985).

This way, the laws gathered were those which assisted on the possibility of perform under legal terms. This study used the documents which showed straight joining with the topic and with the investigation, which it doesn’t stay restrict just to a documental part, related with the Physical Education, but for sure, it is with related practice areas, as with a Physiotherapy and Medicine.

In related with the moral part, the consulted books that have contributed to explain many doubts and to elucidate many important things, are the ones as follows: The Ethic and Social Moral through the Sports, (BERESFORD, 1994) and The Customs Basis of the Metaphysics (KANT, 1989).

In related to the fourth specific objective, there was used the Delphi’s Method. The Method was used to reach one agreement of an opinion regarding the professional’s capability on physical activities, in order to use on the secondary and thirdly levels from prevention of health, on the structure changes of the vertebral column, as a mere exemplification of the profession intervention.

**DISCUSSION AND PRESENTATION OF THE RESULTS**

With regards to the first specific objective “identify legal principles that could justify legally and the possibility of an intervention from a profession of Physical Education, from the secondary and thirdly health preventive levels, under a legal point of view”, it is evident that the same was reached partially. It is affirmed in order of the foreseen conditions for such have been shown as a suitable one; however it is insufficient for them to be shown with one more possibility of performance from a professional of Physical Education.

There was used, as an operationally condition, one main analyze from the documents that established the legal part, not only regarding to the professional of Physical Education, but also regarding to many other relative areas (Medicine and Physiotherapy). Such documents were: A Brazilian Letter of Physical Education, a World Manifesto of Physical Education (FIEP – 2000), Resolution 046/02 from the Federal Council of Physical Education, The concepts from the CONFEF Number 0002/00, Consult to the Federal Council of Physiotherapy and Occupational Therapy and the Resolution CFM 1.627 (Doctor’s act).

With regards to the achievement of the second specific objective “identify one ethic principle that could justify the analyze and the possibility of an intervention from a professional of Physical Education, from the secondary and Thirdly health prevention levels, under the moral point of view”, it has evidenced that the professional’s performance of Physical Education should be related with the needs of the beneficiary ones, reaching as a beneficiary to the society represented by one individual or groups of individuals that are apprentices from any physical activity, that, as they receive an intervention from a professional of Physical Education, they will have to be altered for these ones beneficiaries of such intervention, and not just a simple user of that thing.

The focus, in a moral relation, it should not be related just with the professional needs and from the profession. The categorical imperative from Kant translates well his ideas, which he says: “Take some action just according to the maximum that could at the same time you are wishing to that becomes a universal law from the rational nature”. This maximum was explained by Beresford, as he said that: “In this matter we have the ethic’s principles of the duty as one law or an explicit imperative, rational, objective and as one universal ethic principle that could serve of reference or as a criteria to be valuated a determined fact or social behavior.
as being moral or immoral . . . "; and yet it could be showed by many other formulations, as being one of them is at an extreme relevance for this study, because, through them, it could be assured or to have a safety of being treated the matter of an inquiry, in one human perspective, or in a simple way to say: "act in such a way that treats the humanity, as on your own person as on a person of others, always and simultaneously as an end and never as a way". (My bold)

With regarding to the achievement of the third specific objective, or as we speak, "analyzing the rightful of the intervention from the professional of Physical Education, on the secondary and thirdly health prevention levels, under the legal and moral focus", after an analyzing of the possibilities of intervention from a professional of Physical Education, on the levels and the practice discussed on this study, there was observed a disagreement on opinions, in despite of such apology, at the beginning, it doesn't come to take out the rightful from a such intervention.

With related to the achievement of the fourth specific objective, or as we speak, "showing, as a title of exemplification, a possibility of performance from a professional of Physical Education, in a health preventive practice, from the secondary and thirdly levels, through one epistemological construction, established around the vertebral column structure modifications". The vertebral column structure modifications shows enough as an example, from them it could be established a possibility on intervention from a professional of Physical Education, in a health preventive practice, from the secondary and thirdly levels, through one epistemological construction, established in an agreement, negotiated around the vertebral column structure modifications, by a group of specialists with a graduation of Physical Education, Physiotherapy and Medicine.

It is assert that the exemplification mentioned above is established in one stage, on the attempt to amplify the approach of such professional performance. Like that, there was obtained an epistemological focus development, enhancing the essential criteria that one professional has to have to work on a preventive level. To achieve this objective, there was used, as an operational condition, one variation of Delphi's Method.

CONCLUSION

In related to the first objective, the results were controversy. The CONEF's documents shows one legal fundamental for such performance, as it is the case of the Resolution 046/02, which it is the document that determines all the possibilities of an intervention from a professional of Physical Education, and, as it is, the most important document that shows one roll higher with the topic of this study, and the Concept 0002/00, where such performance is totally forbidden. What could explain such controversy is the chronological list of the documents and/or yet the hierarchy list mentioned above.

The Brazilian letter of Physical Education and the World Manifesto of Physical Education (FIEP – 2000) they do a reference to the health’s promotion and even to the possibilities of performing in a preventive way, as it is the Art. 7 cases, in spite of very important documents do not establish structures, as with the limits of professional intervention.

The consultation at the COFFITO, represented by its vice-president, doesn't care on such performance, letting it really clear that the therapeutic performance does not make part of a performance from a professional of Physical Education. He justify such proceeding mentioning the New Management Curricular to the Physical Education course, however at the comments from the Commission of Specialists, that conceived the New Management, on the referring topic of the professionals performance field, there is an affirmation that "it doesn't fit to a document of this nature to establish and delimitate, punctually, the professional performance field . . .".

The Resolution from the Medicine Federal Council number 1.627, that deals with the medical Act, does not give to the professional of Physical Education, as to no one other professional of the health field, the possibility to perform in an area that involves therapeutic and diagnostic, bringing to the Doctor the exclusively performance. However the legitimated of such resolution is being discussed by the organs classiest and by the Federal Senate house, whereas, according to the juristic justifying, this such document cannot, at the beginning, serving to justify or not the intervention of a professional.

Taking we consider the documents analyzed, the results proves many possibilities of interventions, however the most important document, the Resolution 046/02, that determines the possibilities of intervention from a professional of Physical Education, allowing this intervention, although it isn't clear as, when and until the limits of a professional of Physical Education can perform preventively on the levels mentioned, that is if, for sure, the Resolution says what it wants to say, it will depend of the definition of the terms used on the Resolution.

With related to the second specific objective, "identify one ethic principle, that could justify the analyze of the possibility on intervention from a professional of Physical Education, on the secondary and thirdly health prevention levels, under a moral point of view", it is concluded that the beneficiary one is one end and never one way, related with the moral and ethic should be gathered with the beneficiary one and not only with the professionals and /or in a multi professional relation. The important thing is to modify the user in to a beneficiary, into one moral and ethic relation, always having this beneficiary as a final objective.

It is because the human being, to be modified in one human being, in an imperative or categorical way, he will have to be joined to the person's value.

The value is one structure quality that, as it is joined to the creatures in general and to the Man, in a particular way, it is given him one feeling or meaning that the Creature becomes to be commanded by the wellness. Thus, when the creature Man, it is joined the value of a person, he becomes to be considered as a beneficiary of one determined action, and as a judge of values of such action.

334 Fit Perf J, Rio de Janeiro, 2, 6, 334, Nov/Dec 2003
demands, on the human relations, that he is positive or right, or yet precisely, obligate us to enter on the moral and ethic field.

Related to the third specific objective, “analyze the rightful of the intervention from a professional of Physical Education, on the secondary and thirdly health prevention levels, under a legal and moral focus”, which must occur, are complementary studies that could happen a deep discussion. On the attempt to supply more data for future discussions, exemplifying such intervention, through the vertebral column modifications, as that the same is related to the fourth specific objective.

“Showing, as a title of exemplification, a possibility of performance from a professional of Physical Education, in one health preventive practice, on the secondary and thirdly levels, through one epistemological construction, established around the vertebral column structure modifications”, that was the fourth specific structure. The criteria obtained by an agreement of the specialists that, on the group’s opinion, a professional must have, independently of his graduation, to interfere on the levels and practice discussed recently, which were: Ethic and Deontology, Anatomic Knowledge (Osteo-mio-articular), Biomechanical, Nervous System, Cinesiotherapy, Physiopathology, Valuation (Postured and Deformities), Cineanthropometry, Goniometry, Special Tests, AVDS, AVPS, Fundamentals of Imagenology, Clinic Exams, Integration Psychosomatic and Knowledge of the Physiotherapeutic resources.

The study shows the need of a reflection about the intervention from a professional of Physical Education, on the secondary and thirdly health prevention levels, so that the professionals could get interfere in a legal and moral way and epistemological, contributing like that for a better on the population’s health from all the levels, modifying the simple user in one beneficiary of the intervention from a professional of Physical Education.

What seems fundamental is the necessity of complementary studies, to prove if such criteria of professionals of Physical Education should have and receive, into a graduation level and / or in a post-graduation.

REFERENCES

BERESFORD, Heron. Os Valores os Juízos de Valor e o pensamento brasileiro sobre avaliação. Rio de Janeiro, UGE, 1997
CONSELHO FEDERAL DE EDUCAÇÃO FÍSICA. Parecer 0002/00. 2000
Carta Brasileira de Educação Física. 2000.
Intervenção do Profissional de Educação Física. 2002
FÉDÉRATION INTERNATIONALE D’EDUCATION PHYSIQUE. Manifesto Mundial de Educação Física FIEP 2000. Foz de Iguacu, FIEP.
FERRATER, Moura José. Dicionário de Filosofia. Madri, Alianza, 1988, 4 v.