

**Physical assault on aggressive mental health patient
(12HDC01008, 12 June 2014)**

*Registered nurse ~ District health board ~ Forensic mental health unit ~ Assault ~
Right 4(1)*

A woman was admitted to a district health board's (DHB) medium security mental health unit (the Unit) due to her increasingly changeable mood, psychosis, and associated aggressive behaviours. She was being nursed in the de-escalation area, being the highest level of care available in the Unit. She had been placed in and released from seclusion the day before due to her unsettled mental state and behaviour.

A registered nurse (the nurse) was assigned to care for the woman during this particular shift in the de-escalation area. She was also the woman's associate key worker. The nurse had been employed by the DHB as a registered nurse (RN) for 4 months and this was her first job as an RN.

A mental health support worker and another RN were also present in the de-escalation area, together with another client. The Clinical Co-ordinator and senior RN in charge were on duty in different but nearby areas of the Unit.

The woman began swearing and acting aggressively. The nurse told the woman to go to her room for time out. The woman swore at the nurse and went to her room. She then returned and demanded a hot drink. The nurse told the woman that she would make her one if she calmed down. The woman then approached the nurse and punched her on the left side of her head. The nurse responded by punching the woman at least twice on the upper part of her body. The nurse's ear was bleeding after the incident.

The woman was restrained and with the agreement of the senior RN, the nurse administered an intramuscular injection to calm her. The woman was then escorted to her room and put in isolation. The nurse declined offers to debrief or see a doctor. No formal debriefing was held with any staff.

It was held that the nurse failed to provide services with reasonable care and skill when she punched the woman and, accordingly, breached Right 4(1) of the Code.

It was held that the DHB was not vicariously liable for the RN's breach of the Code, or directly liable for the assault on the woman. Adverse comment was made about the DHB, the Clinical Co-ordinator and the senior RN in charge in relation to events following the altercation.