



College Member
Shireen Loat #118696

Notice of Censure

Allegation:

The complaint report raised the following allegation:

- 1) The member accessed personal health information through eChart of a co-worker and of an individual not in her care.
- 2) The member printed and provided a copy of an immunization record to an individual not in her care.

Findings:

1. The member acknowledged her first breach occurred in October 2013 when she accessed an immunization record of an individual who was not receiving registered nursing care from the member.
2. The member acknowledged the second breach occurred in February 2014 when she accessed a co-worker's immunization record.
3. The member acknowledged in her letter of response there was no justification for her actions and has "been very upset with herself for not maintaining her professional obligation as it relates to accessing medical records of those not in her care".
4. The member stated she has taken the online PHIA training and re-signed the PHIA pledge.
5. Although this conduct is sufficiently serious to refer to Discipline, the Investigation Committee is mindful of the fact that the member does not have a disciplinary record.
6. On these facts, the Investigation Committee believes the censure should be published as it will serve as a specific deterrent for the member and as general deterrence for other registered nurses.
7. The public requires assurance that registered nurses will protect health information and not access information regardless of motivation.
8. The member violated her professional responsibility to abide by provincial privacy legislation by accessing personal health records of an individual not in her care.

The relevant *Standards of Practice* are:

Standards of Practice for Registered Nurses 2013

Standard IV: Ethical Practice

Registered nurses recognize, promote and uphold the ethical standards of the nursing profession.

Indicators:

- 23) You practice in accordance with the values outlined in the *Code of Ethics*.
- 24) You demonstrate professional responsibility in protecting personal health information.
- 25) You distinguish when digital technology/applications enhance nursing practice and when they breach the *Standards of Practice* or the *Code of Ethics* and use them appropriately (e.g. social media).

Code of Ethics for Registered Nurses (CNA)

E. Maintaining Privacy and Confidentiality

Nurses recognize the importance of privacy and confidentiality and safeguard personal, family and community information obtained in the context of a professional relationship.

Ethical responsibilities:

- 1) Nurses respect the right of people to have control over the collection, use, access and disclosure of their personal information.
- 3) Nurses collect, use and disclose health information on a need-to-know basis with the highest degree of anonymity possible in the circumstances and in accordance with privacy laws.
- 8) Nurses do not abuse their access to information by accessing health-care records, including their own, a family member's or any other person's, for purposes inconsistent with their professional obligations.
- 10) Nurses intervene if others inappropriately access or disclose personal or health information of persons receiving care.

Decision:

On these facts, the Investigation Committee records its disapproval of the lack of professionalism in failing to adhere to the ethical values and standards of practice as required in the *Standards of Practice for Registered Nurses* and the *Code of Ethics for Registered Nurses*.

Although this conduct is sufficiently serious to refer to the Discipline Committee, the Investigation Committee is mindful of the fact that the member does not have a disciplinary record.

The censure will adequately protect the public's concern regarding the privacy of personal health information and the role of registered nurses as trustees of that information.

On these facts, the Investigation Committee believes that this censure should be published as the censure will act as a deterrent for other registered nurses.

On these facts, the Investigation Committee orders the member to pay costs of \$1,000.

On September 18, 2014 the member appeared before the Investigation Committee and was read the censure.