



In compliance with Council Policy- GP-11, the College of Registered Nurses of Manitoba redacted the name of the member to maintain the privacy of their personal information.

In compliance with Council Policy GP-11, the College of Registered Nurses of Manitoba did not include the name of the member's employer to protect the identity of the facility and the health region involved.

In The Matter of: **The Regulated Health Professions Act, S.M.2009, c. 15**

And in The Matter of: College of Registered Nurses of Manitoba Member ("the member")

To: The member

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

- Failing to take immediate steps to remove themselves from the clinical area as soon as they lost their sense of taste;
- Failing to immediately notify their employer; and
- Failing to immediately notify their employer that they tested positive for Covid-19.

On October 21, 2021 in accordance with section 102(1)(d) of *The Regulated Health Professions Act (the "RHPA")*, the committee decided to censure the member as a record of its disapproval of their conduct.

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

I. The Relevant Facts Are:

In response to the COVID-19 pandemic, public health orders and infection prevention and control protocols were put in place, to prevent the spread of the illness. The health orders, policies and procedures required that the member:

- 1) Self-screen for symptoms of COVID-19.
- 2) Not come to work, if they had symptoms of COVID-19.
- 3) Report any symptoms of COVID-19 or positive test results to their employer and the occupational health and safety officer.

The member was aware of these expectations and acknowledged they understood the expectations. Despite this, the member engaged in nursing practice by providing direct patient care while experiencing loss of taste, a Covid-19 symptom, and subsequently testing positive for Covid-19.

As a result, contract tracing was not initiated for five days. These events took place while the member's employer was already managing outbreaks of Covid-19 within the facility.

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

The committee is reasonably satisfied that the facts support that the member did not meet the following Standards of Practice for Registered Nurses;

Practice Direction: Practice Expectations for RNs

An asterisk* indicates a standard of practice from the College General Regulations Part 4.

Professional Practice

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

2. Demonstrate professional behaviours, attributes and values.
6. Take personal responsibility for professional conduct and fitness to practice.

***Practice Environment**

30. As an RN, in providing nursing care you must demonstrate procedures that safeguard the hygiene and sanitation of the practice environment and the hygiene and sanitation of the equipment used in that nursing care.

Code of Ethics for Registered Nurses (CNA)

A. Providing Safe, Compassionate, Competent and Ethical Care

Nurses provide safe, compassionate, competent and ethical care.

Ethical responsibilities:

1. Nurses have a responsibility to conduct themselves according to the ethical responsibilities outlined in this document and in practice standards in what they do and how they interact with persons receiving care and other members of the health-care team.
5. Nurses are honest and take all necessary actions to prevent or minimize patient safety incidents. They learn from near misses and work with others to reduce the potential for future risks and preventable harms.
9. During a natural or human-made disaster, including a communicable disease outbreak, nurses provide care using appropriate safety precautions in accordance with legislation, regulations and guidelines provided by government, regulatory bodies, employers, unions and professional associations.

G. Being Accountable

Nurses are accountable for their actions and answerable for their practice.

Ethical responsibilities:

1. Nurses, as members of a self-regulating profession, practise according to the values and responsibilities in the Code and in keeping with the professional standards, laws and regulations supporting ethical practice.

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

The full impact of the member's decision to work while symptomatic for Covid-19 and their failure to inform their employer immediately of their positive test result will never be fully appreciated. In addition to the risk the member placed on the patients, their colleagues, and their employer, they failed to protect and promote health and wellbeing.

The public expects that Registered Nurses make efforts to protect them from harm. The member's decisions and actions exposed the public to substantial risk of harm. During a pandemic, the expectations of Registered Nurses are held at the highest level. Regulated health professionals must conduct themselves in a professional manner that upholds the public's confidence in the profession. The member's actions had the potential to undermine the public's

trust and confidence. Any breach of this trust, even inadvertent, damages the general trustworthiness of the profession of nursing.

There is no plausible explanation for the member's disregard for public health orders nor employer policies and procedures. The committee concludes that the member's actions fell significantly short of the standards expected of a Registered Nurse. A reasonable and prudent Registered Nurse ought to have understood the expectations and complied with them.

Registered nursing is a self-regulated profession governed by *The Regulated Health Professions Act (RHPA)*. In accordance with the RHPA, registered nurses must comply with practice directions established for their profession. As such, registered nurses are required to comply with the practice directions: *Practice Expectations for RNs* and the *Code of Ethics for Registered Nurses*.

Although the member's conduct is sufficiently serious to refer to the Inquiry Committee, the committee is mindful of the fact that they do not have a disciplinary record.

The censure will adequately protect the public's concern regarding disregard for public health orders and infection prevention and control protocols.

On these facts, the committee believes that the censure should be published, as it will act as a specific deterrence for the member and as a general deterrence for other registered nurses in compliance with the legislation and College policy.

On these facts, the committee ordered the member to pay costs of \$1000.00.