



College of
Registered Nurses
of Manitoba

Jaclyn Demkowsky
CRNM #142314

Notice of Censure

In The Matter of: *The Regulated Health Professions Act*

And in The Matter of: Jaclyn Demkowsky, a member of the College of Registered Nurses of Manitoba

To: Jaclyn Demkowsky

TAKE NOTICE that the Complaints Investigation Committee of the College of Registered Nurses of Manitoba resolves and hereby censures the member with respect to:

- Abusing her role as a registered nurse in order to access health care services in a manner that circumvented the process members of the public are required to follow.
- Failing to comply with the employer's policy and process of accessing and amending her own personal health information and record for personal gain.

On April 16, 2020, in accordance with section 102(1)(d) of *The Regulated Health Professions Act* (the "RHPA"), the Complaints Investigation Committee (the "committee") decided to censure Ms. Demkowsky as a record of its disapproval of the deficiencies in her conduct.

Censure creates a disciplinary record which may be considered in the future by the committee or an Inquiry Committee when determining the action to be taken following an investigation or hearing.

I. The Relevant Facts Are:

On April 16th, 2019 while working as a RN in the emergency department, the member experienced blood exposure from a needle stick injury.

The member presented to the emergency department registration desk where she was registered as a patient. The member approached one of the triage nurses in the emergency department and asked if they were busy. The triage nurse told the member they were.

The member then triaged herself, whereby she accessed her own personal health record, documented her self-assessment into the emergency room documentation system and received care/interventions.

II. Standards of Practice, Practice Directions and Code of Ethics

The committee is reasonably satisfied that the facts support that the following standards practice expectations and Code of Ethics apply:

Professional Practice

Registered nurses are accountable and responsible for nursing practice that is informed by evidence and demonstrates competence. As an RN, you must:

12. Develop and maintain competence in managing technology in health-care systems.
13. Demonstrate professional responsibility in protecting personal health information.

Ethical Practice

Registered nurses recognize, promote and uphold the ethical standards of the nursing profession. As an RN, you must:

19. Practise in accordance with the values outlined in the Code of Ethics.
20. Distinguish digital technology/applications that enhance nursing practice from those that breach practice expectations, practice directions or the Code of Ethics in order to only appropriately use technology/applications (e.g. social media).

Collaborative Care

26. As an RN, when involved in providing for the health care of a client you must:

- a) work collaboratively and cooperatively with clients, families and other health-care providers in providing for the health care of the client and communicate effectively and appropriately with them;
- b) ensure that you understand your role and the role of other health-care providers in providing for the health care of the client;
- c) comply with any collaborative care decision tool in place at the practice setting where you and other health-care providers are providing for the health care of the client;

CNA CODE OF ETHICS

B. Promoting Health and Well-Being

Nurses work with persons who have health-care needs or are receiving care to enable them to attain their highest possible level of health and well-being.

Ethical responsibilities:

4. Nurses collaborate with other health-care providers and others to maximize health benefits to persons receiving care and with health-care needs and concerns, recognizing and respecting the knowledge, skills and perspectives of all.

C. Promoting and Respecting Informed Decision-Making

Nurses recognize, respect and promote a person's right to be informed and make decisions.

Ethical responsibilities:

4. Nurses are sensitive to the inherent power differentials between care providers and persons receiving care. They do not misuse that power to influence decision-making.

D. Honouring Dignity

Nurses recognize and respect the intrinsic worth of each person.

Ethical responsibilities:

7. Nurses maintain appropriate professional boundaries and ensure their relationships are always for the benefit of the person. They recognize the potential vulnerability of persons receiving care and do not exploit their trust and dependency in a way that might compromise the therapeutic relationship. They do not abuse their relationship for personal or financial gain and do not enter into personal relationships (romantic, sexual or other) with persons receiving care.

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:

7. Nurses respect policies that protect and preserve the privacy of persons receiving care, including security safeguards in information technology.
8. Nurses do not abuse their access to information by accessing health-care records, including those of a family member or any other person, for purposes inconsistent with their professional obligations. When using photo, video or other technology for assessment, diagnosis, planning, implementation and evaluation of persons receiving care, nurses obtain their consent and do not intrude into their privacy. They handle photos or videos with care to maintain the confidentiality of the persons involved, including colleagues and students.

III. On these facts of the Complaints Investigation Committee records its disapproval of the member's conduct.

When the member triaged herself, documented her self-assessment in the facility's documentation system, and received care/interventions, the member used her knowledge of the health care system, access to resources, and the position she held as a RN to place her own needs ahead of the public.

This conduct is a blatant disregard for the member's colleagues, her employer, and the public and a failure to recognize that she was placing herself, her colleagues and the facility at risk. Furthermore, the member failed to recognize that there was the potential to negatively impact the care of other patients. Fortunately, for all parties, the no negative outcome was experienced.

Nelda Godfrey and Nancy Crigger (2012)¹ use the staircase model of professional development to address professional missteps that a nurse may make, in their career. The committee's position is that this model understands the member's conduct to be the result of moral neglect. Moral neglect is a form of "wrong thinking" that happens in situations when nurses make wrong choices because they put their own desires, wants, or needs before the patient's needs. The member's "wrong thinking" contributed to "wrong decision making" which ultimately lead to her "wrongdoing". Although practicing registered nursing is a privilege, it does not entitle registered nurses to receive personal health care services in a timelier manner than members of the public, nor does it grant registered nurses the authority to direct their own care.

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 committee records its disapproval of the lack of professionalism in failing to adhere to the ethical values and standards of practice.

Although the conduct is sufficiently serious to refer to the Inquiry Committee, the 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 equitable access to health care in the publicly funded health care system.

On these facts the committee believes that the censure should be published as it acts as a specific deterrence for the member and as a general deterrence for other registered nurses.

On these facts, the committee ordered the member to pay costs of \$1000.

1. Godfrey, N. & Crigger, N. (2012). Ethics and Professional Conduct: Striving for a Professional Ideal. *Journal of Nursing Regulation*. 3(1), 32-39. [https://doi.org/10.1016/S2155-8256\(15\)30232-5](https://doi.org/10.1016/S2155-8256(15)30232-5)