

**Nurse assaulted patient
22HDC00519, 2 April 2024**

Deputy Health and Disability Commissioner Dr Vanessa Caldwell recently finalised an investigation concerning a gross boundary violation between a nurse and patient, and Health New Zealand Te Whatu Ora's management of the subsequent complaint.

A patient was admitted to hospital after suffering an injury. On the second night of the patient's stay whilst they were sleeping, the nurse sexually assaulted the patient. The patient confronted the nurse in the presence of other staff, and made a formal report to Police and the hospital the following day.

The patient subsequently complained that after the initial report, the hospital did not contact them or apologise for the incident, until they made a further complaint two years later.

Dr Caldwell considered that the nurse sexually exploited the patient and, accordingly, breached Right 2 of the Code of Health and Disability Services Consumers' Rights (the Code). The nurse was referred to the Director of Proceedings. The Director decided not to take proceedings in the HPDT or the HRRT.

The Deputy Commissioner considered that Health New Zealand Te Whatu Ora's handling of the patient's complaint was inadequate and in breach of Right 10 of the Code. The Deputy Commissioner was critical that Health New Zealand Te Whatu Ora did not acknowledge the patient's complaint, keep them updated regularly on the progress of its own investigation and outcome, or offer an apology in a timely manner. The Deputy Commissioner formed the view that these actions compounded the harm experienced by patient.

Dr Caldwell recommended that Health New Zealand Te Whatu Ora use this case as a basis for developing education/training for hospital staff on appropriate management of reports of criminal acts, reportable events and complaints management and to develop policy/guidelines outlining appropriate management of reports of criminal acts. Additionally, that this incident be reported to the Health Quality & Safety Commission.

13 May 2024

To protect the privacy of parties involved in this case, the decision has been made to publish a case summary instead of the full report.