



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

And in The Matter of: Adora Mendoza, a member of the College of Registered Nurses of Manitoba

To: Adora Mendoza, CRNM #142693

TAKE NOTICE that the Complaints Investigation Committee (the “Committee”) of the College of Registered Nurses of Manitoba resolves and hereby Censures the Registrant with respect to:

- Using her access card issued to her as a Registered Nurse employee to enter a restricted area for personal reasons.
- Inappropriately accessing her family member’s patient health record.
- Inappropriately engaging in the care of her family member by accessing their dialysis machine and becoming argumentative with the staff regarding her family member’s care plan.

On February 15, 2024, in accordance with section 102(1)(d) of *The Regulated Health Professions Act* (the “RHPA”), the Committee decided to Censure the Registrant as a record of its disapproval of the deficiencies in her 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 November 9, 2022, while off duty, the Registrant entered the MICU, a restricted area, using the staff elevators, which involved using her employee access card, to visit her family member who was a patient on the unit.

While on the unit, the Registrant was seen, by multiple witnesses, to have inappropriately accessed her family member’s patient health record and their dialysis machine.

While on the unit, the Registrant was reported to have identified herself as a nurse and became argumentative with the nursing staff. The Clinical Resource Nurse (CRN) and the bedside nurse stated they engaged in a conversation with the Registrant outside of the patient’s room which they described to be heated. The Registrant was questioning the nurses regarding the recent change in the patient’s Advanced Care Plan (ACP) status. They explained to the Registrant that the change in ACP status occurred earlier that day by the patient’s next of kin.

II. Practice Directions and Code of Ethics

The Committee is reasonably satisfied that the facts support that the Registrant did not meet the following standards of practice for Registered Nurses:

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:

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

Code of Ethics for Registered Nurses (CNA)

D. Honouring Dignity

Nurses recognize and respect the intrinsic worth of each person.

Ethical responsibilities:

13. Nurses treat each other, colleagues, students and other health-care providers in a respectful manner, recognizing the power differentials among formal leaders, colleagues and students. They work with others to honour dignity and resolve differences in a constructive way.

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 interests of persons receiving care in the lawful collection, use, access and disclosure of personal information.
8. Nurses do not abuse their access to information by accessing health-care records, including those of a family member or any other person, for purposes inconsistent with their professional obligations. When using photo, video or other technology for assessment, diagnosis, planning, implementation and evaluation of persons receiving care, nurses obtain their consent and do not intrude into their privacy. They handle photos or videos with care to maintain the confidentiality of the persons involved, including colleagues and students.

G. Being Accountable

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

Ethical responsibilities:

2. Nurses are honest and practise with integrity in all of their professional interactions. Nurses represent themselves clearly with respect to name, title and role.

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

By using the staff elevator to enter the MICU, the Registrant took advantage of her position as an RN and circumvented the process that members of the public would be required to follow. As the Registrant was attending the unit for personal reasons, to visit her family member, she ought to have known that using her employee access card was not appropriate.

While in the MICU as a visitor, the Registrant was seen by multiple witnesses to have inappropriately accessed her family member's patient health record and their dialysis machine. Any reasonable and prudent Registered Nurse would have known that they had no legitimate reason to access the patient's health record, and that engaging in the treatment of a family member is grossly inappropriate. This conduct is a blatant disregard for the basic principles of confidentiality, privacy, and professional boundaries.

As the Registrant was not, and should not have been, involved in providing nursing care to her family member, touching their dialysis machine, regardless of the Registrant's level of experience using that equipment, had the potential to create unacceptable risk to her family member, the facility, and the Registrant herself.

While on the unit, the Registrant conducted herself in a disruptive and unprofessional manner. Despite her role as a visitor, and not being the next of kin, she became argumentative and was questioning the nurses about her family member's ACP status, in a manner the nurses described as "heated". Although this conduct occurred when the Registrant was not on duty, she was reported to have identified herself as nurse. RNs are expected to remain professional in all their professional interactions.

The Committee noted that the Registrant demonstrated a lack of honesty, accountability, and insight into her conduct, as she denied most of the allegations made against her, despite the information provided by numerous witnesses to the contrary.

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 Committee records its disapproval of the lack of professionalism in failing to adhere to the ethical values and standards of practice.

Although the conduct is sufficiently serious to refer to the Inquiry Committee, the Committee is mindful of the fact that the Registrant does not have a disciplinary record.

The Censure will adequately protect the public's concern regarding:

- a. an RN taking advantage of their position in the health care system.
- b. the privacy of personal health information and the role of RNs as trustees of that information.
- c. an RN inappropriately engaging in treatment for a family member.

On these facts, the Committee believes that the Censure should be published as it to act as a specific deterrence for the Registrant, and as a general deterrence for other Registered Nurses.

On these facts, the Committee ordered the Registrant to pay costs of \$1000.