

ALBERTA COLLEGE OF PHARMACISTS

IN THE MATTER OF
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF

MARIANNE SONGGADAN

Registration number 8214

(Complaint Number 1538)

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

The Hearing Tribunal held a hearing into the conduct of Marianne Songgadan. In attendance on behalf of the Hearing Tribunal were Cathy Biggs (the Chair), Sheryl Pearson (Public Member), Kim Fitzgerald and Dean England (The Tribunal).

The hearing took place on April 5, 2011, at the Alberta College of Pharmacists, 1200, 10303 Jasper Ave., Edmonton, Alberta. The hearing was held under the terms of Part 4 of the *Health Professions Act*.

In attendance at the hearing were David Jardine representing the Alberta College of Pharmacists (ACP), Ms. Marianne Songgadan and Simon Renouf representing Ms. Songgadan. Katrina Haymond, independent counsel to the Hearing Tribunal, was also present.

There were no objections to the composition or jurisdiction of the Hearing Tribunal.

II. ALLEGATIONS

It is alleged that Marianne Songgadan:

1. accessed and used the private health information of Person A, Person B, Person C, and Person D in contravention of the provisions of the *Health Information Act* in the following situations:
 - a. the NetCare Disclosure log of Person A identifies that on June 7, 2009; June 27, 2009 and January 17, 2010, Ms. Songgadan accessed Person A's health information from Zellers Pharmacy #XXX;
 - b. the NetCare Disclosure log of Person C identifies that on July 26, 2009; November 25, 2009 and December 11, 2009, Ms. Songgadan accessed Person C's health information from Zellers Pharmacy #XXX;
 - c. the NetCare Disclosure log of Person D identifies that on June 2, 2009; June 9, 2009; November 25, 2009 and June 10, 2010, Ms. Songgadan accessed Person D's health information from Zellers Pharmacy #YYY;
 - d. Ms. Songgadan admitted accessing the NetCare health information of Person B in the same manner as the above three women;
 - e. Persons A, B, C, and D were not patients of Zellers Pharmacies #XXX and #YYY; and

- f. Ms. Songgadan has acknowledged that she accessed and used the four women's health information for personal reasons inconsistent with the *Health Information Act*.
2. disclosed on her Facebook page the private health information of Persons A, B, C, and D with sufficient access to the public and in a sufficiently open manner for the four women to become aware of the disclosure of their individual health information and the original source that formed the basis of Ms. Songgadan's posts (i.e., NetCare).
3. contravened the access, use and disclosure provisions of the *Health Information Act* in respect to the health information of Persons A, B, C, and D.
4. engaged in actions in respect to Ms. Songgadan's access to, use and disclosure of the health information of Persons A, B, C, and D and in respect to her initial denials of her actions that are unprofessional and generally harm the integrity of the profession in that:
 - a. Ms. Songgadan initially attempted to deny the allegations;
 - b. Ms. Songgadan only admitted the allegations after being provided with Person A's NetCare Disclosure log; and
 - c. Ms. Songgadan's access, use and subsequent disclosure of health information on Facebook were done with a potential element of malice.

IT IS FURTHER ALLEGED THAT

5. Ms. Songgadan's unauthorized access went beyond idle curiosity and involved the unauthorized access, use and disclosure of private and sensitive health information of four individuals on multiple separate occasions, which she initially denied.
6. Ms. Songgadan abused the authority and access that had been granted as a pharmacist for personal reasons that appear to be based in malice and in doing so her conduct abused the trust afforded by Albertans to Alberta pharmacists and harmed the integrity of the profession as a whole.

IT IS ALLEGED THAT Ms. Songgadan's conduct constitutes a breach of the following statutes, regulations, and standards governing the practice of pharmacy:

- Standard 1 and subsections 1.1, 1.2, 1.3, 1.4 and 1.10 of the Standards for Pharmacist Practice;
- Sections 25, 27(1), 31, 35(1), 45, 56.5 and 107(2)(a) and (b) of the *Health Information Act*;

- Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*;
- Principles I, IV and X of the ACP Code of Ethics Bylaw;

and that her conduct set out above and the breach of some or all of these provisions constitutes unprofessional conduct pursuant to the provisions of sections 1(1)(pp)(ii), 1(1)(pp)(iii), and 1(1)(pp)(xii) of the *Health Professions Act*.

III. PRELIMINARY MATTERS

There were no preliminary matters raised.

IV. EVIDENCE

The evidence was entered by way of an Agreed Statement of Facts, which was entered as Exhibit #1, and a book of Agreed Documents, which was entered as Exhibit #2. No witnesses were called to give *viva voce* testimony. The facts as agreed upon by the parties are as follows:

Ms. Marianne Songgadan

1. Ms. Marianne Songgadan is a pharmacist and a regulated member of the Alberta College of Pharmacists ("the ACP"). Her registration number is 8214.
2. During the period between February 20, 2008 and June 17, 2009 Ms. Songgadan was a pharmacist practicing at with Zellers Pharmacy #XXX and from April 1, 2009 to at least October 1, 2010 she was a pharmacist practicing at Zellers Pharmacy #YYY. Both these pharmacies are located in Edmonton, Alberta.

The Conduct in Issue

3. The conduct in issue in this hearing is set out in the Revised Notice of Hearing attached as **TAB 1, Exhibit 2** to this Agreed Statement of Facts and Admissions.

Steps Leading to the Proceedings

4. It is agreed by the parties that this hearing was originally scheduled for February 3, 2011. It was adjourned at the request of legal counsel for Ms. Songgadan, first to February 8, 2011 and then to April 5, 2011.
5. The parties are agreed that all necessary steps leading to the proceedings were taken by the ACP and that there are no procedural or jurisdictional issues to be raised by either party.

Sequence of Events

6. On July 12, 2010, Person A contacted Joanne Donnelly, ACP Complaints Resolution Administrator, to discuss her allegations that an unidentified pharmacist may have accessed the personal health information of her and some of her girlfriends on NetCare and then used this personal information to post on Facebook. Person A was directed to contact NetCare and obtain an access disclosure log of her NetCare records and to contact the Office of the Information and Privacy Commissioner (OIPC)

7. On August 9, 2010, Person A contacted Joanne Donnelly and advised that she had received her NetCare disclosure log and it indicated that Marianne Songgadan had accessed her NetCare records while working as a pharmacist at Zellers Pharmacy.

8. On August 16, 2010, Person A provided a completed complaint reporting form to the ACP which alleged that Ms. Songgadan had accessed her personal health care information through NetCare and used this information to post on Facebook. Person A also alleged that Ms. Songgadan had repeated this pattern of unauthorized access, use and disclosure of NetCare Health Information with Persons B and C. Person A included with her report:

- a. a written statement from the pharmacy manager of Zellers Pharmacy #YYY confirming that Person A was not a patient of the pharmacy and had not had any prescriptions filled by the pharmacy;
- b. her written request to access her health information and her corresponding NetCare disclosure log which indicated that Ms. Songgadan had accessed elements of Person A's health information including her lab results, pharmacy information (PIN) and electronic health record demographic information from Zellers Pharmacy #XXX on June 7, 2009, June 27, 2009 and January 17, 2010.

A copy of the Complaint Referral Form including the written complaint, the statement from Ms. Tin and the NetCare Disclosure log is attached as **TAB 2, Exhibit 2**.

9. On August 16, 2010 the Complaints Director of the ACP, Mr. James Krempien made a decision to investigate the complaint and appointed himself as investigator of the complaint.

10. On August 16, 2010 Mr. Krempien wrote to Person A acknowledging her complaint and to Ms. Songgadan requesting her written response to the complaints brought forward.

11. On August 16, 2010 Mr. Krempien also spoke to Person A and then to Ms. Songgadan. A copy of a transcript of the phone conversation with Person A is attached as **TAB 3, Exhibit 2** and a copy of the phone conversation with Ms. Songgadan is attached as **TAB 4, Exhibit 2**.

12. On August 19, 2010 Mr. Krempien received an email from Person A advising that Ms. Songgadan had approached her and offered an apology. A copy of this email and Mr. Krempien's reply is attached as **TAB 5, Exhibit 2**.

13. On September 20, 2010 Mr. Krempien reviewed the ACP Alinity registrant records for Ms. Songgadan. The records indicated that on June 8, 2010, Ms. Songgadan had submitted a 2 CEU accredited learning activity for herself entitled "Alberta NetCare Portal."

14. On September 20, 2010, Mr. Krempien spoke to Ms. Songgadan to inquire about the written response he had requested. A new submission deadline of September 24, 2010 was arranged for this response. A transcript of the telephone conversation is attached as **TAB 6, Exhibit 2**.

15. On September 20, 2010, Mr. Krempien spoke with Person A who advised him that she was scheduled to be interviewed by Office of the Information and Privacy Commissioner's personnel on September 22, 2010. Person A also indicated that she had three other friends who alleged that Ms. Songgadan had accessed and disclosed their NetCare information in the same manner. A transcript of this telephone conversation is attached as **TAB 7, Exhibit 2**.

16. On September 21, 2010 Mr. Krempien received Ms. Songgadan's written response. Ms. Songgadan acknowledged that she had met with Person A and apologized for "checking her records without her consent and posting such comments on my Facebook for personal reasons that was unprofessional of me to act." A copy of this email written response is attached as **TAB 8, Exhibit 2**.

17. On September 22, 2010, Mr. Krempien contacted the pharmacy licensee of Zellers Pharmacy #XXX who confirmed that Person A was not and had never been a patient of Zellers Pharmacy #XXX. The licensee also advised that his pharmacy had never filled a prescription, or provided a pharmacy service for Person A. Attached as **TAB 9, Exhibit 2** is a summary of that conversation and a confirming fax from the pharmacy licensee.

18. On September 22, 2010, Mr. Krempien met with Person A at his office. A summary of that conversation is attached as **TAB 10, Exhibit 2**.

19. At the meeting, Person A provided Mr. Krempien with copies of NetCare Disclosure logs for Persons C and D. Copies of these Disclosure logs are attached as **TAB 11, Exhibit 2**. These Disclosure logs indicate that Ms. Songgadan had accessed Person C's and Person D's demographic, PIN and lab test information on NetCare while at Zellers Pharmacies #XXX and #YYY on multiple occasions between June 2, 2009 and June 10, 2010.

20. On September 29, 2010, Mr. Krempien met with Ms. Songgadan at his office. A summary of what was discussed at that meeting is attached as **TAB 12, Exhibit 2**. Mr. Krempien's summary of the meeting notes that Ms. Songgadan indicated the following:

- she acknowledged that she had, without authorization or legitimate purpose, on several occasions accessed the NetCare Health information of Persons A, B, C, and D as alleged in this matter by Person A and as indicated in the NetCare Disclosure logs of Persons A, C, and D;
- she acknowledged that she has then used the NetCare health information for Persons A, B, and C to form the basis of postings on her [Ms. Songgadan's] Facebook page;
- she acknowledged that none of the women were patients of Zellers Pharmacy #YYY or #XXX;
- she confirmed that she had received standard NetCare training from the NetCare Deployment Team upon her gaining access to NetCare sometime between November 2007 and early 2008 and that she had signed the required NetCare Information Management Agreement and Information Exchange Protocol;
- she confirmed her June 8, 2010 completion and submission of a two-hour continuing education unit entitled, "Alberta NetCare Portal";
- she has since removed her Facebook postings referring to the women and has further restricted her access to her Facebook page;
- she acknowledged that she was aware that what she did "was not good conduct on the part of herself as a pharmacist and that she expressed sincere regret for her actions and indicated she would never repeat this type of behavior in the future".

21. Mr. Krempien noted that Ms. Songgadan indicated that she believed she had requested through church representatives a meeting with Person A to acknowledge what she had done and that it was unprofessional. Person A had indicated that she believed that she had arranged the meeting.

22. Mr. Krempien also noted that Ms. Songgadan felt that from her perspective she believed she had made the postings using the health information sufficiently cryptic that most people would not be able to tell who she was referring to and that she had restricted who could view these posts. Mr. Krempien noted in his summary that despite Ms. Songgadan's belief, the posts appeared to have been sufficiently detailed and accessible for Person A and her friends to recognize that their health information had been used in the posts and that there must have been misuse of their health information.

23. On October 4, 2010, Mr. Krempien contacted the licensee of Zellers Pharmacy # XXX and confirmed that Persons B, C, and D were not and had not been patients of Zellers Pharmacy #XXX. The licensee also confirmed that his pharmacy had never filled a prescription or provided a pharmacy service for any of these individuals. A summary of this conversation is attached as **TAB 13, Exhibit 2.**

24. On October 1, 2010, Mr. Krempien completed a Sequence of Events Report outlining the steps taken in his investigation and his analysis of the information he had obtained. On October 13, 2010, he reviewed this information

and determined, as Complaints Director, that this complaint should be referred to the Hearings Director for a hearing. A copy of Mr. Krempien's Record of Decision under Section 66(3) of the *Health Professions Act* and his letter to the ACP Hearings Director is attached as **TAB 14, Exhibit 2**.

V. ADMISSION OF UNPROFESSIONAL CONDUCT

Ms. Marianne Songgadan acknowledges that:

1. she accessed the private health information of Persons A, B, C, and D in contravention of the provisions of the *Health Information Act* in the following situations:
 - a. the NetCare Disclosure log of Person A identifies that on June 7, 2009, June 27, 2009 and January 17, 2010 she accessed Person A's health information from Zellers Pharmacy #XXX;
 - b. the NetCare Disclosure log of Person C identifies that on July 26, 2009, November 25, 2009 and December 11, 2009 she accessed Person C's health information from Zellers Pharmacy #XXX;
 - c. the NetCare Disclosure log of Person D identifies that on June 2, 2009 June 9, 2009 and November 25, 2009 she accessed Person D's health information from Zellers Pharmacy #XXX and on June 3, 2010 and June 10, 2010 she accessed Person D's health information from Zellers Pharmacy #YYY;
 - d. she admits accessing the NetCare health information of Person B in the same manner as the above three women;
 - e. Persons A, B, C, and D were not patients of Zellers Pharmacies #YYY and #XXX; and
 - f. she accessed the four women's health information for personal reasons inconsistent with the *Health Information Act*.
2. she disclosed on her Facebook page the private health information of Persons A, B, and C with sufficient access to the public and in a sufficiently open manner for the women to become aware of the disclosure of their individual health information and the original source that formed the basis of her posts (i.e., NetCare).
3. she contravened the access, use and disclosure provisions of the *Health Information Act* in respect to the health information of Persons A, B, and C.
4. she engaged in actions in respect to her access, use and disclosure of the health information of Persons A, B, and C and her access of the health

information of Person D that are unprofessional and generally harm the integrity of the profession.

Ms. Marianne Songgadan admits that her conduct in to the matters admitted in the previous paragraph breached the following provisions relating to the practice of pharmacy:

- Standard 1 and Subsections 1.1 and 1.10 of the Standards for Pharmacist Practice;
- Sections 25 and 31 of *the Health Information Act*;
- Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*;
- Principles I, IV and X of the ACP Code of Ethics Bylaw;

and that her conduct set out above and the breach of some or all of these provisions constitutes unprofessional conduct pursuant to the provisions of Sections 1(1)(pp)(ii), 1(1)(pp)(iii), and 1(1)(pp)(xii) of the *Health Professions Act*.

Ms. Marianne Songgadan acknowledges that her admissions are intended as an admission of unprofessional conduct pursuant to Section 70 of the *Health Professions Act*.

VI. ADMISSIONS BY THE ALBERTA COLLEGE OF PHARMACISTS

The College acknowledged that Ms. Songgadan and her counsel Mr. Renouf have cooperated in the process of setting this matter for a hearing including developing this Agreed Statement of Facts and Admission of Unprofessional Conduct.

VII. DECISION OF THE HEARING TRIBUNAL

The Tribunal accepted the Agreed Statement of Facts as entered into evidence and agrees that the admitted conduct constitutes unprofessional conduct in accordance with Section 70(3) and s. 1(1)(pp) of the *Health Professions Act*.

VIII. SUBMISSIONS WITH RESPECT TO PENALTY

Mr. Jardine submitted that the primary purpose of the legislation governing professionals is the protection of the public. Therefore, any penalty that is imposed by the Hearing Tribunal must meet the objective of public protection.

He indicated that there are a number of factors that should be considered in determining the appropriate penalty, as outlined by the Court in *Jaswal v. Medical Board (Newfoundland)* and in the *Regulation of the Professions in Canada* at pages 14-5 to 14-7.

Mr. Jardine suggested that there are a number of factors that should be considered by the Tribunal. Ms. Songgadan did not access Netcare out of simple

curiosity and this was not an isolated situation. He also emphasized the seriousness of this situation in that it was not a single case, the information was published on a public domain and was a serious misuse of the *Health Information Act*. Ms. Songgadan accessed the information with the intention of harming specific individuals and her actions had a malicious intent. When first confronted with questions regarding her actions, Ms. Songgadan denied committing the acts she has since admitted to. The offences occurred two days after Ms. Songgadden had completed a Netcare Portal course, so there was no reason for her action.

Mr. Jardine emphasized that the penalty should act as a deterrent to both Ms. Songgadan and to other members of the profession, as well as serve as a penalty for Ms. Songgadan's actions.

In light of the foregoing, Mr. Jardine submitted, on behalf of the ACP, that the following for penalty should be imposed:

1. Fines of four x \$1000.00 (for each person wronged by Ms. Songgadan's actions).
2. A suspension of four months where two months will be suspended if Ms. Songgadan passes the Jurisprudence Exam and there is no further evidence of misconduct. Ms. Songgadan is currently licensed and practising in Ontario.
3. Ms. Songgadan should be prohibited from holding the position of primary custodian for three years if she returns to practise in Alberta.
4. A letter of apology be provided to all four individuals affected by Ms. Songgadan's actions.
5. Ms. Songgadan shall pay the costs of the hearing, which were estimated to be in the range of \$10,000 -\$15,000, over the course of one to two years.
6. A summary of the decision shall be published in the ACP newsletter, with Ms. Songgadan's name.
7. Other regulatory bodies shall be made aware of this decision.

Mr. Renouf made submissions on behalf of Ms. Songgadan in reply.

Mr. Renouf emphasized that Ms. Songgadan is a young woman at the beginning of her career, living in Alberta since 2008. She is isolated from her family in Manila, Philippines and had become dependent on a small circle of friends from her church. Mr. Renouf stressed that few people had access to the specific social network page that contained the health information. Since the incident, Ms. Songgadan was asked to leave her job with Zellers and has moved to Ontario. Ms. Songgadan has formally apologized to all four people involved in the complaint. Although her indiscretions are serious, the fact that she initiated a

meeting with the complainants within her church to attempt to resolve this conflict acknowledges the responsibility she has accepted for her conduct. Ms. Songgadan has also suffered from stress related psychological conditions and has had to seek treatment to deal with her guilt and anxiety.

Mr. Renouf suggested that the Hearing Tribunal should not impose a suspension, as this is Ms. Songgadan's first offence, she acknowledged responsibility for her actions, is remorseful and she has suffered severe anxiety from this situation. In addition, although Ms. Songgadan disclosed the information, it was only accessible to approximately 10 people who were friends with Ms. Songgadan on Facebook.

Mr. Renouf also asked that fines and costs associated with the hearing be capped since Ms. Songgadan is still early in her career and the amount should reflect the lack of aggravating factors. As for publication, Mr. Renouf asked the Tribunal to consider the other individuals involved as releasing Ms. Songgadan's name could lead to identification of the other parties.

Mr. Renouf presented several cases involving the access and use of personal information to the Tribunal, including several cases where police officers were disciplined for inappropriately accessing confidential police information databases for inappropriate reasons. Mr. Renouf suggested that the Hearing Tribunal should impose a penalty that was consistent with those cases, which ranged from a reprimand to five or ten hours of forfeiture of overtime.

In reply, Mr. Jardine asked the Tribunal to consider the impossibility that only 10 people had accessed the online page containing the confidential information. Although Ms. Songgadan is early in her career, she should have knowledge about her obligations under the *Health Information Act* when compared to a more mature pharmacist who has not had exposure to the *Act* as part of licensing. He reiterated that the penalty should be a deterrent to others.

IX. DECISION ON PENALTY

After carefully considering the submissions on behalf of the parties, the Hearing Tribunal hereby imposes the following orders pursuant to s. 82 of the *Health Professions Act*:

- 1) Ms. Songgadan shall be ordered to pay a fine of \$4,000.00 (\$1,000 x each individual whose information was inappropriately accessed). Payment will occur in accordance with a reasonable monthly payment schedule as directed by the Hearings Director with the total of the fine and costs to be paid within 12-24 months from the date that the Hearings Director sets the schedule and notifies Ms. Songgadan about the first payment. If the parties are unable to agree on a payment schedule, or if the parties agree on a payment schedule and Ms. Songgadan does not comply with the agreement, the Hearing Tribunal shall retain jurisdiction to make any further orders necessary.

- 2) Ms. Songgadan's practice permit will be suspended for a period of four months, subject to the following terms:
 - a) The period of suspension will commence on May 1st, 2011;
 - b) The first two months of the suspension will be served from May 1st to July 1st, 2011, which is the date when Ms. Songgadan's current practice permit expires;
 - c) If Ms. Songgadan seeks registration in Alberta in the future, she will be required to serve the remaining two-month suspension commencing on the date that her practice permit becomes effective;
 - d) If Ms. Songgadan seeks registration in Alberta in the future, the remaining two month suspension, as referred to above in paragraph 2(c) will be suspended if Ms. Songgadan can demonstrate to the Complaints Director that she has no further findings of misconduct.
- 3) Ms. Songgadan shall pay the costs of the hearing to a maximum of \$11,000.00. Payment will occur in accordance with a reasonable monthly payment schedule as directed by the Hearings Director with the total of the fine and costs to be paid within 12-24 months from the date that the Hearings Director sets the schedule and notifies Ms. Songgadan about the first payment. If the parties are unable to agree on a payment schedule, or if the parties agree on a payment schedule and Ms. Songgadan does not comply with the agreement, the Hearing Tribunal shall retain jurisdiction to make any further orders necessary.
- 4) A summary of the decision of the Hearing Tribunal will be published in the ACP News and will include the name of the regulated member.
- 5) A copy of the decision will be sent to all pharmacy regulatory bodies in Canada.
- 6) A verbal reprimand will be delivered by the Hearing Tribunal.

The Tribunal felt that a suspension was necessary for several reasons. As a custodian of personal health information, a pharmacist must act in a professional manner at every point of access to this information. Failure to do so portrays a lack of respect for the legislation governing the information and a disregard for the importance of the custodian designation.

When Ms. Songgadan used personal health information to attack the character of the individuals involved in this matter, she disregarded the professionalism and integrity that is required of a practising pharmacist. She compromised her

credibility as a health care professional and as such, not only tarnished her own reputation but that of the profession of pharmacy.

Hearing that Ms. Songgadan knew what she was doing was in the wrong, that she denied her actions at first and that she had completed Netcare education only days prior to committing these acts, the Tribunal was unanimous that a suspension was necessary to emphasize the severity of her actions.

Mr. Renouf presented several cases in which breaches of personal information were reported and little to no action was taken against the member. These cases were mainly from law enforcement and the Tribunal concluded that this type of behavior is part of the culture attributed to that profession. The Tribunal found very little comparison with this matter. Mr. Renouf did cite a case where a pharmacy provided a spouse with a list of medications purportedly for tax purposes when, in actuality, the spouse was using the information in a divorce. The Tribunal considered this case but concluded that the impact of posting this type of information on a public social networking site was considerably more serious and that the pharmacist in the cited case, albeit in the wrong, was not providing this information out of malicious intent or for personal gain.

The Tribunal orders that this matter be published to act as a deterrent to other pharmacists who may decide to use their role as custodians of personal health information as a means to satisfy a desire to personally attack or identify flaws in specific individuals.

With respect to the substance of the hearing, the Tribunal was dismayed that such an abuse of authority had taken place. Ms. Songgadan's career in Canada as a pharmacist has not been long but, professional integrity aside, she should understand the importance of having access to such private information. Her actions blatantly undermined the commitment and dedication of pharmacists that have worked diligently to gain access to such information and to provide a foundation for future pharmacists to practice within their full scope of competencies. The Tribunal found Ms. Songgadan's actions disheartening and immature for an individual licensed as a pharmacist in Alberta. The Tribunal hopes that Ms. Songgadan will reflect on this experience and use it to improve her practice and role in the profession and the community.

The Tribunal discussed the role of Ms. Songgadan as a primary custodian under the *Health Information Act*, and determined that it was not appropriate to restrict her from serving in this role as requested by the College. The Hearing Tribunal felt that such a restriction was not necessary or appropriate. In order to ensure that Ms. Songgadan fully understands the importance of her responsibility as a health professional the Tribunal felt that she should take on the role as a primary custodian to apply the knowledge she learned as a result of this incident.

The Tribunal also determined that it was not appropriate to require Ms. Songgadan to provide a letter of apology to the four individuals who were affected. It was noted that a discussion had ensued regarding this matter which had been facilitated by the church. The Tribunal understands that there is a lack

of clarity surrounding who actually initiated the meeting, but feels that further written apologies would not change the outcome of the situation at this point.

With respect to costs, the Tribunal felt that a cap of \$11,000.00 was necessary since Ms. Songgadan is at the beginning of her career. The Tribunal is sensitive about imposing a costs order on Ms. Songgadan that will have significant financial consequences. Moreover, a cap is appropriate given the acknowledgements made by Ms. Songgadan during the course of the hearing and given that she has already suffered financial consequences, including the loss her job at Zellers.

Signed on behalf of the Hearing Tribunal
by the Chair

Dated:

Per:

_____ Catherine Biggs