



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

And in The Matter of: Breanne Klym, a member of the College of Registered Nurses of Manitoba

To: Breanne Klym

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:

- You failed to promptly notify the College of the criminal charges against you.

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:

On May 9, 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.

A 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 April 23, 2007, you were convicted of a criminal charge of driving while impaired.
- You were aware of the requirements to report criminal charges to the College of Registered Nurses of Manitoba at the time of the offence and did not report the charges to the College.
- You knowingly did not disclose the charges to the College during subsequent registration renewal periods until the 2024 registration renewal period when you were required by the College to provide a criminal record check. You then disclosed the criminal charge.

III. Practice Directions and Code of Ethics

The Council approves practice directions which are written statements to enhance, explain, add or guide RNs with respect to matters described in the College of Registered Nurses General Regulations or any other matter relevant to registered nursing practice. Compliance with standards and practice directions are required; these expectations also serve as a legal reference to describe reasonable and prudent nursing practice.

It is the responsibility of all Registered Nurses or RNs in Manitoba to understand all practice expectations and be accountable to apply them to their own nursing practice, regardless of roles or practice settings.

Responsibility is the duty to satisfactorily complete your obligations. Accountability means being capable to explain why you did or did not meet these expectations.

The Practice Direction: Practice Expectations for RNs articulate the expectations that the public can have of a Registered Nurse in any practice setting, domain and/or role; they describe how a Registered Nurse is to practice, at a minimum. In addition, they serve as a legal reference to describe reasonable and prudent registered nursing practice.

The Committee is reasonably satisfied that the information before them supports that the following practice expectations apply in the circumstance.

Practice Direction: Practice Expectations for RNs

An asterisk* indicates a standard of practice from the College's 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.
2. Demonstrate professional behaviours, attributes and values.
4. Promote a practice environment that supports responsibility, professional development and a respectful attitude.
6. Take personal responsibility for professional conduct and fitness to practice.
11. Report unsafe practice, professional incompetence, professional misconduct and incapacity or unfitness to practice.

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.

***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.

The Committee is reasonably satisfied that the information before them supports that the following values from the Code of Ethics apply in the circumstance.

Code of Ethics for Registered Nurses

Part I. Nursing Values and Ethical Responsibilities

Nurses in all contexts and domains of practice and at all levels of decision-making bear the ethical responsibilities identified under each of the seven primary nursing values. These responsibilities apply to nurses' interactions with all persons who have health-care needs or are receiving care as well as with students, colleagues and other health-care providers. The responsibilities are intended to guide nurses in applying the Code to their practice. They also serve to articulate nursing values to employers, other health-care providers and the public. Nurses help their colleagues implement the Code and they ensure that nursing students are acquainted with it

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.
4. Nurses question, intervene, report and address unsafe, non-compassionate, unethical or incompetent practice or conditions that interfere with their ability to provide safe, compassionate, competent and ethical care; and they support those who do the same.

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.

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.

The Committee is reasonably satisfied that the information before them supports that you did not follow the College's Practice Direction on self-disclosure of criminal charges.

Practice Direction: Self-Disclosure

Part 2: Registrants "A registrant must promptly notify the College, in writing, of a charge for a criminal offence or careless driving causing death under The Highway Traffic Act of Manitoba or other similar legislation".

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

You were convicted of driving while impaired on April 23, 2007. The Committee noted that this charge occurred while you were a Registered Nurse. You were aware of the duty to report criminal charges at the time of conviction and failed to do so.

At registration renewal nurses are explicitly asked if they have been charged or convicted of a criminal offense. You were aware of your criminal conviction and knowingly falsified your registration renewal documents since 2016.

You did not self-disclose the criminal charges. You only disclosed the charges when you were required to submit a criminal record check to the College.

The information before the Committee is that you would not have self-disclosed your criminal record had *The Regulated Health Professions Act (RHPA)* not required you to submit a criminal record check.

Your position is that you did not report the criminal charge due to feelings of embarrassment and shame.

Your conduct demonstrates a disregard to the public, the employer, and your colleagues. This conduct also demonstrates neglect of the obligations all Registered Nurses must maintain.

While there is no information before the Committee that patient harm occurred, there is potential for reputational harm to the profession as a whole. Your inappropriate conduct undermines the public's trust and confidence. Any breach of this trust damages the general trustworthiness of the profession of nursing.

Although this conduct is sufficiently serious to refer to an inquiry panel for a hearing, the Committee is mindful of the fact that you do not have a disciplinary record.

The Committee concludes that a Censure is reasonable in this circumstance, as the Censure will provide the disciplinary action necessary to convey the professional responsibilities and obligations regarding reporting criminal matters as required by the RHPA.

On these facts, the Committee believes the Censure should be published as it will serve as a specific deterrent for you, the Registrant, and as a general deterrent for other Registered Nurses.

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

A reasonable and prudent registered nurse ought to have reported the charges at the time they occurred

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.

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 your 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 the patient's needs. Your "wrong thinking" contributed to your "wrong decision making" which ultimately led to your "wrongdoing".

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

On these facts, the Committee orders you to pay costs of \$1000.