Introduction

The College of Registered Nurses of Nova Scotia (CRNNS) works with registered nurses (RNs)\(^1\) and the public to regulate the profession of nursing and to promote excellence in nursing practice. As self-regulating professionals, RNs in Nova Scotia are accountable and responsible to ensure clients are provided safe, competent, compassionate and ethical nursing care.

Registered Nurses have a legal and ethical obligation to report incompetent, unethical or impaired practice of an RN or any regulated health professional to CRNNS or the appropriate regulatory body (Registered Nurses Act, 2006; Standards of Practice for Registered Nurses, 2017; Code of Ethics for Registered Nurses, 2017).

This document is intended to help RNs understand their legal and ethical responsibilities and to offer guidance should RNs encounter these challenging situations.

Legal Duty

In Nova Scotia, the Registered Nurses Act (2006) is part of the legislative framework that establishes the legal responsibilities for RNs. According to the RN Act, if an RN has reasonable grounds to believe another RN or regulated health professional has:

- engaged in professional misconduct, incompetence or conduct unbecoming the profession;
- is incapacitated\(^2\); or
- is practicing in a manner that otherwise constitutes a danger to the public;

the RN is required to report this to CRNNS or the health professional’s own regulatory body.

Registered Nurses who fail to report these situations could be guilty of an offense under the RN Act, and may be subject to discipline by their employer and CRNNS.

Ethical Duty

The RN has the ethical responsibility, as outlined in the Code of Ethics for Registered Nurses (2017), to “question, intervene, report, and address unsafe, non-compassionate, unethical or incompetent practice or conditions that interfere with their ability to provide safe, compassionate, competent and ethical care” (p. 8). Nurses must be attentive to indications that a colleague is unable to provide such care regardless of the reason. In this situation, the nurse is obligated to take the steps necessary to ensure client safety. Reporting a situation that may protect client safety is an RN’s professional obligation (CRNNS, 2017).

Regardless of the legal and ethical requirements, these situations can be distressing. Nurses may feel conflicted as they want to do the right thing to protect clients but do not want to lay blame on a colleague. Considering the following points may be helpful:

- Remember that an RN’s primary concern must always be for the needs and safety of the client
- When raising the issue, focus on safe client care, not laying blame
- Indicate how the situation prevents you from meeting your professional standards of practice
- Adhere to principles of fairness, respect, dignity and honesty

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\(^1\) The term registered nurse (RN) applies to both registered nurses and nurse practitioners throughout this document.

\(^2\) Incapacitated: the status whereby a respondent, suffered from a medical, physical, mental or emotional condition, disorder or addiction that rendered the respondent unable to practise with reasonable skill or judgment or that may have endangered the health or safety of clients (RN Act, 2006).
What is the Behaviour of Concern?

It is not always easy to determine when a behaviour you have witnessed constitutes a professional practice concern in which you need to intervene. Examples of behaviours/situations that may be of concern are listed below in Table 1.

<table>
<thead>
<tr>
<th>Examples of situation or behaviours that could negatively impact client safety or quality of care include, but are not limited to:</th>
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<tbody>
<tr>
<td>• Under the influence of drugs/alcohol in the workplace</td>
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<td>• Confidentiality breaches</td>
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<td>• Falsifying information</td>
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<td>• A pattern of unsafe behaviour/practices related to medication administration, assessment, intervention, monitoring and documentation</td>
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<td>• Inappropriate social media activity, particularly social media activity involving clients and/or the provision of nursing care</td>
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<td>• Verbal, physical, mental or sexual abuse of clients</td>
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<td>• Boundary violations</td>
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<td>• Providing care outside of the scope of nursing practice</td>
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<td>• Evidence that physical, psychological and/or emotional health of the health professional is negatively affecting their ability to provide safe, competent, compassionate and ethical care</td>
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<td>• A pattern of poor judgment and/or demonstrated lack of knowledge</td>
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The following are some questions to consider when determining if you need to take action:

• Have you witnessed the health professional practicing in a manner that is not safe, ethical, competent or compassionate; or that is inconsistent with the Standards of Practice, the Code of Ethics, or organizational policies?
• Are clients being placed at risk by the actions of the professional?
• Is the professional unwilling or unable to change their behaviour?

If you have answered ‘yes’ to any of the above questions, take appropriate action immediately and consider if you have a duty to report. If you would like to discuss the behaviour in question, you may contact a Professional Conduct Consultant at CRNNS to discuss the situation with them. Your manager or supervisor may be a good resource for you at this point as well.

What is the Prudent Course of Action?

The timing of your action depends on whether the client is in immediate or potential risk of harm. If the situation shows immediate risk, you may need to intervene immediately to ensure client safety and then report your concern to your supervisor and/or CRNNS (or other regulatory body).

If there is a potential risk of harm CRNNS has a problem-solving, decision-making framework that has been designed to support RNs as they work to resolve professional practice issues.

CRNNS has consultants available to discuss concerns you may have regarding the practice of another RN or health professional. If required, they can answer questions regarding the formal complaint process as well.

There are different courses of action you can take to address your concerns but it is important to remember to be professional, objective, factual and specific. Your options are to:

• discuss your concerns directly with the health professional,
• report to your manager, and/or
• contact the regulatory body directly.

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3 A professional practice issue is any concern or situation that either compromises client care by placing a client at risk or affects an RN’s ability to provide care consistent with the Standards of Practice, Code of Ethics and/or, organizational policies.
You may feel it is most appropriate to discuss your concerns directly with the health professional. These conversations are not always easy, but as self-regulated professionals, you have a duty and accountability to engage in them.

If you are unable to have this conversation with your colleague, or if you have and the behaviour continues, you should speak with your manager or supervisor about your concerns. It is recommended you document your concerns and a summary of the conversation in writing and request a response in a reasonable time frame in your own personal records and not in the client record. Due to the health professional’s right to privacy, your manager may not be able to discuss the details of their actions to resolve the issue with you.

If after contacting your manager you still have reasonable grounds to believe the behaviour is unchanged, you must take your concerns to CRNNS (Code of Ethics, 2017). Ideally, it would be best to inform your manager of the decision to involve CRNNS. If at any point during the above process you believe there is an imminent risk to client safety, you must take steps to protect the client and contact your supervisor and/or CRNNS immediately.

### Reporting the Concern to Your Employer

Each organization should have a formal process in place for reporting behaviours of concern. To assist you in reporting your concerns to your employer, you should consider the following:

- Report the situation to the appropriate manager/director using the established chain of authority in the workplace, while maintaining confidentiality.
- When reporting to your manager, document your concerns in writing, including dates, times, and a description of the behaviour that was witnessed in your own personal records, not in the client record. Indicate how the behaviour violates specific standards of practice, the code of ethics, or organizational policies.
- If the concern is brought to you by a client or family member, inform them that you are required to bring the concern forward to the appropriate individual or regulatory body. To ensure that the manager can investigate your concerns while maintaining client confidentiality, use client initials and room numbers instead of names, for client specific issues. It is very important that the client can be identified for the purpose of investigation.

Detailed documentation of the professional practice concern should not be included in the client record (only client care and client condition are documented in the record e.g., care provided, assessment and outcomes).

### Making a Complaint to CRNNS

When you are making a complaint to CRNNS or if you are unsure if you should make a complaint, a Professional Conduct Consultant is available to answer any questions you may have and to help you determine the appropriate course of action. This may include making a formal complaint in writing. For more information, please refer to the CRNNS website.

### Making a Report to Another Professional Regulator

If the situation of concern involves a member of another discipline, you should contact the appropriate regulatory body for that profession, (e.g., the College of Physician and Surgeons of Nova Scotia or the Nova Scotia College of Pharmacists). The appropriate contact information can be found on the respective regulator’s website.

There may also be a legal obligation to report to an external authority such as law enforcement, or to another agency (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), as required by provincial or federal legislation.

### If an RN is Terminated or Leaves their Employer

Every employer or agency that employs an RN, must notify CRNNS if an RN has been terminated or if the RN has resigned because of allegations of professional misconduct, conduct unbecoming the profession, incompetence or incapacity (RN Act, 2006).
Conclusion

As self-regulated professionals, RNs have a duty to intervene and report to CRNNS the practice of a colleague that is unsafe, incompetent, non-compassionate or unethical. This accountability also applies to employers when they are aware of such nursing practice or unprofessional behaviour. This practice guideline outlines the steps that RNs and employers should follow when such care is identified.

References


