

**Failure of rest home to respond to complaints
(05HDC04892, 17 August 2006)**

Rest home and hospital ~ Registered nurse ~ Management of complaints ~ Standard of care ~ Medication administration practice ~ Patient safety ~ Employer's duty to monitor competence of staff ~ Rights 4(1), 10

A woman complained about the services provided to her father by a rest home and hospital. The woman repeatedly made complaints to staff and management over a nine-month period about the medication administration practice of one of the registered nurses. Her complaints were not documented or otherwise dealt with in accordance with the hospital's complaints procedure. There was no monitoring of the nurse's medication administration practice.

The woman made a complaint to the charge nurse about the nurse's medication administration practice and expressed her belief that her father had become sick as a result of the nurse's actions.

Following the father's death, which occurred shortly afterwards, the principal nurse manager performed a medication stock control check to monitor the medication administration practice of the nurse. The check demonstrated that the nurse could not have dispensed medications as he had documented. This led to the nurse's dismissal from the hospital. He was reported to the Nursing Council of New Zealand, which reviewed his competence.

It was held that the rest home breached Right 10 by failing to document the woman's complaints and to address them in accordance with the hospital's complaints procedure. The rest home was also found to have breached Right 4(1) by failing to take appropriate action on the woman's complaints and to monitor the competence of its employee, thereby exposing the woman's father, as well as other residents, to significant risk.

This case highlights the need for employers of health providers to respond decisively to any complaints or concerns about an employee's practice and to investigate those concerns properly, to protect patient safety.