

# Guidance Document

## Duty to Report

**Prince Edward Island College of  
Nursing and Midwifery**

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## Background

Nurses and Midwives have a professional, ethical, and legal responsibility to report what they believe is the unsafe practice of another nurse or midwife.

Nurses are guided by their Standards for Nursing Practice, Code of Ethics or Code of Ethical Conduct, and relevant legislation when it comes to the mandatory reporting of unsafe practice. Similarly, midwives are guided by their Standards for Midwives, Code of Ethics, and relevant legislation.

Despite having these obligations, nurses and midwives often struggle with reporting a colleague.

The purpose of this document is to inform members of the Prince Edward Island College of Nursing and Midwifery (PEICNM) of their duty to report unsafe or unethical practice.

## Employers Duty to Report

Employers must report to the Registrar of the College the termination of an employee that is a member of the College. The employer must provide a reason for the termination. If the reasons for termination violate the Regulated Health Professions Act (RHPA), its regulations, the Standards for Nursing Practice/Standards for Midwifery Practice, and/or the Code of Ethics/Code of Ethical Conduct, a complaint against the member would be initiated in the interest of public safety.

## Member's Duty to Report

The Regulated Health Professions Act (RHPA) is the legislation that governs the practice of nursing and midwifery in PEI. Section 62(1)(a) of the Act describes the duty of a member to report the behaviour of another member that constitutes incompetence.

Section 62(1)(b) also describes that a member of a regulated health profession has the duty to report the behaviour of another regulated health profession to the College regulating that other person's health profession. For example, if a registered nurse has reason to believe that another regulated professional's (for example, a pharmacist) behaviour constitutes incompetence, the registered nurse must report the circumstances of what they believe is incompetence and any additional information known, to the College of that profession.

## Former Members of the College

Former members of PEICNM or former members of another regulated health profession are not exempt from being reported if the alleged behaviour occurred while the person was a member of PEICNM or another regulated health profession.

## What to do if you have a concern about someone's practice

Here are some questions for you to consider to help you verify your concern:

1. Has or will the situation put clients at risk for harm or adversely affect their care?
2. Who or what is at the root of the concern?
3. Is there a legislative requirement, standard, policy, or ethical obligation breached?
4. Has there been a pattern of questionable behaviour or is the unsafe situation or unethical behaviour likely to continue?
5. Does the situation interfere with your ability to practice according to standards, code of ethics, and/or workplace policies?
6. Has or will the situation put the nurse in question or co-workers at risk of harm?

It is important for you to gather as much information as possible. Types of information may be a direct observation of the behaviour occurring, accounts from clients reporting the behaviour, or written documentation pertaining to events related to the behaviour.

You should also contact your manager or supervisor to make them aware of your concern, especially if you feel that harm may come to clients, the regulated professional in question, or co-workers.

## What happens after I make a report to the College?

The Registrar may initiate a complaint related to the alleged behaviour of the member that is the subject of the report.

You may be contacted by the Registrar and asked questions related to your report.

Once a complaint is made, the discipline process begins. You may be contacted by an Investigator or legal counsel with additional questions.

This can be scary to some and may make you second guess your decision to “get involved”. However, you have a professional and ethical duty to report and an obligation to protect the clients you serve. It is also important for you to know that when you make a report to the College you cannot be held liable unless the report was made maliciously.

## What if I have questions?

Please feel free to contact the College with any questions you may have.