



CONDUCT COUNTS!

Professional Conduct

SCENARIO

Julia is a dedicated RT with over seven years of experience. About a year ago, she decided it was time for a change and she left her role in a hospital setting to work for a home care company. Julia found a great fit when she took on a role as a home care RT for a local home care company, Air4All.

During her orientation, Julia was given a lot of company policies to review and ensure she understood. One of them, the Privacy and Confidentiality of Client Personal Information Policy (the "Confidentiality Policy") asked for Julia's signature once she had reviewed it. The signature was for her to confirm that she had read and understood her expectations under the policy. Julia was so excited to get going with her new role; she skimmed over the policy and signed off that she had reviewed it.

About four months later Julia had early morning appointments at client homes far from her office, but close to her home. It was decided that she would take a company vehicle overnight, along with the Clients' health records. This way she could attend the Clients' homes first thing in the morning without the need to come back to the office first.

Julia lived in condo building, and so she left the company vehicle in the condo visitor parking lot for the night. She reasoned that it was a secure parking lot and that she would be leaving the materials inside a company vehicle, therefore, no one else could access them. Unfortunately for Julia, she came back to the vehicle the following morning to discover that it had been broken into. Some of her personal belongs were missing, along with a briefcase that contained the Clients' personal health records.

Julia, extremely concerned, called the police and her employer to immediately report the incident.

RESULTS

The CRTO received a mandatory report of disciplinary action taken against Julia by her employer. The report stated that Julia had been suspended for a day for failing to meet her commitments under the employer's Confidentiality Policy. The CRTO investigated the allegation contained in the employer report. After reviewing the results of the investigation, a panel of the Inquires, Complaints and Reports Committee (The Panel) order Julia to complete an essay in which she was to account for why the allegation against her represented breaches of privacy according to the Standards of Practice, who was at risk of being negatively impacted by her breaches of standards, and what Julia would do in the future to ensure that similar incidents do not reoccur. In addition, the Panel provided Julia with written warning regarding the importance of adhering to her employer's policies and CRTO Standards of Practice when transporting and storing client files.

In coming to their decision, the Panel was concerned with Julia's knowledge gap regarding her Employer's policies and the lack of judgement Julia showed. When she began working for Air4All, she was asked to review the Confidentiality Policy and sign it to ensure that she understood her responsibilities under the policy. The policy clearly stated that in the event that an employee took client health records overnight, they were not permitted to leave the records in their car/company car, and that it must be kept with the employee during the overnight period.



PROFESSIONALISM

"Professionalism" or professional conduct is a term often used to describe the behaviours that are expected of individuals who hold a certain role in society. A "professional" is typically someone who has obtained skills that are recognized as requiring specific, intensive training and who applies those skills in a position impacting others (e.g., engineer, lawyer, RT, PT, MD, etc.). Professionals are often held to moral, ethical and legal standards because of this potential impact.



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RESULTS (continued)

In signing the Confidentiality Policy, Julia had indicated to her employer that she understood the policy and that she would abide by it. In her response to the investigation, Julia apologized for her actions and stated that she was not aware of her employer's expectations around the storing of client files off-site. The Panel concluded that Julia failed to follow a very direct and specific rule set out in her Employer's policy, and claiming ignorance of the expectation did not excuse the action. The Panel was left to conclude that Julia did not read the policy, in which case she lied by signing the Confidentiality Policy. This was very concerning to the Panel.

Additionally, the Panel reminded Julia that obtaining and maintaining patient health information in a secure manner is at the heart of establishing a therapeutic relationship with a patient. The public trusts Respiratory Therapists to keep their health information private and as secure as possible. By allowing unauthorized access to patient information, Julia's actions have the ability to undermine the public's trust in the profession of Respiratory Therapy and health care in general.

BOTTOM LINE

Read the fine print!! In signing the confidentiality policy Julia had provided false assurance to her employer that she understood her obligations. If Julia was unclear as to her expectations, she should have sought clarification on what her expectations were.

It can be a very exciting time when you begin a new role but it's very important to take the time to understand the policies and expectations of your new role. As a regulated healthcare professional, Respiratory Therapists are expected at all times be informed of their obligations, in order to ensure that they are administering safe and confidential treatment.

RESOURCES

[CRTC Standards of Practice](#)

