



Winona Burgess

CRNM #141918

Notice of Censure

Allegation:

The member failed to maintain client privacy by looking up an individual's information in the electronic health information system and sharing details of the information with others.

Findings:

- 1) The member accessed her own and another individual's health information in the electronic health information system in front of others to demonstrate how the software works and the type of information it contains. The individual was not the member's client.
- 2) The member failed to uphold her professional responsibilities related to the Personal Health Information Act (PHIA) legislation and duties regarding confidentiality. The member acknowledged and accepts full responsibility for this confidentiality breach.
- 3) The member has taken responsibility and expressed remorse for her actions. She has sent a letter of apology to the individual for her poor judgment.

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 II: Professional Practice

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

Indicators:

- 13) You demonstrate professional behaviours, attributes and values and act as a mentor, coach, preceptor and resource to students, nursing colleagues and other members of the health-care team.

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)

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.
- 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:

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 March 19, 2015 and was read the censure.