



**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:** Member

**TAKE NOTICE** that the Complaints Investigation Committee (the “committee”) of the College of Registered Nurses of Manitoba resolves and hereby censures you with respect to:

- The member attended their place of employment, for personal reasons after hours. This attendance was, during the member’s period of self-isolation following travel outside of Manitoba, which was in violation of the public health orders that were in place at the time and inconsistent with the instructions of the employer that they were excluded from attending work.

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 an Inquiry Committee when determining the action to be taken following an investigation or hearing.

**I. The Relevant Facts Are:**

The Province of Manitoba Orders under *The Public Health Act* (C.C.S.M. c. P210) dated January 28, 2021 provides the following:

**i. Order to self-isolate upon arrival in Manitoba**

1(1) Subject to sections 2 to 5, upon entering or arriving in Manitoba, you must travel directly to your home, hotel or other residence where you intend to reside or stay while in Manitoba and must, except as permitted by this Order, stay at that location for 14 days, or for the duration of your stay if it is less than 14 days.

1(2) You may leave your home, hotel or other residence to undertake essential errands, such as obtaining food or medication, only if it is not possible to have such items delivered to you.

**ii. This Order is effective as of 11:59 p.m. on January 28, 2021, and remains in effect until terminated.**

The Order was terminated on June 10, 2021 when a new order was put into effect that replaced the above order.

While this order was in effect, the member travelled outside Manitoba and returned to Manitoba. The member was aware or ought to have been aware that the Orders under *The Public Health Act* required them to self-isolate for 14 days.

When the member returned to Manitoba, their employer issued a letter confirming their exclusion from work during the member's isolation period.

During the member's isolation period, the member attended their workplace after hours, around 17:30-18:00; this was in violation of the public health order.

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

The committee is reasonable satisfied that the facts support that the member did not meet the following *Standards of Practice*:

### **Practice Direction- Practice Expectations for RNs 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.
2. Demonstrate professional behaviours, attributes and values.
6. Take personal responsibility for professional conduct and fitness to practice.
9. Identify issues which could have an injurious effect on clients or others and participate in resolving professional practice issues that interfere with your ability to practise according to the College regulations, practice expectations, practice directions, *Code of Ethics* and other provincial and federal legislation.

### **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 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.

## **CNA CODE OF ETHICS 2017**

### **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.
12. Nurses foster a safe, quality practice environment (CNA & Canadian Federation of Nurses Unions [CFNIJI, 2015).

### **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 of the Complaints Investigation Committee records its disapproval of the member's conduct.**

As an RN with 30 years' experience and an understanding of communicable disease, the member ought to have known that leaving home for unauthorized reasons during the period of isolation was unacceptable and placed the public at unjustifiable risk and was in violation of the Orders under *The Public Health Act*.

The member placed their own needs ahead of the safety of the public and the Public Health Orders. The member failed to utilize other options at their disposal, such as contacting their manager to obtain the information the member required for personal reasons.

Given the seriousness of the COVID-19 pandemic, the expectations of a register nurse are held at the highest level. A registered nurse needs to ensure their actions are in compliance with the public health orders at all time.

The member disregarded their employer's instruction restricting the member from attending their workplace until after completion of their isolation period.

During a global pandemic, the expectations of a registered nurse are held at the highest level. Regulated health professionals must act in a professional manner, including following public health orders. The member's actions undermine the public's trust and confidence. Any breach of this trust, even inadvertent, damages the general trustworthiness of the profession of nursing.

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 the member does not have a disciplinary record.

The censure will adequately protect the public's concern regarding the registered nurses who do not follow public health orders.

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.

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



I have been advised and understand that this censure, including my name and a description of the circumstances that led to the censure, will be published in Nurse Link.

Dated at \_\_\_\_\_ (city/town) in \_\_\_\_\_ (province), this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Witness' signature

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Member signature



Read on \_\_\_\_\_(month) \_\_\_\_\_(day) , 2020 in Winnipeg, Manitoba.

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Chair, Complaints Investigation Committee