



# New Brunswick College of Pharmacists

## Ordre des pharmaciens du Nouveau-Brunswick

*Governing the practice of pharmacy for a healthier New Brunswick*  
*Régir l'exercice de la pharmacie pour un Nouveau-Brunswick en meilleure santé*

### Publication of Complaint Decision

**Title of Incident** Viewing health records when there was no patient-professional relationship present.

**Incident Description** A complaint was filed by the Administrator of Complaints of the New Brunswick College of Pharmacists (the College) against a pharmacist for inappropriately accessing health records of a deceased colleague and family members.

**Summary of Findings** A panel of the Complaints Committee (CC) established that the actions of the pharmacist were in contravention of the:

1. [Code of Ethics](#):

- Bioethical principles of *Respect for Persons and Justice*

By accessing the records of a deceased colleague and family members, the pharmacist failed to recognize the inability to act justly due to existing personal relationships and, the pharmacist used privileged access to information to gain knowledge of individuals.

By accessing the records of a deceased colleague, the pharmacist is seen to be satisfying a personal need for knowledge rather than collecting data for the benefit of a patient.

2. [Standards of Practice](#)

- "*Pharmacists, when providing patient care...protects the patient's privacy when collecting and using relevant information*" and, "*Ensure confidentiality of patient information is maintained.*"

Although technically not providing patient care to these individuals when the records were accessed, the pharmacist was employed in the capacity as a practicing pharmacist.

3. [Personal Health Information Privacy Act](#) (PHIPA) (2009) section 34(1) sets out permitted uses of personal health information



# New Brunswick College of Pharmacists

## Ordre des pharmaciens du Nouveau-Brunswick

---

*Governing the practice of pharmacy for a healthier New Brunswick  
Régir l'exercice de la pharmacie pour un Nouveau-Brunswick en meilleure santé*

4. [New Brunswick Pharmacy Act, 2014](#) section 140(6) includes reference to PHIPA as applying to pharmacy professionals

### Analysis

The CC recognized:

- The action of accessing the information was limited to the pharmacist in question and details did not appear to have been communicated to any other party
- The pharmacist may have been motivated by strong emotions of caring and suffering
- The pharmacist did not contest the validity of the complaint

In addition, The CC recognized the pharmacist demonstrated:

- insight into the seriousness of the complaint
- willingness to communicate with the College and employer/supervisors
- compliance with the established complaints process
- transparency
- acceptance of responsibility for their actions.

### Orders of the Panel

In their final decision, the Panel took into consideration the actions of the employer to suspend the pharmacist and impose mandatory education.

The CC agreed to the following sanctions for the pharmacist:

1. Reprimand for contravening the Code of Ethics, Standards of Practice and Legislation relating to privacy and confidentiality of patients and members of the New Brunswick public. This reprimand will remain in the pharmacist's file for two years and will be referenced in any letter of standing
2. Provide written documentation to the Administrator of Complaints describing how the pharmacist shared lessons from the experience with colleagues
3. Not permitted to serve as a Pharmacy Manager for a period of 12 months



## New Brunswick College of Pharmacists Ordre des pharmaciens du Nouveau-Brunswick

---

*Governing the practice of pharmacy for a healthier New Brunswick  
Régir l'exercice de la pharmacie pour un Nouveau-Brunswick en meilleure santé*

4. Not permitted to serve as a preceptor of students/learners, for a period of 12 months
5. Reimburse the College in the amount of \$2,500 for costs associated with the investigation of this complaint

### **Messages for Pharmacy Professionals**

- Accessing individual health records in any database or file is only justifiable in order to provide patient care or improve quality of care. Accessing health records for personal reasons is an abuse of privileged access
- Breaches of privacy contravene multiple established practice cornerstones (Code of Ethics, legislation and standards of practice)
- Pharmacy professionals must remain vigilant for situations where conflict of interests exists as it presents increased risk for all involved of a poor decision on the part of the professional. Accessing records of family, friends and colleagues should be avoided unless clear justification exists and is documented.
- Employing the values-based decision making (VBDM) process described in the Code of Ethics results in the application of good judgement in scenarios such as this. Professionals should become proficient in applying VBDM in their own practice.

### **Posted**

September, 2019