



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

**Failure in time-critical care for man seeking
HIV Post-Exposure Prophylaxis (PEP) medication
21HDC00226**

Deputy Health and Disability Commissioner Dr Vanessa Caldwell today released a report finding Hauora Tairāwhiti (now Te Whatu Ora Tairāwhiti) in breach of the Code of Health and Disability Services Consumers' Rights (the Code) for the lack of care provided to a man who presented to the Emergency Department (ED) requesting HIV Post-Exposure Prophylaxis (PEP) medication.

Multiple relevant websites advised that anyone concerned about potential exposure to HIV should seek urgent PEP to minimise risk, and that after-hours medication could be obtained from ED. However, when the man arrived at the hospital late in the evening on a weekend, he was told to contact his GP for treatment.

Dr Caldwell found that in not following policies and processes to provide an appropriate assessment and timely treatment for the provision of PEP, Hauora Tairāwhiti breached Right 4(1) of the Code, which gives consumers the right to have services provided with reasonable care and skill.

Dr Caldwell considered that the man should not have been redirected to his GP, 'given primary care is not always the most appropriate place to seek PEP and commencement of PEP is time critical'.

'I consider that an appropriate and timely alternative care pathway could not have been provided in this case, and therefore it was not acceptable for Hauora Tairāwhiti to have redirected the man to his GP for treatment,' Dr Caldwell said.

Dr Caldwell also found Hauora Tairāwhiti in breach of Right 1(2) of the Code, which gives consumers the right to have their privacy respected.

'Questioning someone about their sexual history in a waiting room and behind a plexiglass screen is inappropriate and as such, I am critical that Hauora Tairāwhiti failed to provide the man with a confidential environment to maintain his privacy and dignity.'

Dr Caldwell criticised the ED nurse who questioned the man without protecting his privacy adequately and then informed him that his situation did not constitute an emergency. Dr Caldwell reminded Te Whatu Ora Tairāwhiti of the importance of treating people who are seeking help with respect and compassion and ensuring that their mana and dignity is upheld.

Dr Caldwell referred Te Whatu Ora to the Director of Proceedings to decide whether further action should be taken.

‘I consider it in the public interest to refer this matter to the Director of Proceedings, in light of the seriousness of the departures identified in the care provided — in particular, the denial of care in a time-critical situation, where delay in obtaining treatment for a significant and life-long condition may have put the man’s wellbeing at serious risk,’ Dr Caldwell said.

‘The denial of care to a person from a vulnerable population group, where access to resources is already limited, along with the initial responses to this complaint, paints a very concerning picture at a systems level,’ Dr Caldwell said.

In response to the recommendations in the report, Te Whatu Ora made several changes, including providing PEP to patients in the first instance and recommending that patients visit their GP for a more comprehensive consultation. An educational session for GPs and doctors on the use of PEP has been held, and guidance has been developed emphasising the time-critical nature of the treatment.

4 December 2023

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

Editor’s notes

The full report of this case will be available on HDC’s [website](#). Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code, unless it would not be in the public interest, or would unfairly compromise the privacy interests of an individual provider or a consumer.

More information for the media, including HDC’s naming policy and why we don’t comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers’ Rights](#) (the Code).

In 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendations.

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