



灾害护理视角下基于危机生命周期理论的我国突发事件 法律法规文本内容分析

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【摘要】目的 基于危机生命周期理论,从护理视角分析我国突发事件法律法规文本,探讨突发事件法律法规弱项,为我国灾害护理实践范畴的界定提供证据。**方法** 选取全国人民代表大会及其常务委员会和国务院颁布的突发事件法律法规为研究文本,以灾害护理核心能力和危机生命周期理论构建分析框架,运用NVivo 12软件和内容分析法对纳入的16部法律法规进行内容探究。**结果** 获得地震相关法律法规6部,传染病3部,火灾2部,食物中毒2部,突发事件2部,洪涝1部。提取食物中毒相关编码24个,传染病编码23个,突发事件编码22个,地震编码22个,火灾编码21个,洪涝编码16个。在应急准备关键环节,早期预防参考点数量最多,协作应对参考点数量最少。在应急准备关键流程,善后处置参考点数量最多,社会服务、持续运营参考点数量最少。**结论** 突发事件法律法规依据一定的历史经验而制定,协作应对、社会服务、持续运营是其薄弱流程、环节。在灾害护理实践过程中,应该基于学科内涵,从积极的方面来有效弥补突发事件法律法规本身的弱项。

【关键词】 灾害护理 生命周期理论 突发事件 法律法规 内容分析

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【Abstract】Objective To analyze Chinese national laws and regulations on emergencies from the perspective of nursing and on the basis of the crisis life cycle theory, to discuss the weaknesses in laws and regulations concerning emergencies, and to provide evidence for the definition of the scope of disaster nursing practice in China. **Methods** We selected emergency laws and regulations promulgated by the National People's Congress and its Standing Committee and the State Council as the subject matter of the study, constructing the analysis framework on the basis of the core competence of disaster nursing and crisis life cycle theory. Then, the 16 laws and regulations included in the study were analyzed with NVivo 12 software by the content analysis method. **Results** A total of 6 laws and regulations concerning earthquakes, 3 concerning infectious diseases, 2 concerning fire, 2 concerning food poisoning, 2 concerning emergencies, and 1 concerning flood were selected. A total of 24 food poisoning-related codes, 23 infectious disease codes, 22 emergency event codes, 22 earthquake codes, 21 fire codes, and 16 flood codes were obtained. In the key links of emergency preparedness, early prevention had the highest number of reference points, whereas collaborative response had the lowest number of reference points. In the key processes of emergency preparedness, aftermath management had the highest number of reference points, whereas social services and continuous operation had the lowest numbers of reference points. **Conclusion** Laws and regulations concerning emergencies are generally formulated on the basis of certain historical experience, with collaborative response, social services, and continuous operation being the weak links and processes. In the process of disaster nursing practice, we should effectively make up for the weaknesses in laws and regulations concerning emergencies by utilizing the positive aspects and the essence of the discipline.

【Key words】 Disaster nursing Life cycle theory Emergency Laws and regulations Content analysis

突发事件是一类造成严重社会危害的公共安全事件,包括自然灾害、事故灾难、公共卫生事件和社会安全事件,具有危害性、紧迫性和不确定性等特点^[1]。据全球

突发事件数据库(Emergency Events Database, EM-DAT)统计,1990-2021年,亚洲地区自然灾害发生频率、经济损失、人员伤亡、受影响范围均居世界首位^[2]。我国2001-2020年间仅洪涝灾害造成的年均受灾人口超过1亿人次,直接经济损失达1 678.6亿元^[3]。地震、洪涝、火灾、

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传染病和食物中毒是我国的重要突发事件,中国处于突发事件热点区域。

在人类健康需求多样化和卫生保健体制变革的背景下,护理服务对象不再限于个体,还包括学校、企业等组织机构。护理学科纵深发展,灾害护理逐渐形成了独特的专科知识和技能^[4]。组织机构是灾害护理服务的重要对象,灾害护士是突发事件应急救援队伍的重要组成部分,是突发事件应急活动的改进者、践行者。依法治国是社会治理最基本的原则之一,在开展灾害护理实践活动进程中,各阶段均需有法可依、有章可循,保证有序、高效地进行灾害护理实践活动。但是目前尚未检索到从护理视角,采用危机生命周期理论对突发事件法律法规内容进行分析的相关文献。

本研究从护理视角,基于危机生命周期理论探究地震、洪涝、火灾、食物中毒、传染病相关突发事件法律法规文本内容并分析其特点,聚焦突发事件法律法规弱项,为我国灾害护理实践范畴的界定提供证据。

1 资料与方法

1.1 筛选法律法规文本

1.1.1 制定纳入排除标准

纳入标准:语种为中文;颁布机构为全国人民代表大会、全国人民代表大会常务委员会和国务院;文件类型为法律和行政法规,如法、条例等;若相同法律法规名称存在多个版本,纳入最新版本;法律法规名称、内容与突发事件应急管理相关,或者与地震、暴雨/洪涝、火灾、食物中毒、重大传染病应急准备相关。具体包括但不限于以下主题:预防、保护和反应能力,培训和演练,资源储备,应急处置,应急队伍,现场抢救和医疗,事后恢复,应急资金。

排除标准:已经废止的法律和行政法规;国务院组成部门颁布的行政法规,省、自治区和直辖市政府制定的地方性法规;决议、批复、意见、通知、规定等国务院规范性文件、部门规章和团体规定。

1.1.2 检索法律法规文本

法律法规文本来源网站为中央人民政府国务院政策文件库和“北大法宝”检索平台的中国法律库,发布时间截止2023年6月31日。以突发事件和法律为检索词,检索过程中,使用的突发事件近义词包括公共卫生事件、社会安全事件、灾害、灾难、地震、震灾、地动、防火、火灾、大火、林火、传染病、传染性疾病、流感、非典、SARS、新型冠状病毒感染、新冠肺炎、2019-nCoV、COVID-2019、食品、食品卫生、食物中毒、暴雨、洪涝、洪水、水灾、防洪、防汛;检索过程中,采用的法律近义词包括法、办法、

法规、条例。

1.2 分析法律法规文本

1.2.1 确定文本分析框架

危机生命周期理论:根据危机变化过程,危机生命周期理论将危机分成前、中、后三个阶段。随着危机生命周期理论发展,2003年,Yates提出PPRR模型,将危机应对与管理分为四个环节,即预防(Prevention)、准备(Preparation)、反应(Response)、恢复(Recovery)^[5]。预防包括任何防止紧急情况、减少发生紧急情况的机会或减少不可避免的紧急情况的破坏性影响的活动;准备包括挽救生命和帮助救援和救援行动的计划或准备;反应包括为挽救生命而采取的行动,并防止在紧急情况下财产损失加重;恢复即为恢复正常或更安全而采取的行动。

灾害护理内涵:2019年国际护士理事会发布的《灾害护理核心能力2.0版》,明确了所有注册护士均须具备I级灾害护理能力,其中灾害护理的核心能力包括灾害管理、法律和伦理^[6]。世界范围内持续发生的自然灾害、事故灾害、突发公共卫生事件和社会安全事件的救灾经验证实,灾害护士需要利用现有的、有限的资源做好突发事件准备、反应和恢复,同时每个护理组织应在其国家的法律、文化和道德框架内解释、执行灾害护理核心能力框架^[6]。因此,本研究以“灾害护理工作评估护理对象(组织机构)及其所处环境,发现问题并发展解决问题的方法,以合理解释和说明灾害护理相关现象”为出发点,分析我国突发事件法律法规文本内容。

分析框架内容:从灾害护理视角,以危机生命周期理论为基础,经过专家会议论证、专家咨询完善形成文本分析框架。从突发事件关键环节(早期预防、监测预警、应急处置、协作应对、恢复发展)和关键流程(环境防控、组织体系、应急预案、培训学习、物资经费、风险监测、风险预警、沟通联络、先期处置、医学救护、外部援助、社会服务、持续运营、善后处置、文化建设)探究法律法规文本内容。

1.2.2 选择文本分析工具

本研究运用NVivo 12软件,参照文本分析框架对纳入法律法规文本进行内容探究和分析。

2 结果

2.1 纳入法律法规文本基本信息

纳入1988-2010年间国务院和全国人民代表大会常务委员会颁布的16部法律法规,其中地震相关法律法规6部、传染病3部、火灾2部、食物中毒2部、突发事件2部、洪涝1部(表1)。

表 1 中国突发事件法律法规文本基本信息
Table 1 Basic information of national laws and regulations on emergencies in China

No.	Emergency	Year	Publisher	Name	Document number
1	Fire	1988	B	Forest Fire Regulations	Order No. 541 of the State Council of the People's Republic of China
2	Infectious diseases	1989	B	People's Republic of China Infectious Disease Control Act	Order No. 5 of the President of the People's Republic of China
3	Infectious diseases	1991	B	Measures for the Implementation of the Law of the People's Republic of China on the Prevention and Control of Infectious Diseases	Order No. 17 of the Ministry of Health of the People's Republic of China
4	Fire	1993	B	Grassland Fire Prevention Regulations	State Council Order No. 542
5	Earthquake	1995	B	Destructive Earthquake Emergency Regulations	State Council Order No. 172
6	Flood	1997	A	Flood Control Law of the People's Republic of China	Order No. 48 of the President of the People's Republic of China
7	Earthquake	1998	B	Regulations on the Administration of Earthquake Prediction	Order No. 255 of the State Council of the People's Republic of China
8	Earthquake	2001	B	Regulations on the Administration of Earthquake Safety Evaluation	State Council Order No. 709
9	Infectious diseases	2003	B	Emergency Regulations for Public Health Emergencies	Order No. 588 of the State Council of the People's Republic of China
10	Earthquake	2004	B	Regulations on the Administration of Earthquake Monitoring	Order No. 409 of the State Council of the People's Republic of China
11	Emergency	2007	A	Emergency Response Act of the People's Republic of China	Order No. 69 of the President of the People's Republic of China
12	Earthquake	2008	B	Post-Wenchuan Earthquake Restoration and Reconstruction Regulations	Order No. 526 of the State Council of the People's Republic of China
13	Earthquake	2008	A	Law of the People's Republic of China on Earthquake Prevention and Disaster Mitigation	Order No. 94 of the President of the People's Republic of China
14	Food poisoning	2009	A	Food Safety Law of the People's Republic of China	Order No. 22 of the President of the People's Republic of China
15	Food poisoning	2009	B	Regulations for the Implementation of the Food Safety Law of the People's Republic of China	Order No. 721 of the State Council of the People's Republic of China
16	Natural Disaster	2010	B	Natural Disaster Relief Regulations	Order No. 577 of the State Council of the People's Republic of China

A stands for State Council, B stands for the Standing Committee of the National People's Congress.

2.2 法律法规文本内容分析结果

2.2.1 法律法规文本中, 单一事件及突发事件应急准备关键环节参考点数量

在事件层面, 参考点数量排序如下: 地震>食物中毒>突发事件>传染病>火灾>洪涝; 在应急准备关键环节, 参考点数量排序如下: 早期预防>恢复发展>应急处置>监测预警>协作应对(图1)。

2.2.2 法律法规文本中, 单一事件及突发事件应急准备关键流程参考点数量

在应急准备关键流程, 参考点数量排序如下: 善后处置>应急预案>物资经费>先期处置>风险监测>组织体系、培训学习、沟通联络>环境防控>风险预警>文化建设>外部援助>医学救护>社会服务、持续运营(图2)。

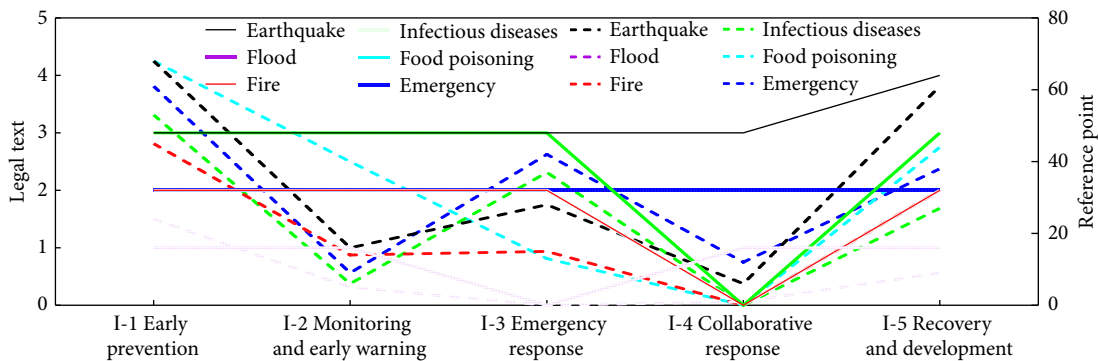


图 1 我国突发事件法律法规文本文件及参考点数量分布 (关键环节)

Fig 1 Distribution of the numbers of national laws and regulations for emergencies in China and their reference points (key links)

The dashed line represents the number of reference points in critical links of emergency preparedness. The solid line represents the number of laws and regulations.

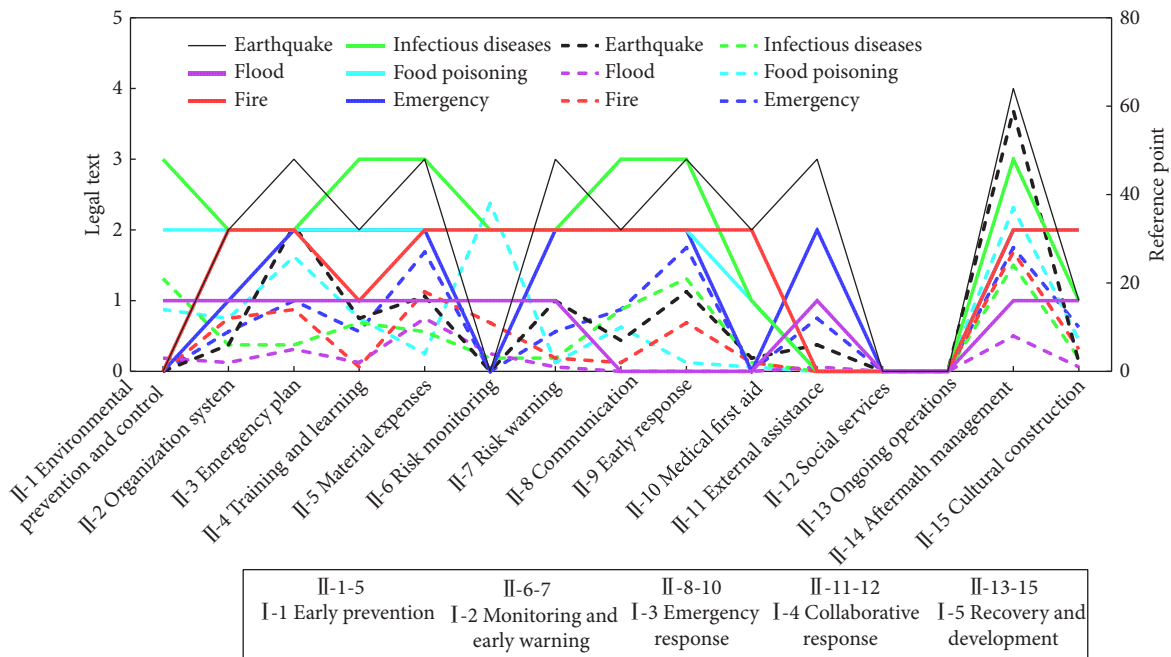


图 2 我国突发事件法律法规文本文件及参考点数量分布 (关键流程)

Fig 2 Distribution of the numbers of national laws and regulations for emergencies in China and their reference points (key processes)

The dashed line represents the number of key process reference points for emergency preparedness. The solid line represents the number of laws and regulations.

2.2.3 法律法规文本中，单一事件及突发事件应急准备编码汇总

法律法规文本中，提取食物中毒相关编码24个，传染病23个，地震22个，突发事件22个，火灾21个，洪涝16个。环境防控环节，地震、火灾和突发事件相关编码均为0个；在风险监测环节，地震和突发事件相关编码均为0个；医学救护环节，洪涝和突发事件相关编码均为0个；在持续运营和社会服务环节，所有事件相关编码为0个；外部援助环节，火灾、传染病和食物中毒相关编码均为0个(表2)。

3 讨论

本研究纳入16部突发事件法律法规，从护理视角，基于危机生命周期理论探究文本内容和分析其特点，聚焦突发事件法律法规弱项，为我国灾害护理实践范畴的界定提供证据。

在应急准备关键环节层面，协作应对是我国突发事件法律法规文本的弱项。重大突发事件发生后，政府主要负责救灾资源和队伍的统筹协调，组织机构大多配合、服从政府安排。突发事件的紧迫性和动态性要求不同组织之间根据突发事件的性质、强度和发生地点采取联合应对措施^[7]，即不同的组织、机构被组织起来，专注于特定的突发事件应对。有效的协作应对需要组织之间协调人员、活动和资源，为共同的应急目标合作，组织间协作是突发事件应对的重要内容^[8]。没有一个单独的行动者

或组织能够独自应对复杂风险^[9]，协作对于管理复杂风险事件必不可少，尤其是组织机构这一类人群密集场所。若组织机构缺少与外界的良好协作，仅仅依靠单个组织力量或被动等待政府救援，容易导致更严重的人员伤亡，引起突发事件升级。因此，灾害护士有责任协助组织机构在减灾救灾中做好外部协作，明确在突发事件应急准备过程中，什么时候需要与外部协作，与哪些部门单位协作，如何与外部协作等一系列关键方面。

在应急准备关键流程层面，持续运营是我国突发事件法律法规文本的弱项。在纳入的法律法规文本中，持续运营内容大多为一些原则性条款或倡导性说明。可能原因为本次纳入分析的法律法规均为国家高阶法律法规，从突发事件应急准备角度，人民生命财产安全的保障相对更重要。任何发生在组织中的自然的、意外的风险事件都可能对组织造成破坏，影响业务运营和性能^[10]。组织在日常运营中面临多种突发事件风险，理想的情况下，组织能够在短时间内成功控制突发事件的波及范围，甚至避免突发事件的发生，减少突发事件对组织业务活动的干扰。帮助组织对业务持续性中断响应的方法被称为业务持续性管理(business continuity plan, BCP)，保障组织在突发事件中尽快恢复运营，甚至在业务中断时，能够继续提供基本的服务项目。业务持续性管理要求组织确定其运营关键性薄弱环节、优先级、关键资源和功能，并制定管理、维护计划^[11]。一旦发生危机，组织的关键产

表 2 中国突发事件法律法规文本内容分析结果
Table 2 Content analysis results of national laws and regulations for emergencies in China

Key link	Key process	Earthquake	Flood	Fire	Infectious disease	Food poisoning	Emergencies
1.Early prevention	1.Environmental prevention and control	—	Smooth drainage	—	Cleaning, disinfection, and preventive treatment	Process layout, cleaning and disinfection, and food preservation	—
	2.Organization system	Emergency team	Division of responsibilities	Division of responsibilities	Division of responsibilities and emergency team	Emergency team and emergency system	Emergency team and emergency system
	3.Emergency plan	Plan update, plan drill, and plan formulation	Plan formulation	Plan drill and plan formulation	Plan drill and plan formulation	Plan update, plan drill, and plan formulation	Plan update, plan drill, and plan formulation
	4.Training and learning	Training content	Training content	Training content	Training content	Training content	Training content and effect evaluation
	5.Material expenses	Physical supply and special funds	Funding guarantee and physical supply	Physical supply and funding guarantee	Funding guarantee and physical supply	Funding guarantee and physical supplies	Funding guarantee and physical supply
2.Monitoring and early warning	6.Risk monitoring	—	High incidence season, weather forecast, and risk area	Fire protection area, fire patrol, and fire weather	Monitoring method and monitoring system	Food material procurement, food sample retention, and occupational health	—
	7.Risk warning	Official forecast	Early warning system	Fire forecasting, fire, and electricity	Event classification and early warning system	High-risk food	Alert level
3.Emergency response	8.Communication	Disaster notification, disaster report, and command personnel	—	Disaster report	Public opinion control, disaster report, and command personnel	Disaster notification, disaster report, and command personnel	Public opinion control and disaster report
	9.Early response	Evacuation transfer	—	Fire fighting and evacuation and transfer	Reduce aggregation, checking, and isolation	On-the-site storage	Evacuation transfer and on-the-site blockade
	10.Medical first aid	Transfer to hospital	—	Medical aid	Nursing rescue and emergency treatment	Assisting investigation	—
4.Collaborative response	11.External assistance	Social organizations	Social organizations	—	—	—	Social organizations, medical institutions, and government departments
	12.Social services	—	—	—	—	—	—
5.Recovery and development	13.Ongoing operations	—	—	—	—	—	—
	14.Aftermath management	Personal safety, secondary disasters, psychological care, physical rehabilitation, rewards and punishments, and restarting operations	Personal safety and punishment and rewards, secondary disasters and recovery of operations	Restarting operations and rewards and punishments, loss assessment, sanitation, and epidemic prevention	Rewards and punishments	Rewards and punishments and food destruction	Secondary disasters, rewards and punishments, and psychological care
	15.Cultural construction	Anti-seismic concept and experience summary	Flood control concept	Fire prevention concept and fire protection promotion	Cultural promotion	Monitoring and evaluation and food safety concept	Experience summary and cultural promotion

品和服务以及相关的关键活动和资源(如人员、物资、场所、技术等)^[10]能够持续或被干扰程度很小。灾害护士往往在资源有限的情况下开展护理活动,担任第一响应者、护理提供者和服务协调员、信息和教育提供者以及顾问。然而,只有当护士具备快速有效协助组织机构应对灾害的基本技能和专科知识时,灾害情况下的卫生系统和卫生保健服务才能取得成功。

在应急准备关键流程层面,社会服务是我国突发事件法律法规文本的弱项。在纳入的法律法规文本中,与

社会服务相关内容较少,可能因为本研究纳入的均为法律和行政法规,法律效力高。国家级突发事件法律是我国突发事件应对的基本要求 and 最低保障,每一类组织机构的人力、物力、财力水平参差不齐,社会服务尚未成为突发事件应对的强制性要求。对于组织机构而言,在突发事件应对过程中,第一要务是做好组织内部的防灾减灾救灾工作,保障职员的生命健康权益,可能只有少数综合实力雄厚的组织能够在突发事件期间为其他组织等提供援助和服务。然而,突发事件特别是重特大突发事

件造成的损害具有区域性和普遍性,威胁、影响众多组织机构。在这种情况下,没有任何个人、单个组织能够独善其身,所以寻求跨区域、跨部门的应急避难服务项目非常必要^[12]。目前我国正处于防灾减灾救灾工作社会化进程中,灾害护士协助、鼓励所在区域的组织机构制定避难服务项目清单并进行分享、宣传,培育组织机构的灾害人道主义精神。

“当今世界正经历百年未有之大变局”,这既是世界态势,也是中国态势。大变局是危机之局,我国可能面临多重高风险类别的叠加。对于处于大变局中的中国灾害护士而言,应当迎难而上,变危为机,把握在全球灾害护理发展的主动权,为迎接未来可能出现的风险提供相匹配的制度设计,发挥制度优势在应对未来风险挑战与冲击中的护理效能。因此,进一步完善我国灾害护理体系,基于危机生命周期理论,关注组织突发事件应对,弥补突发事件法律法规弱项,是健全全程、全链条灾害护理过程的重要保障。

* * *

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(2023-04-30收稿, 2023-07-14修回)

编辑 余琳



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