



Jenny St. Jean
CRNM #148706

Notice of Censure

In The Matter of: **The Regulated Health Professions Act, S.M.2009, c. R15**

And in The Matter of: Jenny St. Jean, a member of the College of Registered Nurses of Manitoba

To: Jenny St. Jean

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 maintain professional boundaries by providing registered nursing care to a family member including administering a vaccine, providing a prescription, performing a minor surgical procedure, and accessing their health record to send referrals when the member had not exhausted all other options for the provision of care.**

On March 18, 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 the member’s 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 three separate occasions, the member provided nursing care to members of their family.

In the first instance, the member provided a vaccine to their family member.

The second instance involved the member performing an excision and drainage procedure on a family member, accessing the family member’s Electronic Medical Record (EMR) and writing them a prescription.

In the third instance, the member wrote a referral for diagnostic imaging for their family member which included accessing the family member’s EMR numerous times to obtain information for the purpose of completing the referral.

II. 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

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:

1. Demonstrate understanding of legislation governing the practice of registered nursing and your practice of registered nursing.
5. Establish and maintain appropriate therapeutic nurse-client relationships.
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.

Practice Direction: Practice Expectations for RN(NP)s

In addition to upholding the Practice Expectations for RNs and the Code of Ethics, RN(NP)s are expected to meet the following nursing practice expectations.

Practice Expectation #3

Prescribing Drugs and Devices

RN(NP)s prescribe drugs relevant to your client population in accordance with relevant provincial and federal legislation and standards, as well as evidence informed decision-making.

RN(NP)s must:

22. Not prescribe for yourself or family members.

CNA CODE OF ETHICS 2017

G. Being Accountable

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

Ethical responsibilities:

8. Nurses identify and address conflicts of interest. They disclose actual or potential conflicts of interest that arise in their professional roles and relationships and resolve them in the interest of the needs and concerns of persons receiving care.

The committee also considered in its analysis the College's document Professional Boundaries for Therapeutic Relationships.

Boundary Violations

A boundary violation occurs when the client's needs are no longer the focus of the therapeutic relationship. "A boundary violation is typically characterized by a reversal of roles, secrecy, the creation of a double bind for the client and the indulgence of personal privilege by the professional" (CARNA, 2005, p. 5). Registered nurses must understand the potential for negative client outcomes if boundary violations occur. Client consent to or

initiation of a personal relationship is not a defense. Nurses are to act as a client advocate and when appropriate, intervene to prevent or stop boundary violations.

Entering a Therapeutic Relationship with Family, Friends or Acquaintances

On occasion, registered nurses may find themselves in the position of being expected to provide nursing care to family, friends or acquaintances. While this is generally not appropriate, due to the inherent conflict of interest present in the relationship, there may be circumstances where such a situation is unavoidable. Prior to entering into a therapeutic relationship under these circumstances, the nurse should ensure that attempts to exercise other options have been exhausted or that other options do not exist.

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

An RN and RN(NP) must carefully consider when it is appropriate to provide nursing care to their family members, friends, or acquaintances. Prior to doing so, one must ensure to exhaust all other options and establish that there are no other care providers available. As well, RN(NP)s must not prescribe for members of their family.

Providing care to their own family members and accessing their health records is a blatant disregard of the obligations as a RN and RN(NP).

Nelda Godfrey and Nancy Crigger (2011) 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 those of the patient.

"Wrong thinking" contributes to "wrong decision making" which ultimately leads to "wrongdoing".

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*. In addition, RN(NP)s have the added requirement to comply with the practice directions: *Practice Expectations for RN(NP)s*.

On these facts, the committee records its disapproval of the lack of professionalism in failing to adhere to the RHPA and the ethical values and standards of practice.

Although the member's conduct is sufficiently serious to warrant referral to the Inquiry Committee, the committee is mindful of the fact the member does not have a disciplinary record.

The censure will adequately protect the public's concern regarding RNs and RN(NPs) providing care to their family members, the privacy of family members' personal health information and RNs and RN(NP)s as trustees of that information.

On these facts the committee believes that the censure ought to be published to act as a specific deterrence for the member, and as a general deterrence for other RNs and RN(NP)s.

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