



**Nurses Association**  
OF NEW BRUNSWICK

PRACTICE GUIDELINE

# Duty to Report



## Mandate

*Regulation for safe, competent, and ethical nursing care.*

Under the *Nurses Act*, NANB is legally responsible to protect the public by regulating members of the nursing profession in New Brunswick. Regulation makes this profession, and nurses as individuals, accountable to the public for the delivery of safe, competent and ethical nursing care.

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## Practice Guideline: Duty to Report

As part of meeting their [Standards of Practice](#) and [Code of Ethics](#) nurses<sup>1</sup> have a legal and ethical duty to report certain circumstances. It is important for nurses to understand when, what, and how to report. This guideline provides information and direction on a nurses' duty to report obligations related to:

- incompetence, professional misconduct, conduct unbecoming the profession and/or incapacity of a nurse or any other health care provider;
- sexual abuse; and
- specific situations that must be reported to an external authority (for example, reporting suspected cases of child abuse or a believed case of adult/elder neglect or abuse).

It is important to note that reporting done in good faith, not maliciously, is part of a legitimate regulatory and legal process and the person making the report is not subject to liability. Equally important to note is that failure to report is a violation of your *Standards of Practice* and *Code of Ethics* and is considered professional misconduct.

### **Reporting Incompetence, Professional Misconduct, Conduct Unbecoming the Profession and/or Incapacity**

Nurses are often the first to identify changes or problems in a colleague's practice. These situations can be distressing. A nurse should ask:

- Did the behaviour result in unsafe care?
- Did the behaviour breach ethical standards?
- Does the behaviour put the client at risk?

If the answer to these questions is "no" but the nurse still has concerns about the practice or behaviour, it could be appropriate to discuss the situation with the health care provider involved and/or report the situation to the employer. However, if the answer to these questions is "yes" the nurse should:

- take immediate action to ensure client safety;
- document a factual description including date, time, and description of what occurred;
- report to the employer; and
- ensure that a report is filed with the Nurses Association of New Brunswick (NANB) or the appropriate regulator.

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<sup>1</sup> "Nurse" refers to all NANB members, including: graduate nurses, nurse practitioners, and registered nurses.



For more guidance on responding to and reporting incompetent, non-compassionate, unsafe, or unethical care:

- consult the *Code of Ethics*
- explore the situation with your employer, and/or
- contact NANB at [practiceconsultation@nanb.nb.ca](mailto:practiceconsultation@nanb.nb.ca)

The duty to report applies to a nurse's own practice as well as to the practice of his or her colleagues. According to Part I, section G(5) of the *Code of Ethics for Registered Nurses*, if nurses "are aware that they do not have the necessary physical, mental, or emotional capacity to practise safely and competently, they withdraw from the provision of care after consulting with their employer. If they are self-employed, they arrange for someone else to attend to their clients' health-care needs. Nurses then take the necessary steps to regain their fitness to practise, in consultation with appropriate professional resources." In addition, Standard 1.5 of the *Standards of Practice for Registered Nurses* requires that nurses accept accountability and take action to ensure their fitness to practice.

Employers also have an obligation to report to NANB any nurse whose employment is terminated for reasons of incompetence or incapacity.

### **Reporting Sexual Abuse**

According to the [Nurses Act](#), nurses are required to report situations when there are reasonable grounds to believe that another health professional has sexually abused a client. Sexual abuse is defined as sexual intercourse or other forms of physical sexual relations between a nurse and a client; touching, of a sexual nature, of a client by a nurse; or behaviour or remarks of a sexual nature by a nurse towards a client (*Nurses Act*, section 28.1(2)). For the purposes of this definition, "sexual nature" does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided. Nurses who have reason to believe that another health professional has sexually abused a patient or client must report that person to the applicable governing body within 21 days. It is professional misconduct on the part of the nurse who fails to report the sexual abuse of a client or patient.

### **Reporting to External Authority**

Nurses also have a legal obligation, as required by provincial/federal legislation, to report specific situations to an external authority. Nurses are responsible to know when and to whom to report these situations and must understand and follow their applicable employer policies on the reporting process.

Examples of reporting to an external authority include:

- Under the [Family Services Act](#), professionals such as nurses are required to report suspected cases of child abuse/neglect to the Department of Social Development, even if



such a suspicion arises from a professional context which is otherwise confidential. The *Family Services Act* protects people (including nurses) from liability for reporting such information to the Department in good faith. In fact, failing to report a situation of suspected child abuse/neglect to the Department is an offence under the *Family Services Act* that can lead to prosecution and/or a complaint to NANB.

- The [Public Health Act](#) and the [Reporting and Diseases Regulation](#) under that Act requires reporting specific infections, diseases, and exposures to the medical officer of health or a person designated by the Minister.
- The [Coroners Act](#) states that death under certain circumstances must be reported to a coroner.
- The [Motor Vehicle Act](#) requires nurse practitioners, who believe that a person may not be able to safely operate a motor vehicle due to physical or mental impairment, disease or condition, to report such person to the Registrar of Motor Vehicles.

If you have additional questions about the duty to report, please contact NANB to speak with a Nurse Consultant at 1.800.442.4417 or by email at [practiceconsultation@nanb.nb.ca](mailto:practiceconsultation@nanb.nb.ca)

## Reference

Canadian Nurses Association. (2017). Code of Ethics for Registered Nurses. <https://www.cna-aiic.ca/en/nursing/regulated-nursing-in-canada/nursing-ethics>

Nurses Association of New Brunswick. (2002). *Nurses Act*. <https://www.nanb.nb.ca/wp-content/uploads/2022/08/NANB-NursesAct-2008-Bilang.pdf>

*Adapted from the Nova Scotia College of Nursing Practice Guideline: Duty to Report*





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