



Kristy-Ann Duncan

CRNM #145133

## Notice of Censure

### Allegation:

The member failed to uphold her professional responsibilities related to the Personal Health Information Act (PHIA) legislation.

### Findings:

- 1) The electronic health information system access report revealed the member accessed the electronic health information records of clients not in her care.
- 2) The member had signed a declaration with her employer to confirm that she read and understood the electronic health system terms of use.
- 3) By accessing personal health information records for individuals not in her care, the member violated her professional responsibility to abide by provincial privacy legislation.
- 4) The member stated that while completing these actions, she did not realize she was doing something wrong or that she was going against the policy that was established for the electronic health information system use.
- 5) The Investigation Committee's position is that regardless of whether the member believed her electronic health information system use was acceptable, the member ought to have known the basic principles of confidentiality and privacy and what is expected of a reasonable and prudent registered nurse.

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 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 April 30, 2015 and was read the censure.