

Force used on dementia unit patient (08HDC00477, 17 November 2008)

Registered nurse ~ Rest home ~ Dementia patient ~ Push ~ Fall ~ Rights 4(1), 4(2)

A woman complained about the care provided to her father, a resident of a rest home. The man had an altercation with a nurse which resulted in the nurse pushing the man in the sternum, causing him to fall to the floor. The man developed severe bruising.

The incident occurred when the man became upset and wanted to leave the dementia unit. He confronted the nurse, who responded by pushing him in the chest with a clenched fist. As a result the man fell backwards onto the ground. The nurse then left the patient there for at least 15-20 minutes. The nurse stated that he checked that the patient had not injured himself and continued to check on him while he was on the ground. However, accounts provided by other staff members suggest that he ignored the patient and appeared “wound up”.

It was held that the nurse used unreasonable force when he felt trapped by the patient and therefore failed to provide services in accordance with relevant professional standards. He also failed to take reasonable steps to check the man for injuries or to call another staff member for assistance. Furthermore, the nurse should not have reviewed the incident himself and he should have notified the director of nursing immediately that a serious incident had occurred. By failing to provide services with reasonable care and skill the nurse breached Right 4(1). By failing to comply with relevant standards he also breached Right 4(2).

It was also held that the rest home had adequate policies and procedures in place and provided adequate training to its staff. The rest home could not reasonably have been expected to prevent the nurse’s actions and therefore was not vicariously liable for his breaches of the Code.

The nurse was referred to the Director of Proceedings, who considered the matter and laid a charge before the Health Practitioners Disciplinary Tribunal. The Tribunal found the nurse guilty of professional misconduct, and he was suspended for eight weeks, fined \$500, and ordered to pay 25% of costs. The Tribunal also imposed conditions on the nurse’s practice that required him to undergo further study, followed by a competence assessment. He was required to practise under supervision, and was precluded from practising in a sole charge or supervisory position for two years after the suspension.

Link to Health Practitioners Disciplinary Tribunal decision:
[http://www.hpdt.org.nz/portals/0/nur09115ddecdp070\(anon\).pdf](http://www.hpdt.org.nz/portals/0/nur09115ddecdp070(anon).pdf)