

**Inappropriate sexual relationship with patient
(06HDC18422, 14 May 2008)**

Psychiatric nurse ~ Mental health unit ~ District health board ~ Professional boundaries ~ Sexual relationship ~ Rights 2, 4(2), 4(4)

A complaint was made regarding the conduct of a psychiatric nurse toward a patient in a mental health unit. Several internal complaints were made by the nurse's colleagues in relation to his non-observance of standard practices aimed at protecting vulnerable female patients such as the young woman. The nurse admitted having had a sexual relationship with the woman.

It was held that the psychiatric nurse's conduct towards the woman clearly transgressed professional boundaries and was in breach of ethical standards, and breached Rights 4(2) and 4(4). His conduct amounted to sexual exploitation as well as a departure from ethical standards, and was therefore in breach of Rights 2 and 4(2).

It was held that the district health board responded promptly and appropriately to the allegations about the psychiatric nurse's relationship with the patient. Senior nursing staff were sufficiently concerned that he could pose a risk of harm to the public that the Nursing Council was notified.

The matter was referred to the Director of Proceedings, who considered the matter and laid a charge before the Health Practitioners Disciplinary Tribunal. The Tribunal concluded that the actions of the nurse amounted to such a significant departure from accepted standards that discipline was warranted, and it upheld the charge of professional misconduct.

The Tribunal imposed the following penalties: censure, cancellation of registration, and the imposition of a number of conditions on any application the nurse might make to re-register with the Nursing Council of New Zealand. An order for costs of \$7,500.00 was also made.

The Director decided not to issue proceedings before the Human Rights Review Tribunal.