

Public Censure of a Registrant of the College of Licensed Practical Nurses of Manitoba

Date of Censure: February 1, 2017

In order to protect the privacy of the vulnerable individuals impacted by the registrant's professional misconduct, the Investigation Committee, in consultation with the employer, agreed to not identify the registrant in the published censure.

On September 7, 2016, the Investigation Committee of the College of Licensed Practical Nurses of Manitoba (CLPNM) resolved, pursuant to section 23(1)(d) of *The Licensed Practical Nurses Act* (the Act), to issue a formal censure of the registrant with respect to conduct unbecoming a licensed practical nurse. The Committee found that the registrant engaged in disgraceful, dishonourable and unprofessional conduct on or about June 8, 2016, by engaging in the inappropriate use of social media.

Relevant Facts

The initial letter of complaint, dated June 14, 2016, made allegations of professional misconduct relating to the registrant's:

1. Inappropriate use of social media that violated professional standards; specifically, the registrant posted inappropriate statements on to her Facebook account, including:
 - a. "[Room # posted] new admission 1030 am needs am care...will take full staff to take care 300+ pound lady. Her one leg is as big as my body."
 - b. "She has bugs (VRA, MRSA, VRE)..."
 - c. "[Room # posted] rotten bi-lateral extremities..."
 - d. "I am burned out...work is so stressful and heavy. [Room # posted] started yelling +++already. She was getting paranoid, hallucinating, and freaking insane (suicidal). I phoned doctor M...Doctor refused any help."
 - e. "[Room # posted] was needy c/o SOB (shortness of breath). On the call bell non-stop. Yeahhhh."

In a written response to the complaint, the registrant admitted to posting the inappropriate information to her Facebook account, explaining that the posting was meant to be a diary of a stressful day. She admitted that when she made the Facebook posts, she was feeling frustrated and upset after having a hard day at work; admitting that it was not until being advised of possible breaches of confidentiality did she delete the posts and deactivate her Facebook account. The registrant admitted that she failed to consider standards or regulations. The registrant stated that the last few months at work had been difficult, tiring and stressful. The registrant disclosed that she was deeply sorry for her conduct and was willing to comply with the Investigation Committee's direction.

Standards of Practice

The Investigation Committee determined that the registrant had breached the following Standards of Practice:

Standard I: Knowledge

The Licensed Practical Nurse bases practice on knowledge acquired from nursing science and the humanities.

Indicator #2: Demonstrates knowledge, skill and professional judgment relevant to practice.

Indicator #3: Uses current knowledge to support and guide practice.

Standard II: Application of Knowledge, Skills and Judgement

The Licensed Practical Nurse assesses the clients' actual or potential strengths and limitations and plans interventions and evaluates outcomes.

Indicator #3: Applies critical thinking and problem-solving processes in decision-making.

Standard III: Professional Service in the Public Interest

The Licensed Practical Nurse provides nursing service and collaborates with others in providing health care, while respecting individual beliefs.

Indicator #1: Responds to the needs of clients in a manner that fosters trust, respect, collaboration and innovation.

Indicator #9: Uses resources effectively and efficiently in the provision of nursing services.

Standard IV: Ethical Practice

The Licensed Practical Nurse understands, promotes and adheres to the ethical standards of the nursing profession.

Indicator #1: Adheres to the College of Licensed Practical Nurses of Manitoba Code of Ethics.

Indicator #2: Acts as an advocate to protect and promote the clients right to autonomy, respect, privacy, dignity and access to information.

Indicator #3: Recognizes the impact of own values and beliefs on practice.

Indicator #4: Maintains appropriate boundaries between professional therapeutic relationships and non – professional personal relationships.

Indicator #5: Identifies, responds to and reports situations of unsafe practice or professional misconduct to appropriate authorities.

Indicator #6: Promotes a practice environment that supports ethical behavior and practice.

Standard V: Self-Regulation

The Licensed Practical Nurse maintains current knowledge related to the profession.

Indicator #3: Supports the mandate of the College of Licensed Practical Nurses of Manitoba to protect the public.

Standard VI: Continuing Competence

The Licensed Practical Nurse assumes responsibility for attaining and maintaining competence relevant to own practice.

Indicator #1: Demonstrates appropriate knowledge, skills and judgment related to own practice.

Indicator #2: Demonstrates awareness of the changing trends in nursing, health and society that impact practice.

Standard VII: Professional Responsibility and Accountability

The Licensed Practical Nurse is responsible and accountable for own practice and conduct.

Indicator #1: Demonstrates knowledge regarding professional responsibilities.

Indicator #3: Adheres to policies and procedures of employment setting.

Indicator #4: Supports policies and practices consistent with the College of Licensed Practical Nurses of Manitoba's Standards of Practice and reports those in conflict with the Standards.

Indicator #6: Displays the characteristics and attributes of a professional.

Indicator #8: Protects the rights of the client, including confidentiality, privacy, dignity and self-determination.

Indicator #9: Protects confidentiality of all information gained in the context of a professional relationship.
Indicator #10: Complies with health related legislation pertaining to the disclosure of confidential information.

Standard VIII: Professional Leadership

The Licensed Practical Nurse demonstrates professional leadership in the delivery of quality nursing and health care services to the public.

Indicator #3: Presents a positive image of nursing.

Indicator #4: Acts as a role model, resource and mentor to clients, learners, nursing peers and colleagues.

Indicator #10: Promotes efforts to achieve a healthier society.

Code of Ethics

The Investigation Committee determined that the registrant failed to uphold the following values of the profession:

1. Respect and dignity of the person
2. Compassionate care
3. Trustworthy professional relationships
4. Informed decision-making
5. Safety and protection of the public
6. Privacy and confidentiality

The Investigation Committee determined that the registrant, by using social media to disparage those in her trust, tarnished the profession's reputation and breached the following ethical standards:

1. People-centered approach
2. Compassionate, safe, ethical and competent care
3. Ethical management of personal health information
4. Professional integrity and conduct
5. Professional responsibility and accountability

Conclusion

The Investigation Committee found that the allegations named in the complaint were proven with conclusive evidence and that the registrant did breach the profession's standards with her inappropriate use of social media. Furthermore, the Investigation Committee determined that the registrant demonstrated public conduct unbecoming a licensed practical nurse. Based on the facts of the case, the Investigation Committee met with the registrant on February 1, 2017 to censure her and acknowledged its disapproval of her failure to adhere to the Standards of Practice and Code of Ethics. The Committee also directed the registrant to pay costs associated with the case.