



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

And in The Matter of: Amanda Rathgeber-Biglow, a member of the College of Registered Nurses of Manitoba

To: Amanda Rathgeber-Biglow

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:

- **Failing to maintain professional boundaries by providing care to an acquaintance’s family member in their home. This includes taking supplies from the facility where you worked to provide the care.**

On April 18, 2024, in accordance with section 102(1)(d) of *The Regulated Health Professions Act (the “RHPA”)*, the Committee decided to censure you as a record of its disapproval of the deficiencies in your 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:

You were at an acquaintance’s home. While there, the homeowner’s family member was present with their child who was 15 months’ old.

It was reported to you that the child had been vomiting all day, had diarrhea and was not eating. You assessed the child. It was your position that the child was dehydrated and had the potential to become more dehydrated if they continued to vomit and refuse food and fluids. You thought if you could administer Zofran ODT, you could spare the child and their mother from attending to the hospital and waiting in the emergency department.

You proceeded to go to the hospital, while off duty. You entered the medication room, took a dose of Zofran ODT and returned home. You did not speak to anyone at the hospital regarding your actions.

You reviewed with the child’s mother what the medication was for and asked the child’s mother if she was agreeable to you administering the medication to the child. You then proceeded to administer the medication.

On another separate occasion, you confirmed you took a bottle of activated charcoal home from the hospital.

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 to demonstrate professional behaviours, attributes and values that uphold trust in the profession of registered nursing. As an RN, you must:

1. Demonstrate understanding of legislation governing registered nursing practice and your practice of registered nursing including but not limited to the Regulated Health Professions Act (RHPA), the College's General Regulations, Practice of Nursing Regulation, and any/all other applicable legislation (e.g. The Personal Health Information Act).
2. Promote a practice environment that supports responsibility, accountability, professional development, and respect for others by:
 - b. Taking personal responsibility for your professional conduct and fitness to practice including responsibility to notify the College as required according to College regulations and practice directions.
 - c. Identifying issues which could have an injurious effect on clients or others.

Ethical Practice

Registered nurses recognize, promote, and uphold the ethical standards of the nursing profession. As an RN, you must:

14. Practise in accordance with the values outlined in the Code of Ethics.

*Client-centered Practice

The practice of registered nursing encompasses several domains such as clinical practice, education, administration, and research. Your client may be an individual, a family, a group of people, a community, or a population. Depending on your domain(s) of practice, a client may be a patient, a nursing student, a research participant, another member or other health-care provider. As an RN:

21. You may engage in the practice of registered nursing only if you are legally permitted, competent and fit to do so.
22. You must acknowledge your limitations in skill, knowledge and judgment and must ensure that you practice registered nursing within those limitations.
23. When engaging in the practice of registered nursing, you must apply, as a framework, the nursing process, which is the systematic approach to the practice that encompasses all steps taken by RNs in planning for the needs of your client, including assessment, diagnosis or determination, planning, implementation and evaluation.

*Collaborative care

As an RN, you must:

26. When involved in providing for the health care of a client:
 - a. Work collaboratively and cooperatively with clients, families and other health-care providers in providing for the health care of the client and communicate effectively and appropriately with them;
 - b. Ensure that you understand your role and the role of other health-care providers in providing for the health care of the client;
 - c. Explain to the client or their representative your role and responsibility;

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.

D. Honouring Dignity

Nurses recognize and respect the intrinsic worth of each person.

Ethical responsibilities:

6. Nurses utilize practice standards, best practice guidelines, policies and research to minimize risk and maximize safety, well-being and/or dignity for persons receiving care.
7. Nurses maintain appropriate professional boundaries and ensure their relationships are always for the benefit of the person. They recognize the potential vulnerability of persons receiving care and do not exploit their trust and dependency in a way that might compromise the therapeutic relationship. They do not abuse their relationship for personal or financial gain and do not enter into personal relationships (romantic, sexual or other) with persons receiving care.

F. Promoting Justice

Nurses uphold principles of justice by safe guarding human rights, equity and fairness and by promoting the public good.

Ethical responsibilities:

6. Nurses make fair decisions about the allocation of resources under their control based on the needs of persons receiving care. They advocate for fair treatment and fair distribution of resources.

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

By assessing the child in the home, attending to the emergency department, obtaining the medication, returning home and then administering the medication to the child, you circumvented the appropriate process for members of the public who require medical attention. You administered a schedule one drug to a 15-month-old child, without a prescription, and without having the child be assessed by an authorized prescriber.

You failed to consider the potential risk in this circumstance in providing care in this manner. You ought to have directed the family to attend to the emergency department or seek health care through the appropriate means.

You took advantage of your position, including your knowledge of the health care system. You ought to have known this was inappropriate. Your conduct placed the child at risk and was a blatant disregard for the basic principles of professional boundaries and the role and responsibilities of being a Registered Nurse.

You inappropriately took the medication and the activated charcoal from the hospital. You used your ability to access the facility as a Registered Nurse and stole these items from the hospital. This is an inappropriate use of healthcare resources.

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.

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 conduct is sufficiently serious to refer to the Inquiry Committee, the Committee is mindful of the fact you do not have a disciplinary record.

The Censure will adequately protect the public's concern regarding maintaining appropriate professional boundaries and the responsibility of RNs to not take advantage of their position in the health care system for their own personal gain.

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

On these facts, the Committee ordered you to pay costs of \$1,000.00.