

Maintaining professional boundaries with patients

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A registered nurse has been found in breach of the Code of Health & Disability Services Consumer's Rights (the Code) for failing to maintain professional boundaries with a patient.

The breach centres on Right 4(2) which states services provided to consumers must comply with legal, professional, ethical, and other relevant standards.

This decision highlights the importance of maintaining appropriate professional boundaries with patients, even after the professional relationship has ceased.

The Deputy Commissioner, Dr Vanessa Caldwell concluded, "by failing to maintain professional and ethical boundaries with his patient while he was providing care for him, the nurse failed to adhere to the Nursing Council of New Zealand Code of Conduct and the Guidelines on Professional Boundaries."

The patient, in his teens, had been referred to the Child and Adolescent Mental Health Service (CAMHS) for support and intervention. The nurse made contact with the patient through social media and text messages.

"By initiating contact with the patient outside of a professional setting, and sending messages of a personal nature, the nurse breached his professional and ethical obligations as a registered nurse and also breached the Code," says Dr Caldwell.

"An inherent power imbalance exists between consumers and their healthcare providers and this involved a particularly vulnerable consumer who was a young person seeking help," Dr Caldwell says.

"The maintenance of professional boundaries is an integral part of the provision of health services. The nurse's conduct contravened professional boundaries and ethical standards."

Additionally, she noted in failing to keep accurate records and document text message communications the nurse did not follow the NCNZ Code of Conduct.

The nurse is now being referred to the Director of Proceedings to determine if legal proceedings should be taken.

Dr Caldwell made a number of recommendations, including:

- That the Nursing Council of New Zealand consider the nurse's fitness to practise, and whether reviews of conduct and/or competence are required.
- For the nurse to undertake further training on identifying and maintaining professional boundaries if he is to remain employed by the nursing profession.

Since the complaint, the mental health service has developed a number of guidelines and training programmes, including social media guidelines and a training

programme, as well as targeted guidelines for the use of mobile phones, laptops and other communication devices in professional practice. It has also undertaken an audit and attempted to contact whānau involved with the nurse to ensure that no other young persons have had similar experiences or need support.

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