



The Nova Scotia College of Nursing (NSCN) is the regulatory body for licensed practical nurses (LPNs), registered nurses (RNs) and nurse practitioners (NPs) in Nova Scotia. Our mandate is to protect the public by promoting the provision of safe, competent, ethical and compassionate nursing services by its registrants. The term nurse in this document refers to LPNs, NPs, and RNs unless otherwise stated.

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As self-regulated professionals, nurses are responsible and accountable to practise safely, competently, compassionately and ethically. As part of meeting their Standards of Practice and Code of Ethics, nurses have a legal and ethical duty to report incompetent, unethical, conduct unbecoming or impaired practice of any health care provider.

This document is a resource for nurses in all practice settings to assist their understanding of:

- Their legal and ethical obligation to report incompetent, unethical, conduct unbecoming or impaired practice of a nurse or any other regulated health professional
- The duty of the employer
- How and when to take action
- Reporting to other agencies

Like all regulatory documents, use this document in conjunction with the Standards of Practice and Code of Ethics for LPNs, NPs and RNs.

Legal Duty

According to the Nursing Act (2019), nurses in Nova Scotia have a [legal duty to report](#) in writing to NSCN or the appropriate [regulatory body](#) if they have reasonable grounds to believe that another health care provider:

- has engaged in [professional misconduct](#), [incompetence](#) or [conduct unbecoming the profession](#);
- is incapacitated; or
- is practicing in a manner that otherwise constitutes a danger to the public.

In situations where the care provider in question is not regulated by a governing body, the nurse is expected to report to the provider's employer.

Ethical Duty

Nurses have the [ethical duty](#) according to their respective Codes of Ethics to take action to ensure a client's safety and report to appropriate authorities, when unethical or incompetent care is suspected. Nurses must be attentive to signs that another health care provider is unable to perform their duties regardless of the reason.

The legal and ethical duty to report arises from the nurses' accountabilities to provide competent and ethical care to clients. Reporting to a regulatory body or an employer in good faith that a situation may be unsafe or unethical is not defamation or whistleblowing, but participation in a legitimate regulatory process. Nurses who fail to report these situations may be in violation of their Standards of Practice and Code of Ethics.

Employer Duty

[Employers have a duty to report](#) to NSCN, in writing, when a nurse is terminated or resigns from their employment because of allegations of professional misconduct, conduct unbecoming the profession, incompetence or [incapacity](#). Employers should also report situations when a nurse voluntarily resigns from their position before successfully completing a professional practice remediation plan.

Duty to Report to other Agencies

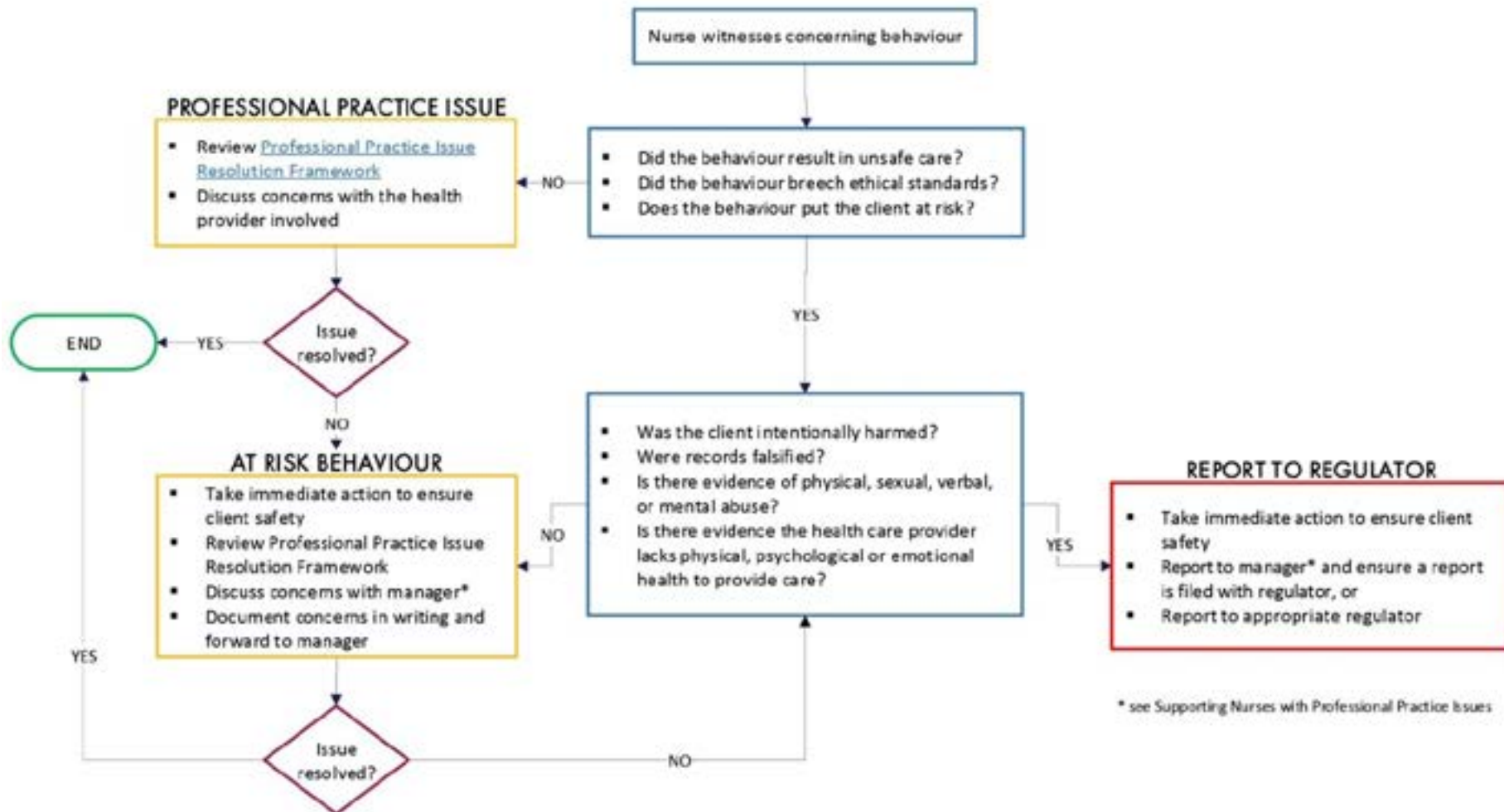
There is a legal obligation to report specific situations to an external authority such as law enforcement, or to another agency, as required by provincial or federal legislation (e.g., reporting child abuse in accordance with the Children and Family Services Act or reporting an adult in need of protection in accordance with the Adult Protection Act). Nurses are accountable to know when and to whom to report these situations as appropriate. For more information on duty to report related to provincial or federal legislation see the following resources:

- [LPN Jurisprudence Reference Guide](#)
- [NP Jurisprudence Study Guide](#)
- [RN Jurisprudence Study Guide](#)

Taking Action - Decision Tree

Regardless of the legal and ethical requirements, these situations can be distressing. When faced with a situation, your primary concern is always the needs and safety of the client.

The following tool is designed to assist you in determining what action you should take when you encounter situations which may require you to report.



If at any time while using this tool you required assistance you should further explore the situation with a trusted colleague or your manager or a NSCN Practice Consultant at practice@nscn.ca

If you are concerned that client safety may be at risk if there is a delay in reporting you should consult a NSCN Professional Conduct Consultant at conduct@nscn.ca

For information on what is required to make a formal complaint to NSCN see the following link or contact a Professional Conduct Consultant at conduct@nscn.ca

Key Points to Remember

- Your immediate action is to ensure client safety
- The duty to report applies to situations of professional misconduct, incompetence or conduct unbecoming of the profession, incapacity or practise which is a danger to the public and is a legal and ethical obligation of all nurses
- Depending on the situation, you may be able to address the issue yourself or with your manager at an organizational level. If the issue cannot be resolved at this level, you are required to escalate it up the organizational chain. If it remains unresolved you have a duty to report to the appropriate regulatory body
- You may have additional legal obligations to report based on other provincial or federal legislation

Suggested Reading

- [Resolving Professional Practice Issues](#)
- [Supporting Nurses with Professional Practice Issues Guidelines for Employers](#)

For further information on anything contained within this practice guideline, please contact a NSCN Practice Consultant at practice@nscn.ca.