

Care of an elderly patient with mental health issues (11HDC00128, 30 January 2013)

*Registered nurse ~ Inpatient mental health service ~ District health board ~ Restraint
~ Unreasonable force ~ Respect and dignity ~ Rights 1, 3, 4(1), 4(2)*

This case is about the care provided by an Inpatient Mental Health Service to a 76-year-old woman with a history of paranoid delusions, periods of agitation, distress and depression. The woman was subject to a compulsory inpatient treatment order and had been an inpatient for many years.

One evening, the woman became very agitated. There was a plan in place to manage these episodes, which included giving her anti-anxiety medication, placing her in her room for “time out”, and taking her to the Intensive Psychiatric Care Unit (IPCU) if she did not settle.

The woman was asked to go to her room. She later emerged with faeces smeared over her body and clothes. A registered nurse and another staff member took her to the IPCU bathroom.

The registered nurse used unreasonable force to remove the woman’s clothing, by pushing her head onto her chest and pulling her arm to the extent that her arm and hand hit the wall at least twice. When the woman became agitated in the bath, the registered nurse unplugged the bath leaving her wet, naked and cold in the bath. The registered nurse made derogatory comments about the woman, observed her from the doorway, and prevented another staff member from going to her aid.

The registered nurse decided that the woman’s degree of agitation required her to be placed in seclusion and, aided by another staff member, escorted her to the seclusion room. While doing so, the registered nurse pushed the woman with his knee or thigh sufficiently forcibly to jolt her forward. This was witnessed by two staff members.

By treating the woman excessively roughly, the registered nurse breached Right 4(1) of the Code. By leaving the woman naked, cold and wet in the bath, making derogatory comments and preventing another staff member from going to the woman’s aid, the registered nurse breached Rights 1 and 3 of the Code. By using excessive force to remove the woman’s clothing and to escort her to the seclusion room, the registered nurse failed to comply with the DHB’s policies and the Nursing Council’s Code of Conduct for nurses and breached Right 4(2) of the Code. The registered nurse was referred to the Director of Proceedings. The Director decided to issue proceedings, which are pending.

The DHB had policies and procedures in place that made clear its expectations of the standard of behaviour expected of staff. There is evidence that the registered nurse had appropriate training in the relevant policies, but failed to comply with DHB policy. Therefore, the DHB was not vicariously liable for the registered nurse’s breaches of the Code.

Adverse comment was made about aspects of the medication administration recording and management plan in place at the DHB for the woman.

