

STATEMENT OF ALLEGATIONS

JENNIFER MURPHY

Registration number #029557

IT IS ALLEGED THAT:

1. At all material times, Jennifer Murphy (“**Ms. Murphy**”) was duly registered with the College of Nursing of New Brunswick (which was at all material times called the Nurses Association of New Brunswick), as a Registered Nurse.
2. At all material times, Ms. Murphy was employed as a full-time Registered Nurse at the [...] (“**the Unit**”).
3. On or between April 29, 2024, and May 29, 2024, Ms. Murphy committed acts of professional misconduct as defined in subsection 2(1) of the **Nurses Act** in that, while working as a Registered Nurse at the Unit, she digressed from established or recognized professional standards or rules of practice of the profession, including but not limited to the Nurses Association of New Brunswick, as it was then called, **Standards of Practice for Registered Nurses**, the **Standards of Practice for Documentation**, the **Standards for the Nurse-Client Relationship** and the Canadian Nurses Association’s 2017 **Code of Ethics for Registered Nurses**, and she engaged in conduct unbecoming a nurse, as provided by subparagraph 28(1)(a)(ii) of the **Nurses Act**, as follows:
 - a. On or between April 29, 2024, and May 29, 2024, Ms. Murphy inappropriately accessed the personal health information of eleven (11) patients (the “**Patients**”) who were not within her circle of care, in a manner inconsistent with her professional obligations and duties, without clinical or professional purpose, and without consent or other proper authorization, and/or she failed to document any clinical or professional purpose for accessing the Patients’ personal health information;
 - b. The Patients were located in the Emergency Department of the hospital and were not admitted to the Unit, except for one patient who had been admitted to the Unit one year prior to Ms. Murphy’s inappropriate access; and
 - c. Each inappropriate access of the Patients’ personal health information records took place from Ms. Murphy’s computer located in the Nursing station of the Unit.
4. Ms. Murphy failed to practice safely, competently and ethically, as required by standard 1 of the **Standards of Practice for Registered Nurses**.
5. Ms. Murphy failed to practice in accordance with relevant legislation, standards, and employer policies as required by standard 1.2 of the **Standards of Practice for Registered Nurses**,

including the hospital's applicable policies and section 32 of the **Personal Health Information Privacy Access Act**, NB 2009, c P-7.05.

6. Ms. Murphy failed to practise in accordance with the Canadian Nurses Association's **Code of Ethics for Registered Nurses**, as required by standard 1.3 of the **Standards of Practice for Registered Nurses**.
7. Ms. Murphy failed to exercise reasonable judgement as required by standard 2.5 of the **Standards of Practice for Registered Nurses**.
8. Ms. Murphy failed to maintain accurate and/or timely documentation as required by standard 2.9 of the **Standards of Practice for Registered Nurses**.
9. Ms. Murphy failed to demonstrate a professional presence and/or model professional behavior as required by standard 3.1 of the **Standards of Practice for Registered Nurses**.
10. Ms. Murphy failed to uphold and protect clients' privacy and confidentiality, as required by standard 3.4 of the **Standards of Practice for Registered Nurses**.
11. Ms. Murphy accessed a patient's file and documented care provided by someone else when it was not an emergency and without a policy permitting such documentation, contrary to the principles of documentation outlined in the **Standards for Documentation**, and contrary to standard 1.1 of the **Standards for Documentation**.
12. Ms. Murphy failed to document communication with other care providers that may impact the client's health outcome or the plan of care, noting the date, time, and content of the communication, as required by standard 1.4 of the **Standards for Documentation**.
13. Ms. Murphy failed to safeguard client health information by maintaining confidentiality, as required by standard 3 of the **Standards for Documentation**.
14. Ms. Murphy failed to maintain confidentiality of client health information, as required by standard 3.1 of the **Standards for Documentation**.
15. Ms. Murphy failed to understand and adhere to legislation, standards, and policies related to confidentiality, privacy and security of client health information, as required by standard 3.2 of the **Standards for Documentation**.
16. Ms. Murphy failed to access client health information only for purposes consistent with professional obligations, as required by standard 3.3 of the **Standards for Documentation**.
17. Ms. Murphy failed to determine whether a particular activity or behaviour was appropriate within the context of a nurse-client relationship as required by standard 2.7 of the **Standards**

for the Nurse-Client Relationship, or she engaged in the activity or behaviour despite determining that it was inappropriate.

18. Ms. Murphy failed to ensure that the nurse-client relationship and nursing strategies were developed for the purpose of promoting the health and well-being of the client and not to meet her own need(s), as required by standard 2.10 of the **Standards for the Nurse-Client Relationship**.
19. Ms. Murphy failed to recognize there may be an increased need for vigilance in maintaining boundaries in certain practice settings, including within the Unit, as required by standard 2.11 of the **Standards for the Nurse-Client Relationship**.
20. Ms. Murphy failed to consult with the health-care team and/or nurse manager for any situation in which it was unclear whether a behaviour may cross a boundary of the nurse-client relationship, as required by standard 2.12 of the **Standards for the Nurse-Client Relationship**.
21. Ms. Murphy failed to conduct herself according to ethical responsibilities and practice standards as required by Part 1, section A, item 1 of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.
22. Ms. Murphy failed to respect the privacy of persons receiving care by providing care in a discreet manner and by minimizing intrusions, in contravention of Part 1, section D, item 5 of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.
23. Ms. Murphy failed to utilize practice standards, best practice guidelines, policies, and research to maximize well-being and/or dignity for persons receiving care, as required by Part 1, section D, item 6 of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.
24. Ms. Murphy failed to maintain appropriate professional boundaries, failed to ensure that her relationships were always for the benefit of patients, and abused her relationship for personal gain, in contravention of Part 1, section D, item 7 of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.
25. Ms. Murphy failed to recognize the importance of privacy and confidentiality and to safeguard personal, family, and community information obtained in the context of a professional relationship, as required by Part 1, section E of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.
26. Ms. Murphy failed to respect the interests of persons receiving care in the lawful collection, use, access, and disclosure of personal information, as required by Part 1, section E, item 1 of the Canadian Nurses Association's 2017 **Code of Ethics for Registered Nurses**.

27. Ms. Murphy failed to use health information on a need-to-know basis with the highest degree of anonymity possible in the circumstances and in accordance with privacy laws, as required by Part 1, section E, item 3 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.
28. Ms. Murphy failed to respect policies that protect and preserve the privacy of persons receiving care, as required by Part 1, section E, item 7 of the Canadian Nurses Association's ***2017 Code of Ethics for Registered Nurses***.
29. Ms. Murphy abused her access to information by accessing patients' health-care records for purposes inconsistent with her professional obligations, in contravention of Part 1, section E, item 8 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.
30. Ms. Murphy failed to practise according to the values and responsibilities in the 2017 ***Code of Ethics for Registered Nurses*** and in keeping with the professional standards, laws, and regulations supporting ethical practice, as required by Part 1, section G, item 1 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.
31. Ms. Murphy failed to practice with integrity in all her professional interactions, as required by Part 1, section G, item 2 of the Canadian Nurses Association's 2017 ***Code of Ethics for Registered Nurses***.