



Kathleen De Leon Demare

CRNM #126566

Notice of Censure

Allegation:

The member breached the Personal Health Information Act (PHIA). The member informed a client about another's medical information and condition.

Findings:

- 1) The member opened the electronic medical record of client A while attending to client B.
- 2) The member admitted to accessing client A's information but denies that she disclosed it to client B.
- 3) As a trustee of health information, the member was responsible to protect client A's personal health information whether or not she knowingly disclosed it to client B. The member should have known that it was inappropriate and unnecessary to open a client's file while performing health-care services for another.
- 4) By opening the file, the member did not maintain confidentiality or privacy.

The Investigation Committee is reasonably satisfied that the facts support that the member did not meet the following *Standards of Practice for Registered Nurses*:

Standards of Practice for Registered Nurses

Standard I: Client-Centered Practice

Registered nurses are professionals, responsible and accountable in their practice to deliver client-centered care to the public.

Indicators:

- 5) You must practice in a manner consistent with the *Standards of Practice for Registered Nurses*, the *Code of Ethics*, Professional Boundaries for Therapeutic Relationships and other provincial and federal legislation.

Standard II: Professional Practice

Registered nurses are accountable and responsible for nursing practice that is informed by evidence and demonstrates competence.

Indicators:

- 14) You develop and maintain competence in managing technology in health-care systems.

Standard IV: Ethical Practice

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

Indicators:

- 24) You demonstrate professional responsibility in protecting personal health information.

Code of Ethics for Registered Nurses (CNA)

Part 1: Nursing Values and Ethical Responsibilities

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.
- 4) When nurses are required to disclose information for a particular purpose, they disclose only the amount of information necessary for that purpose and inform only those necessary. They attempt to do so in ways that minimize any potential harm to the individual, family or community.
- 5) When nurses engage in any form of communication, including verbal or electronic, involving a discussion of clinical cases, they ensure that their discussion of persons receiving care is respectful and does not identify those persons unless appropriate.
- 7) Nurses respect policies that protect and preserve people's privacy, including security safeguards in information technology.
- 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.

Decision:

Registered nursing is a self-regulated profession in Manitoba. RNs must recognize that self-regulation is a privilege and that each RN has a continuing responsibility to meet the *Standards of Practice for Registered Nurses* and the *Code of Ethics for Registered Nurses*.

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 outlined 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.

This censure will adequately protect the public's concern regarding the privacy of personal health information and the role of RNs as trustees of that information. On these facts, the Investigation Committee believes that this censure should be published to act as a deterrent for other RNs.

The Investigation Committee orders the member to pay costs of \$1,000.

The member appeared before the Investigation Committee on June 23, 2015 and was read the censure.