



College of  
Registered Nurses  
of Manitoba

Vanessa Kowbel  
CRNM #148613

## Notice of Censure

### Allegation

The Member inappropriately accessed information from the electronic database system.

### Findings

The investigation revealed the following:

- 1) A workplace database audit revealed that the Member inappropriately accessed confidential information of individuals who were not in her care.
- 2) The Member received orientation and training on the appropriate use of the database system and signed an appropriate usage form with her employer stating that the system was to be used only for work related purposes.

The Investigation Committee's position is that the Member's conduct is a blatant disregard for the basic principles of confidentiality and privacy. The Member took advantage of her position as a registered nurse and her privileged authority to access information that was not intended for work related reasons.

The Investigation Committee is reasonably satisfied that the facts support that the Member did not meet the following *Standards of Practice for Registered Nurses* and *Code of Ethics 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 practise 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:

- 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.
- 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.
- 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.
- 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.

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

While there is no information before the Investigation Committee that there was specific public harm, there is potential for harm to the profession as a whole. Inappropriate access undermines the public's trust. Any breach of this trust, even inadvertent, damages the general trustworthiness of the profession of nursing.

The member's conduct also reflects negatively on the employer who has the responsibility to safeguard the sensitive and confidential information.

Although the conduct is sufficiently serious to refer to the Discipline Committee, the Investigation Committee is mindful of the fact 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 RNs as trustees of that information.

On these facts, the Investigation Committee believes that the censure should be published as it to act as a specific deterrence for the member and as a general deterrence for other registered nurses.

On these facts, the Investigation Committee ordered the member to pay costs of \$1,000.