



BCCNM LEARNING MODULE — WORKBOOK

# Privacy and Confidentiality

In Nursing Practice



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# Introduction

This workbook offers activities that will allow you to apply ideas presented in the on-line Learning Module. It is organized in three sections.

- **Part 1** includes **Workbook Activities** that are related to various topic areas addressed in the on-line Learning Module. As you work through the module, you will be directed to complete a specific Workbook Activity. Part 1 also includes pages for you to record your thoughts related to learning in this module. There are two pages: “Thoughts from Reflection Points” provides a space to note down your thoughts and insights related to “Reflection Points” included in the on-line Learning Module, while “Insights and affirmations” provides a space to note key aspects of your learning that have been supported by the Workbook Activities. Information from both of these pages will be useful for you when you create your Learning Plan at the completion of this module. Finally, Part 1 also includes a complex case example (Jasmine and Mr Brooks) that offers an option of extending your learning beyond the scope of the on-line module case scenarios. A discussion of this complex case scenario can be found in Part 2: Sample answers.
- **Part 2** presents **sample responses** to Workbook Activity #2 and to the questions included with the complex case example: Jasmine and Mr Brooks.
- **Part 3:** This section of the workbook provides an opportunity for you to **create a plan for your professional growth**. A sample Learning Plan is provided to help you in this process.

# Part 1

## Workbook Activities



# 1

## Workbook Activity #1

In this activity you will explore the direction provided within BCCNM Professional Standards and CNA Code of Ethics for maintaining client privacy and confidentiality in nursing practice and consider how this can support you in your nursing practice. These documents can be accessed by the links in the learning module or directly from :

RN: <https://www.bccnm.ca/RN/ProfessionalStandards/Pages/Default.aspx>

NP: <https://www.bccnm.ca/NP/ProfessionalStandards/Pages/Default.aspx>

1. Begin by reviewing the BCCNM Professional Standards for Registered Nurses and Nurse Practitioners.
2. Next, locate the CNA Code of Ethics (in a later section of the BCCNM Professional Standards document), find Value E: Maintaining Privacy and Confidentiality, and review the ethical responsibilities related to this value to get a sense of what they say.
3. Now, recall your conclusions from the first Reflection Point in this module in which you considered the sources and volume of client information that you collect, use and share in an 'average workday'. (If you made notes during that reflective activity, you may wish to review them now). What direction do the ethical responsibilities outlined in Value E in the Code of Ethics provide for your management of this information? Are there areas that you find challenging?

Note your thoughts related to this activity here, so that you can refer back to them later.

Before you return to the module, take a few moments to reflect on this activity and your conclusions from the related Reflection Point. **What have you learned about your nursing practice related to management of client information?** Were aspects of your nursing practice affirmed by this workbook activity? Or perhaps you gained some new insights regarding areas that challenge you?

Record these conclusions on the “**Affirmations and Insights**” page located on page 13 of this Workbook. At the completion of the module, you will have an opportunity to use the insights and affirmations gained in various learning activities, as part of your planning for future professional growth and development.

# 2

## Workbook Activity #2

In this activity you will review the BCCNM Practice Standard for Privacy and Confidentiality, and consider the direction it provides in nursing practice by focusing on the principles within the Practice Standard. In a later workbook activity we will consider how these principles guide specific aspects of client privacy and confidentiality. The Practice Standard can be accessed by the link in the learning module or directly from [https://www.bccnm.ca/RN/PracticeStandards/Lists/GeneralResources/RN\\_PS\\_PrivacyConfidentiality.pdf](https://www.bccnm.ca/RN/PracticeStandards/Lists/GeneralResources/RN_PS_PrivacyConfidentiality.pdf)

1. Please read the BCCNM Practice Standard for Privacy and Confidentiality to get a sense of what it includes.
2. Now return to the Principles. Read these carefully and notice how they reflect the direction provided by the legislation, the BCCNM Professional Standards, and the CNA Code of Ethics.
3. Now consider each of the Principles with respect to your nursing practice. Complete the following table by providing an example from your nursing practice that will illustrate the application of the principle. When you have completed this, you may wish to compare your examples with those found in the “Sample Answers’ section, in Part 2 of this Workbook.

	<b>Principle from the Practice Standard</b>	<b>An example of how this is applied in my practice is ...</b>
1)	I add my signature and title, or initials as appropriate, to each entry they make on the health record	
2)	Nurses collect personal and health information on a need-to-know basis.	
3)	Nurses ensure that clients are aware of their rights concerning their personal and health information and have consented to the collection, use and disclosure of this information.	
4)	Nurses share relevant personal and health information with the health care team. Nurses explain to clients that this information will be shared and identify to them who is on the health care team (e.g., physicians, social workers).	
5)	Nurses respect clients’ rights to access their own health records and to request correction of the information	
6)	Nurses safeguard personal and health information learned in the context of the nurse-client relationship and disclose this information (outside of the health care team) only with client consent or when there is a specific ethical or legal obligation to do so.	

# 2

## Workbook Activity #2

	Principle from the Practice Standard	An example of how this is applied in my practice is ...
7)	Nurses have an ethical obligation to disclose in situations that involve a substantial risk of significant harm to the health or safety of the client or others. In these situations, nurses use a process of ethical decision-making before disclosing confidential information. Whenever possible, this process involves consulting with knowledgeable colleagues.	
8)	Nurses comply with any legal obligation to disclose confidential information that is imposed by legislation or required under a warrant, court order or subpoena.	
9)	In all cases where disclosure of confidential information is necessary, nurses restrict the amount of information disclosed and the number of people informed to the minimum necessary to fulfill the legal and ethical obligations.	
10)	Nurses access personal and health information only for purposes that are consistent with their professional responsibilities.	
11)	Nurses take action if others inappropriately access or disclose a client's personal or health information.	

Before you return to the module, take a few moments to reflect on this activity. ***What have you learned about how you apply the principles related to client privacy and confidentiality in your nursing practice?*** Were aspects of your nursing practice affirmed by this workbook activity? Did the principles offer new insights into aspects of privacy and confidentiality that you have found challenging in some way?

Record these conclusions on the “**Affirmations and Insights**” page located on page 13 of this Workbook. At the completion of the module, you will have an opportunity to use the insights and affirmations gained in various learning activities, as part of your planning for future professional growth and development.

# 3

## Workbook Activity #3

This activity provides an opportunity for you to review privacy and confidentiality policies in your health care agency and nursing unit and to become aware of relevant individuals that can assist you and/or clients with concerns related to privacy and confidentiality.

1. Locate your agency and/or unit's policies and review the direction they provide for nurses with respect to
  - Collecting client information, including obtaining client consent for that process.
  - Managing and storing information. This will include policies related to documentation, e-documentation, faxing and sending client information within and between health care agencies and so on.
  - Client requests to review their records and/or have a correction made to their records.
  - When, how and what client information to share with health care providers *outside* of your organization in order to support continuity of care.
2. Determine who is the relevant resource person that you and / or clients can consult regarding concerns related to privacy and confidentiality of information.

This information will be useful in your daily nursing practice. You may wish to note your thoughts related to this activity here so that you can refer back to them at a later date.

# 4

## Workbook Activity #4

This activity provides an opportunity for you to consider a challenge related to privacy and confidentiality that you have encountered in your nursing practice, to use the information presented in the module to explore this challenge, and to propose an appropriate response that you could use in the future.

1. Begin by reflecting on your nursing practice. Identify a situation that relates to client privacy and confidentiality that you found challenging in some way. For example, have you experienced a situation in which
  - You were not sure if you should disclose client's personal or health-related information to another person?
  - A client asked you to let them see their medical records and another nurse told you 'we don't do that here'?
  - Someone else asked you to access "their friend's" health-related information so that they could "help the family understand it"?
  - You witnessed another health care professional breaching client confidentiality and were not sure what to do?
2. Note down the key points of your challenging situation here.

3. Now, using the information provided in the module:
  - Identify the key issue(s) in this scenario. For example, is the issue related to respecting client confidentiality? Or accessing information? Or collecting information? Or disclosing information? Does it focus on the need for client consent to support an action?

4. Consider the professional and legal directives for this issue. Resources that will help you in this step include
  - Relevant module discussion (click on a Tab in the module to open up the section you want to review).
  - BCCNM Practice Standard: Privacy and Confidentiality
  - BCCNM Professional Standards
  - The CNA Code of Ethics, Value E: Confidentiality.
  - Your agency and nursing unit policies and procedures related to client privacy and confidentiality.
  - Other relevant resources included in the Learning Resources section of the module



# 4

## Workbook Activity #4 (*continued*)

5. Using the information provided in these resources and in the module, identify appropriate nursing actions related to this issue. Make sure these are actions that are feasible and realistic for you in your practice area. Note these here so that you can refer to them in the future.

Finally, take a few moments to reflect on this activity. ***What have you learned about managing client privacy and confidentiality in your nursing practice?*** What aspects of your nursing practice were affirmed by this workbook activity? Did the process of working through a personally challenging experience offer you new insights regarding how you might respond in the future?

Record these conclusions on the “Affirmations and Insights” page located on page 13 of this Workbook. At the completion of the module, you will have an opportunity to use the insights and affirmations gained in various learning activities, as part of your planning for future professional growth and development.

# 5

## Workbook Activity #5

### Confidentiality and Privacy in Nursing Practice: Planning for Professional Growth

This final learning activity will guide you in developing a plan for future development of your documentation in your nursing practice. Please see **Part 3 in the Workbook** for a plan outline and an example.

1. Begin by reviewing the thoughts that you have recorded on both the “Thoughts from Reflections” and “Affirmations and Insights” pages in this Workbook. These pages include all of the conclusions you have formed about your nursing practice related to client privacy and confidentiality as you have worked through this module. In other words, they are a comprehensive self-assessment! Now its time to put that to use!

Take some time to read through these conclusions. First, notice and acknowledge your strengths. Then pay attention to the areas that you have identified as areas for development and growth or areas that challenge you. As you read these, notice which ones seem to resonate with you or feel most important to you. Use these conclusions to determine the goals that will support ongoing growth of your nursing practice related to client privacy and confidentiality.

2. Create **three goals** that reflect your focus for development in your capacity to establish and maintain privacy and confidentiality related to client’s personal and health-related information in your nursing practice. Write these in the appropriate place in “Privacy and confidentiality in nursing practice: My plan for growth” (**Part 3, p. 19**).
3. The next step is to **develop an action plan** that will help you meet those goals. Begin by identifying resources that you could use to assist you in meeting your goals. If you are not aware of specific resources, then begin by listing the sources you will explore in order to learn what you can do to support your growth toward your goals.
4. Once you are familiar with the learning opportunities that are available to you, create an action plan that outlines **speci ic strategies** you will use, what **resources** you need in order to implement these strategies (e.g. who do you need to talk to, learning materials you want to acquire, learning experiences you need to arrange etc) and, importantly, a **target date** for completion.

Perhaps you are feeling unsure about how to do identify goals and create an action plan? The “planning for growth” page (**Part 3, p. 20**) has provided a brief example of this process. As well, it is recommended that you use the BCCNM Continuing Competence tutorials and written documents to assist you help in this process. You may wish to review these now.

5. Finally: Add your plan to your Continuing Competence file, workbook or portfolio. And remember to update it once you have completed the actions!

# 5

## Workbook Activity #5 (continued)

*Jasmine walked slowly down the hallway in the Long Term Care unit, deep in thought. Yesterday, Dr Serl, the family physician of one of the clients, Mr Brooks, had called with results of various tests that Mr Brooks had had done to investigate his ongoing complaints of lower back and hip pain, abdominal pain, nausea and poor appetite. Dr Serl had told Jasmine that Mr Brooks had 'late stage colon cancer': He had tumors in several locations in his colon, and evidence of spread to his abdominal lymph nodes, pelvic bones and liver. Dr Serl had explained that he would talk to Mr Brooks family but, given that Mr Brooks was 88 years old, the extensive nature of the disease, and the very poor prognosis, he would recommend that management be focused on comfort care, rather than pursuing aggressive treatment. Jasmine had agreed with Dr Serl. Today Mr Brooks' son Tim, had come into visit his father. After visiting his father, Tim had asked Jasmine if her could talk with her. In their conversation, Tim explained that he and his sister were very concerned that, if his father was told he had cancer, he would be 'devastated', 'become extremely depressed and just give up'. He told Jasmine that they did not want Mr Brooks to be told that he had cancer, explaining "that we just want him to enjoy his last days." Jasmine had listened to Tim's request carefully and told him that, while she understood his concerns, she needed to discuss his request with other health care team members. She suggested that perhaps she, Dr Serl, Tim and his sister could meet the next day to discuss the request in more detail. Tim is Mr Brooks official next of kin and designated substitute decision-maker.*

### Questions for consideration

Take some time to consider the following questions, and note your thoughts in the space provided. You may find it helpful to discuss this situation with other health care professionals (just as you would if this situation occurred in your clinical practice). When you are ready, you may wish to compare your conclusions with those provided in **Part 2, Sample Answers**.

1. What is your response to Jasmine's actions in this situation? Do you think they are appropriate? What would you do if you were Jasmine?
2. Is it appropriate for Dr Serl and the Long term Care staff to withhold this information from Mr Brooks?
3. Is it appropriate for Tim to make the decision to withhold information from his father? If not, who should make the decision?

# Thoughts from Reflection Points



# Client Privacy and Confidentiality in my Nursing Practice: Affirmations and Insights

# Part 2

## Sample Responses



## Workbook Activity #2 (sample response)

	<b>Principle from the Practice Standard</b>	<b>An example of how this is applied in my practice is ...</b>
1)	I add my signature and title, or initials as appropriate, to each entry they make on the health record	<i>I know that different Acts apply to nurses practicing in different areas &amp; that the policies in my agency and nursing unit policies that reflect this legislation.</i>
2)	Nurses collect personal and health information on a need-to-know basis.	<i>When I am collecting an admission history from a client, I focus my inquiry on areas that help me understand the reason for their admission. I ask clients if 'there is anything else it would be helpful for us (nurses) to know'.</i>
3)	Nurses ensure that clients are aware of their rights concerning their personal and health information and have consented to the collection, use and disclosure of this information.	<i>When I am collecting information from clients I always explain to them how it will used and who will see it &amp; I ask them if they are OK with that.</i>
4)	Nurses share relevant personal and health information with the health care team. Nurses explain to clients that this information will be shared and identify to them who is on the health care team (e.g., physicians, social workers).	<i>When a client has an issue that the physician needs to know about, I always explain to clients that I am going to call the physician and let them know.</i>
5)	Nurses respect clients' rights to access their own health records and to request correction of the information	<i>If clients ask to see their medical records I support their request and at the same time follow the agency and nursing unit policies related to this.</i>
6)	Nurses safeguard personal and health information learned in the context of the nurse-client relationship and disclose this information (outside of the health care team) only with client consent or when there is a specific ethical or legal obligation to do so.	<i>When I am working with a client to prepare for discharge following surgery, I explain the need to share information with other health care professionals 'outside' of our existing team e.g. their family physician, the home care nurse, social worker etc, and ask if they are OK with that.</i>
7)	Nurses have an ethical obligation to disclose in situations that involve a substantial risk of significant harm to the health or safety of the client or others. In these situations, nurses use a process of ethical decision-making before disclosing confidential information. Whenever possible, this process involves consulting with knowledgeable colleagues.	<i>Recently we had a patient admitted with respiratory issues that turned out to be TB. Although I did not have to actually make the phone calls in this case, I know that we are ethically and legally required to report communicable diseases.</i>

# Workbook Activity #2 (*sample response*)

	<b>Principle from the Practice Standard</b>	<b>An example of how this is applied in my practice is ...</b>
8)	Nurses comply with any legal obligation to disclose confidential information that is imposed by legislation or required under a warrant, court order or subpoena.	<i>I know that the Health Professions Act requires me to report inappropriate conduct or practice of another health care professional.</i>
9)	In all cases where disclosure of confidential information is necessary, nurses restrict the amount of information disclosed and the number of people informed to the minimum necessary to fulfill the legal and ethical obligations.	<i>In the earlier e.g. of the client with TB, we had considerable discussion about who we had to inform about this – and who didn't actually need to know.</i>
10)	Nurses access personal and health information only for purposes that are consistent with their professional responsibilities.	<i>This is the principle I use to say 'no' when family or friends ask me to 'give them the inside scoop' on a relative who is a client on our nursing unit.</i>
11)	Nurses take action if others inappropriately access or disclose a client's personal or health information.	<i>I have not ever had to do this but becoming more aware of appropriate actions related to privacy and confidentiality will help me know when I need to act in this way.</i>



# *Jasmine and Mr Brooks: Discussion*

The central question in this scenario is whether to withhold or share information with Mr Brooks regarding his health status. This is a complex question. It not only includes considerations related to his right to have access to his health-related information (legislated by privacy and confidentiality legislation), but also includes other ethical considerations. As such, determining appropriate actions in this situation requires a comprehensive ethical decision-making process and consideration of direction provided by all values in the CNA Code of Ethics - and not just those that related to Value E: Maintaining Privacy and Confidentiality. A full ethical analysis of this situation is beyond the scope of this module. However, if you would like more information about ethical decision-making processes please refer to the Learning Resources Section of this module for some suggested readings.

That said, what are we able to conclude about this situation without completing a full ethical analysis? Well, let's start by considering Jasmine's response to Tim's request. Jasmine's actions of listening carefully and then asking for time to consider the situation, along with her proposal of a subsequent meeting of family members and relevant health care professionals, offers a very appropriate and useful response in this situation. This strategy provides an opportunity for gathering more information, consultation with relevant health care professionals, and consideration of guidance gained from professional and legal directives. This will result in all individuals (i.e. Mr Brooks' family and the health care professionals) being more fully informed about all aspects of the situation and, as such, will support the more comprehensive ethical decision-making process that this situation requires.

What did you conclude about whether or not Mr Brooks' health-related information should be shared with him or withheld? The CNA Code of Ethics offers insight into what might be appropriate action here. Within Value C: "Promoting and respecting informed decision-making", the Code of Ethics directs nurses (and Jasmine) to "recognize, respect and promote a person's right to be informed and make decisions." Further, in Value E: 'Maintaining privacy and confidentiality', the Code of Ethics directs nurses to "advocate for persons in their care to receive access to their own health-care records". At first consideration, it may appear that Jasmine should advocate for Mr Brooks to be offered the information related to his diagnosis. He could decline the opportunity to know the test results if he chose to.

## *Jasmine and Mr Brooks: Discussion*

However, it is not quite that straightforward. A key point (and a relevant ethical issue) in deciding if it is appropriate for Jasmine to honor Tim's request to withhold information from his father, or if she needs to advocate for Mr Brooks to be informed about his health status, is the need to determine if Mr Brooks is competent to make his own health care decisions. The question that needs to be answered first is: "Is Mr Brooks able to understand the information related to his health issues, appreciate the implications of the situation, and communicate his choices?" If Mr Brooks is not deemed competent to make decisions for himself then it is appropriate for Tim, as his designated substitute decision-maker, to make decisions on his behalf. However, in those circumstances, any decisions that Tim makes for his father **must represent** what Tim believes to be Mr Brooks' wishes. On the other hand, if Mr Brooks is deemed competent, then ethically appropriate actions would include supporting him in making his own health care decisions. This would mean that, if Mr Brooks wanted to know his test results, prognosis and so on, he should be given all the information he needs to understand his situation. This would allow him to make an informed decision about Dr Serl's proposed plan of focusing on comfort care and not pursuing aggressive treatment.

So, in summary, Jasmine's proposal to have a meeting that includes Dr Serl, herself and Mr Brooks' family members offers a realistic first step in finding a resolution in this situation. The meeting will provide a forum in which information can be fully shared and discussed, Mr Brooks' competence can be considered, and the health care professionals can assist the family in making a decision that is ethically appropriate. In closing, it is important to acknowledge that situations like this one are complex. With this in mind, nurses will often find it necessary and helpful to seek additional advice and support. For example, in this situation Jasmine could also consult Ethics Advisors within the health care agency where she works or contact the BCCNM Practice Support Consultants.

# Part 3

## Growth Planning



# My plan for growth in Documentation

## Goals

1.

2.

3.

## Action plan

People or places that I can investigate for learning strategies to help me meet my goals for growth are:

1.

2.

3.

## Specific strategies that will help me in meeting my goals are

STRATEGY	RESOURCES I NEED TO IMPLEMENT THIS STRATEGY	TARGET COMPLETION DATE	OTHER THOUGHTS

*Reminder: Add your completed action plan to your Quality Assurance Portfolio.*

# Client Privacy and Confidentiality: My Plan for Growth - An Example

## Goals

1. *To become familiar with best practices related to maintaining client privacy and confidentiality when using electronic documentation.*

2.

3.

## Action plan

People or places that I can investigate for learning strategies to help me meet my goals for growth are:

1. *Talk to Clinical Nurse Educator and/or Nurse Leader on Nursing Unit for suggestions about learning resources*

2.

3.

## Specific strategies that will help me in meeting my goals are

STRATEGY	RESOURCES I NEED TO IMPLEMENT THIS STRATEGY	TARGET COMPLETION DATE	OTHER THOUGHTS
<b>Example: detailed plan</b> 1. Review resources available in my nursing unit	1. None – just look on the shelves & on the Intranet at work!	1. During my next set of scheduled shifts	
2. Review BCCNM resources regarding electronic documentation for specific information related to client privacy & confidentiality	2. Use work or home computer to do this. Web site URLs in Learning resource section of module	2. By end of this month	
3. Complete Literature search using CINAHL	3. Call BCCNM library for advice & assistance in doing this.	3. By end of next month.	Could ask the nurse educator at work – maybe she can help me with this?

Reminder: Add your completed action plan to your Quality Assurance Portfolio.