



Sara Hall
CRNM #143366

Notice of Censure

Allegation

The member was suspended for three (3) days related to a breach of the Personal Health Information Act.

- Failed to protect personal health information and failed to distinguish when use of personal technology breaches the *Standards of Practice for Registered Nurses* and *Code of Ethics for Registered Nurses*.

Findings

The investigation revealed that the member admitted to using her personal mobile device to take a photograph of a medical image of a client in her care. The member alleged it was for the purpose of providing information to the physician.

The Investigation Committee's position is that this action was not necessary for the provision of health care to this client.

The investigation revealed that the member admitted to distributing the photograph to other health-care providers, initially in person and subsequently electronically.

The member sent the photograph to the health-care providers using an unsecured email account. The health-care providers were no longer providing direct care to the client when they saw the photograph and were not required to view it.

While there is no information before the Investigation Committee that there was specific client harm, there is potential for harm to the registered nursing profession as a whole and the confidence of the public in the failure to maintain confidentiality and privacy of all clients.

Confidential information should be shared only with the client's informed consent, when legally required, or where failure to disclose information could result in significant harm. The member did not have the client's informed consent, nor was it legally required and furthermore there was no therapeutic benefit to the patient. Confidential information should not be disclosed to individuals no longer involved in a client's care.

Privacy relates to the client's expectation and the right to dignity and respect. Clients need to be confident that their most personal information and basic dignity will be protected and safeguarded by the registered nurse.

If clients fear that their personal health information will be shared with those who do not have a legitimate "need-to-know", they may be hesitant to disclose personal information. Any breach of this trust, even inadvertent, damages the particular nurse-client relationship and the general trustworthiness of the registered nursing profession.

The public expects RNs will ensure client information is confidential and private, and that RNs will not access the information regardless of motivation.

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

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.
- 2) When nurses are conversing with persons receiving care, they take reasonable measures to prevent confidential information in conversation from being heard.
- 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.
- 9) Nurses do not use photo or other technology to intrude into the privacy of a person 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. 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 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 member appeared before the Investigation Committee on Nov. 20, 2014 and was read the censure.

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