



# Duty to Report to the College of Registered Nurses of Manitoba

## Purpose

The College of Registered Nurses of Manitoba (the “College”) exists to serve and protect the public interest to achieve the outcome of accountable, quality, professional nursing practice. To that end, RNs have a duty to report concerns about the conduct, competence, and fitness of another RN, which is articulated in the following laws, and practice expectations.

<p><i>The Regulated Health Professions Act (the “RHPA”)</i></p>	<p>Section 138(1):</p> <p><i>A member who reasonably believes that another member of the same regulated health profession is unfit to practice, incompetent or unethical; or suffers from a mental or physical disorder or illness that may affect his or her fitness to practise, and continues to practice despite having been counselled not to; must disclose that belief to the registrar, along with the name of the other member and particulars of the suspected disorder, illness, lack of fitness to practice, incompetency or unethical behaviour.</i></p> <p>Section 138(2) states:</p> <p><i>A member who discloses information under subsection (1) is not subject to any liability as a result unless it is established that the disclosure was made maliciously.</i></p>
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<p>Practice Direction: Practice Expectations for RNs</p>	<p>Practice Expectations require RNs to:</p> <ul style="list-style-type: none"> <li>• demonstrate understanding of and adherence to their duty to report;</li> <li>• report unsafe practice; and</li> <li>• report concerns related to professional incompetence, professional misconduct, incapacity or unfitness to practice.</li> </ul>
<p>The Code of Ethics for Registered Nurses</p>	<p>Ethical Responsibility A4 requires Registered Nurses to:</p> <p><i>“...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...”</i></p> <p>Ethical Responsibility D4 requires Registered nurses to:</p> <p><i>“intervene, and report when necessary, when others fail to respect the dignity of a person they are caring for or a colleague (including students), recognizing that to be silent and passive is to condone the behaviour...”</i></p>

This document provides RNs with guidance about how they can practice in compliance with the above noted legal, professional, and ethical obligations.

## What Should be Considered, Before Making the Decision to Report to the College?

When an RN is considering making a report to the College, it is important that they have attempted to address their concern themselves, unless the situation is urgent and requires immediate action. Before making a report to the College, RNs should ensure any client safety issues have been managed and ensure they have properly reviewed and escalated their concerns through avenues available in their practice environment. RNs are encouraged to review the College document [RN Responsibilities in Managing Professional Practice Issues](#), for additional guidance and information.

Deciding to make a report to the College about a colleague can be very difficult but failing to report can carry significant risk to the RN, their clients, their teams, and their practice settings. Further, RNs who fail to fulfill their duty to report may be found guilty of professional misconduct.

## What Should be Reported to the College?

**Concerns about an RN's fitness to practice must be reported to the College.**

Not all physical or mental health conditions or disorders need to be or should be reported to the College; only those that place the public at risk. Some reportable examples include (but are not limited to):

- practicing while intoxicated by alcohol or drugs;
- a drug or alcohol addiction;
- an acute mental health crisis;
- cognitive impairment;
- a health condition necessitating a leave of absence from work;
- a health condition that affects the RN's ability to provide safe and competent care;
- a physical limitation that impairs an RN's ability to provide safe care; or
- circumstances when an RN continues to practice despite advice not to do so by a healthcare provider.

In situations when an RN has concerns about the fitness of an RN colleague, they should manage any immediate client safety concerns, escalate the concern using processes available in their practice setting, and promptly report the concerns to the College. Depending on the circumstance and nature of the relationship, the RN may consider speaking to their colleague about their duty to self-disclose to the College before making a report. See College [Practice Direction: Self-disclosure](#) for additional information.

### A Note on Providing Care to an RN Client

This section provides some guidance to RNs who are engaged in a therapeutic relationship with a client who also happens to be an RN (which will be referred to as an "RN Client").

In some circumstances, an RN may be privy to information which indicates that their RN Client is not fit to practice registered nursing. The RN must consider how they will balance their duty to report with their responsibility to manage and protect the integrity of the therapeutic relationship. The following should be considered:

- RNs have an obligation to safeguard information learned in the context of a therapeutic nurse-client relationship. It is permissible to release information to a third party, as legally required, or where there is serious risk and failure to disclose would result in significant harm to the person or others. Disclosures to the College are acceptable, in these circumstances. Consultation with privacy and confidentiality resources within the practice environment will confirm this.
- Where possible, RNs should consult other members of the healthcare team to validate their assessments of risk and communicate the decision to make a report to the College.
- Where possible, RNs should encourage the RN Client to self-disclose their fitness to practice concerns to the College in advance of the RN's report. See College [Practice Direction: Self-disclosure](#) for additional information.

- When attempting to preserve the therapeutic relationship, the RN should consider employing some or all of the following approaches:
  - Utilize empathic and supportive interventions, when speaking to the RN Client about their concerns.
  - When communicating the decision to report the fitness to practice concerns to the College, frame the decision as fulfilling a legal, professional, and ethical obligation.
  - Ensure the RN Client understands the reasons for the fitness to practice concern.
  - Explain that the College’s approach will be supportive and strengths based.
  - Express sincere interest in continuing the therapeutic relationship and working with the RN Client going forward. Offer a referral to another care provider, if possible and required.
  - Where possible, consider submitting reports to the College on behalf of and with the support of the RN Client’s healthcare team.
- Contact a Quality Practice Consultant at the College for additional support or information.

**Concerns about unethical or incompetent practice may need to be reported to the College.**

In circumstances where there is a concern about potentially unethical or incompetent practice, it is appropriate to speak directly to the RN. Sometimes, mistakes, and professional missteps may be mistakenly interpreted as unethical or incompetent practice. A discussion with the RN may resolve the matter. If there is a concern about speaking directly to the RN involved, RNs should escalate the concern using processes available within the practice environment. See [RN Responsibilities Related to Professional Practice Issues](#), for more information.

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For more information please contact our professional conduct team at

**204-774-3477**

**800-665-2027 (Manitoba toll-free)**

It is always possible to contact the College to obtain clarification about the situation or to determine how best to address your concerns and if a formal report to the College is necessary. Making an inquiry does not automatically trigger a formal report.

## Submitting a Report

For more information about making a report to the College of Registered Nurses of Manitoba, visit the College’s [webpage](#).

If RNs have questions about their duty to report a concern, in a specific circumstance, it is recommended that they [contact the Manager of Professional Conduct](#) immediately to ensure they are complying with their expectations.

## Resources

[Canadian Nurses Association. \(2017\). Code of Ethics for Registered Nurses.](#)

[College of Registered Nurses of Manitoba. \(2022, December\). Practice Direction: Practice Expectations for RNs](#)

[College of Registered Nurses of Manitoba. \(2024\). RN Responsibilities Related to Professional Practice Issues.](#)

[College of Registered Nurses of Manitoba \(2018\). Discipline Definitions.](#)

[Government of Manitoba. \(2024\). The Regulated Health Professions Act.](#)

[North Carolina Board of Nursing \(2024\). Complaint Evaluation Tool \(CET\).](#)