



*The Nova Scotia College of Nursing (NSCN) is the regulatory body for licensed practical nurses (LPNs), registered nurses (RNs), registered psychiatric nurses (RPNs) 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, RNs, RPNs and NPs, 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 health professional.
- The employer's duty to report.
- The duty to report to other agencies.

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

## Legal Duty

According to the *Nursing Act*, 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](#), including [sexual misconduct](#), [incompetence](#) or [conduct unbecoming the profession](#);
- is incapacitated; or
- is practicing in a manner that otherwise constitutes a danger to the public.
- Nurses who fail to report these situations may be in violation of their Standards of Practice and Code of Ethics.

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 legislated regulatory process.

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

## Ethical Duty

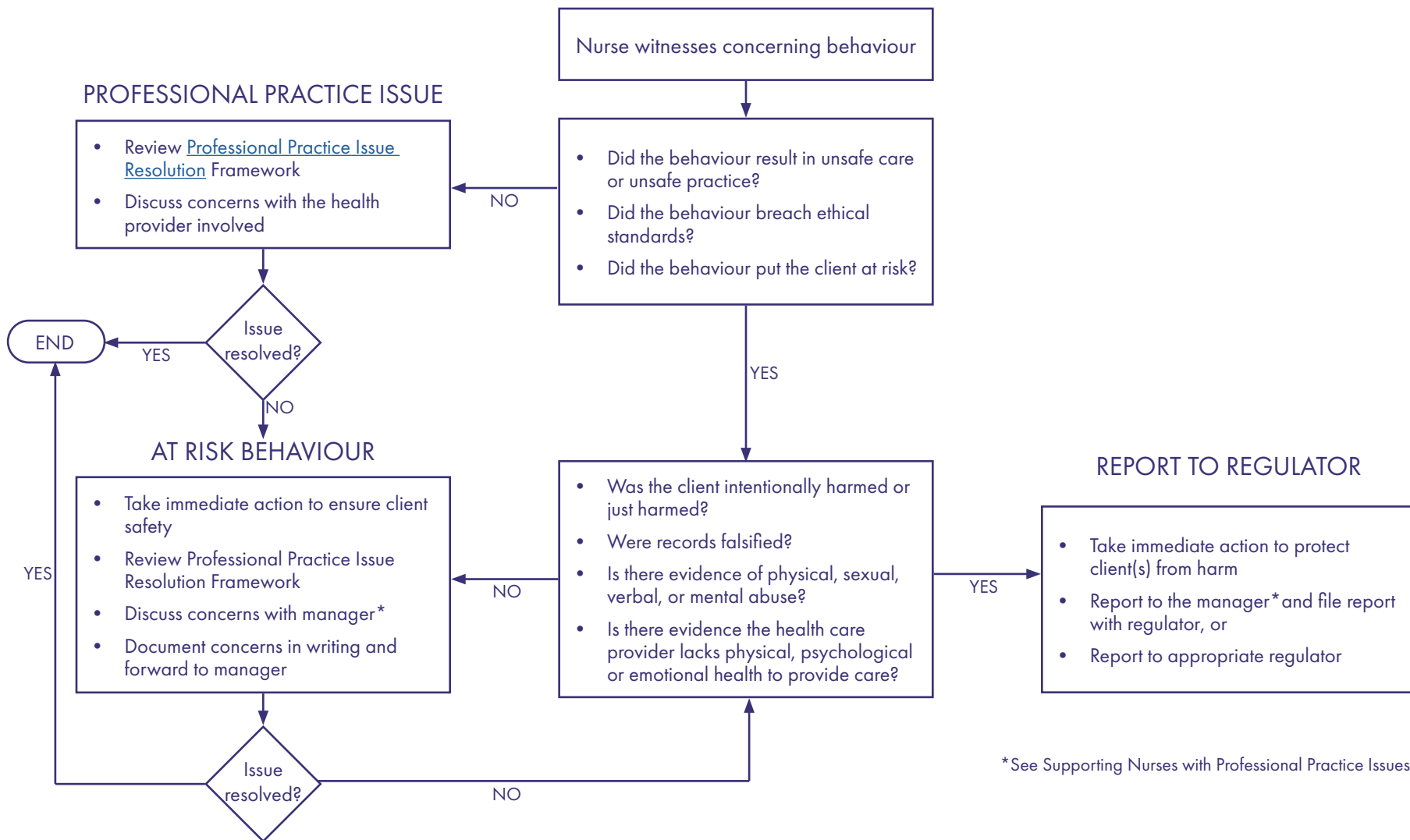
Nurses have the [ethical duty](#) according to their respective Codes of Ethics to take action to protect clients and report to appropriate authorities, when unethical or incompetent care is suspected. Nurses must be attentive to signs that another health care provider is unable to perform their duties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

## Employer Duty

[Employers of registrants 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 resource: [Jurisprudence Information](#).



\* See Supporting Nurses with Professional Practice Issues.

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](mailto: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](mailto:conduct@nscn.ca). For information on what is required to make a formal complaint to NSCN, see the [following link on our website](#) or contact a Professional Conduct Consultant at [conduct@nscn.ca](mailto:conduct@nscn.ca).

## Key Points to Remember

- Your immediate action is to protect client(s) from harm.
- The duty to report applies to situations of professional misconduct, including sexual misconduct, incompetence or conduct unbecoming of the profession, incapacity or practice 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](#)
- [Sexual Misconduct Standard of Practice for Nurses](#)
- [Standards of Practice](#)
- [Code of Ethics](#)

For further information on anything contained within this practice guideline, please contact a NSCN Practice Consultant at [practice@nscn.ca](mailto:practice@nscn.ca).