



College of Nursing
of New Brunswick

Practice Guideline: **Duty to Provide Care**



Mandate

Public protection through regulation of nurses in New Brunswick

Under the *Nurses Act*, the College of Nursing of New Brunswick (CNNB) is legally responsible for protecting the public by regulating registrants of the nursing profession in New Brunswick. Regulation makes this profession, as well as individual registered nurses and nurse practitioners, responsible for safe, competent, compassionate and ethical nursing practice.

Acknowledgements

The content of this document has been adapted with permission from the British Columbia College of Nurses & Midwives [Nurses: Duty to provide care](#), and the College of Nurses of Ontario [Discontinuing or Declining to Provide Care](#). These documents have been adapted to reflect New Brunswick's regulatory and health system context.

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Introduction

Registered Nurses and Nurse Practitioners (RNs/NPs)¹ have an obligation to provide safe, competent, **compassionate**, and ethical **nursing practice**, in accordance with the CNNB's [Code of Conduct for Registered Nurses and Nurse Practitioners, standards of practice](#) and organizational requirements. This duty applies to every aspect of the **nurse-client relationship** and in every practice setting. For RNs, it begins when the relationship is established and when client **assignment** is accepted. An NP becomes responsible for the care of a **client** at the moment a NP-client relationship is established. This occurs when the NP begins providing care, advice, or treatment to a client, such as conducting an **assessment**, ordering tests, prescribing medication, or agreeing to manage a client's condition. The duty persists until the **accountability** for the client has been transferred to another appropriate care provider, the client is discharged, or the NP-client relationship has concluded. There are, however, some circumstances in which it may be acceptable for an RN/NP to discontinue or decline to provide care.

Principles of Duty to Provide Care

RNs/NPs:

1. have a legal and professional obligation to provide their clients with safe, competent, compassionate, and ethical care;
2. recognize that informed, **capable** clients have the right to be independent, make informed choices that may put their **health** at risk, and direct their own care; not complying with client wishes would violate legislation, the CNNB [Code of Conduct](#) and standards of practice;
3. may discontinue or decline to provide care in very specific circumstances, following full consideration of the impact on the client and after exhausting other strategies without success. It is important to note that, except in exceptional circumstances, RNs/NPs remain accountable to provide care until it has been appropriately transferred to and accepted by another appropriate-care provider, regardless of the justification for discontinuing or declining care. Specific circumstances in which this may apply include:
 - declining to provide care when it is outside their **scope of practice** except in situations involving imminent risk of death or serious harm that arise unexpectedly and require urgent action. In emergencies, RNs/NPs are ethically obligated to provide the best care they can, given the circumstances and their level of **competence**;

¹ The CNNB is responsible for regulating registered nurses, graduate nurses, nurse practitioners and graduate nurse practitioners in New Brunswick, as such the abbreviation "RNs/NPs" is used in this document and refers to all aforementioned **designations**. Licensed practical nurses in New Brunswick are regulated by the Association of New Brunswick Licensed Practical Nurses.

- withdrawing from care provision or refusing to provide care if they believe that providing care would place them or their clients at an unacceptable level of risk. RNs/NPs consider relevant factors, including:
 - the specific circumstances of the situation;
 - their legal and professional obligations; and
 - their organizational requirements.
 - if RNs/NPs have a [conscientious objection](#) to a client's request or refusal for a particular treatment or [procedure](#), RNs/NPs shall:
 - not decline to provide care or discontinue care based on personal judgments about a client, or the client's lifestyle;
 - not attempt to influence or change the client's decision based on the RN/NP's conscientious objection;
 - not allow their beliefs or [values](#) to alter or interfere with a client receiving safe, competent, compassionate, and ethical care;
 - ensure that the most appropriate person within the organization is informed of the conscientious objection well before a client is to receive (or not receive) treatment or procedure; and
 - provide required care to a client in situations involving imminent risk of death or serious harm that arise unexpectedly and require urgent action for their client's safety;
4. do not abandon their clients; [abandonment](#) occurs when the RNs/NPs have engaged with the client, or has accepted an assignment, or the moment an NP-client relationship is established and then discontinues care without:
- negotiating a mutually acceptable withdrawal of service with the client; or
 - arranging for suitable alternative or replacement services; or
 - allowing the employer a reasonable opportunity to provide alternative or replacement services.

Applying the Principles of Duty to Provide Care to Practice

RNs/NPs may experience difficulties in meeting legal and professional obligations to provide care, when:

- an unreasonable burden affects their ability to meet the [Code of Conduct](#) and the [standards of practice](#);
- care delivery would create unreasonable danger to the client's or the RN/NP's personal safety;
- asked to practice beyond the RN/NP's level of competence; and

- providing care would conflict with the RN/NP's moral, ethical, or religious beliefs or values.

RNs/NPs are obligated to practice competently and to continually acquire new knowledge and skills in their areas of practice. RNs/NPs are not obligated, however, to provide care beyond their level of competence. If RNs/NPs are asked to provide care beyond their competence, they need to:

- provide the care they are competent to give;
- consider whether providing a part of the required care is more appropriate than not providing care at all; and
- inform their employer that they do not have the competence to practice in the specific situation.

When faced with a situation that affects their ability to provide care, RNs/NPs must examine risks and ethical/moral dilemmas and determine the most appropriate course of action using a decision-making process that includes:

- determining the facts and identifying the issue or concern;
- clarifying the issue or concern;
- identifying their options and developing a plan;
- implementing the plan, evaluating the outcomes of their decision, and amending it if necessary; and
- where appropriate, making their concerns known to their employer, their union, or the CNNB.

While RNs/NPs are not entitled to abandon their clients, they are not obligated to place themselves in situations where care delivery would entail an unreasonable danger to their personal safety. Where appropriate, RNs/NPs should make their concerns known to their employer and their union. This includes situations involving:

- [violence](#);
- physical, verbal, or sexual abuse; and
- communicable diseases.

Employers are responsible for providing the necessary resources and support for RNs/NPs to fulfill their professional responsibilities. In turn, RNs/NPs contribute to the development and maintenance of quality professional practice environments that promote safe, competent, compassionate and ethical nursing practice. For additional information, please review the following resources:

- [Code of Conduct for Registered Nurses and Nurse Practitioners](#)
- [Standards of Practice for Nurse Practitioners](#)
- [Standards for the Nurse-Client Relationship](#)

- [Fact Sheet: Abandonment](#)
- [Fact Sheet: Handover of Care](#)
- [Practice Guideline: Practicing with Limited Resources: A Guide for RNs and NPs](#)
- [Practice Guideline: Resolving Professional Practice Issues](#)

For any questions about the duty to provide care or related to nursing practice, contact a Nurse Consultant at consultation@cnnb-opinb.ca.



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