

IN THE MATTER OF:

The Registered Nurses Act, R.S.M. 2001, c. R40

AND IN THE MATTER OF:

A hearing into the conduct of Teresa Holloway, CRNM #143377

DECISION



College of
Registered Nurses
of Manitoba

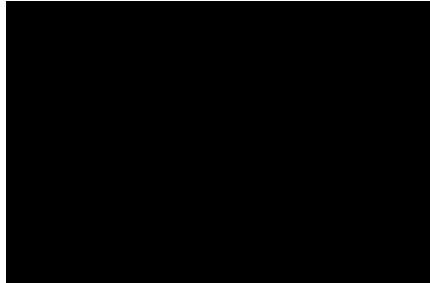
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IN THE MATTER OF: **The Registered Nurses Act, R.S.M. 2001, c. R40 (the "Act")**

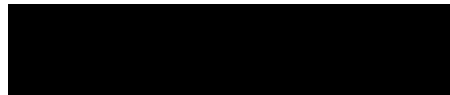
AND IN THE MATTER OF: **A Hearing into the Conduct of Teresa Holloway, CRNM #143377**

DECISION

Panel Members:



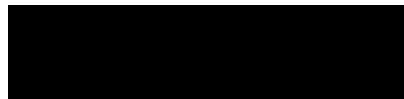
Counsel to the Investigation Committee:



Counsel to Teresa Holloway:



Counsel to the Panel:



Introduction

On November 26, 2018, a Panel of the Discipline Committee (the "Panel") of the College of Registered Nurses of Manitoba (the "College") held a hearing into the charges against Teresa Holloway (the "Member"), a member of the College.

At the commencement of the hearing, it was agreed that the Notice of Hearing had been properly served and the time limits set forth in section 34 of the Act had been met.

No objections were raised as to the composition of the Panel and the Panel proceeded to hear the matter.

The Member appeared at the hearing with legal counsel and pled guilty to the charge of professional misconduct in that from on or about November 9, 2017 to on or about April 2018, the Member accessed the personal health information of approximately 1,750 patients not under her care.

The Panel heard submissions from counsel for the Investigation Committee and counsel for the Member, respecting the background facts giving rise to the matters raised in the Notice of Hearing and the appropriate disposition of the matter.

The Panel then adjourned to consider the matter.

The following facts are not in dispute:

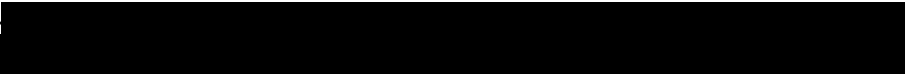
1. The Member has been a registered nurse since 2007.
2. The Member initially worked for almost five years in rehab geriatrics.
3. Commencing in 2012 the Member worked as a nurse in an emergency department in a community hospital.
4. In 2015 the Member worked in an emergency department in another community hospital.
5. In November 2017 the Member commenced employment in a [REDACTED] in a [REDACTED] hospital.
6. While working at the [REDACTED], the Member repeatedly accessed the personal health information of patients who were not under her care. She did this by accessing electronic patient records through the Emergency Department Information System (EDIS).
7. This was a breach of *The Personal Health Information Act (PHIA)*, C.C.S.M. c. P33.5 and breaches of Standard I, Indicator 5 and Standard IV, Indicators 23 and 24 of *The Standards of Practice for Registered Nurses* as well as Primary Value A, including Responsibilities 1 and 3 and Primary Value E, including Responsibilities 1, 3, 7 and 8 of *The Code of Ethics for Registered Nurses* (2017 edition).
8. An audit conducted by the investigator found that the searches were not targeted. The Member offered several explanations as to why she was accessing personal health information of patients not under her care, through EDIS, including:
 - a) gathering information to assist colleagues,
 - b) reviewing patient information on potential candidates for [REDACTED], and
 - c) obtaining information for her own educational purposes.
9. None of these explanations are acceptable.
10. The Panel is satisfied that the facts submitted constitute professional misconduct.

After considering the submissions of counsel for the Investigation Committee and counsel for the Member with respect to discipline, the Panel made an Order that the Member:

1. be suspended for a period of two weeks commencing on the date of the Order; and
2. pay costs to the College in the amount of \$3,500 [REDACTED]

The Panel considers the foregoing disposition to be appropriate for the following reasons:

1. The Member has already served an interim suspension of nearly four months.

2. The Member has no previous discipline record.
3. The Member submitted five letters of reference.
4. The patient files accessed were not targeted and the Panel heard no evidence that the information accessed had been disclosed.
5. Notwithstanding the forgoing, this was a privacy breach of 1,750 individual patients' health information involving 3,591 accesses. The Member knew her conduct was wrong. In addition to her PHIA training, the Member was warned by a manager on March 19, 2018 that she could get into trouble if she continued to access EDIS. She failed to heed this warning.
6. With respect to costs, the sum of \$3,500 represents only a fraction of the costs incurred by the College in connection with this matter. 

DATED at Winnipeg, Manitoba, the 26th day of November 2018.

