

**Poor wound care and documentation, and
financial exploitation of rest home resident
(08HDC08672, 11 December 2008)**

Rest home ~ Registered nurse ~ Falsified documentation ~ Deterioration ~ Financial exploitation ~ Charges ~ Podiatry ~ Rights 2, 4(2)

A family complained about the care provided to a woman while she was a resident at a rest home until her admission to a public hospital nearly two years later. Towards the end of her stay at the rest home, her condition deteriorated, and she developed significant pressure sores. The woman's daughter complained after being told by hospital staff that her mother was in very poor condition on arrival. The woman's condition improved while in hospital, and she was eventually transferred to a private hospital for continuing care.

In failing to ensure that the woman was provided with services with reasonable care and skill in relation to wound care, the manager, a registered nurse, breached Right 4(1). She also breached Right 4(2) by failing to ensure that appropriate documentation was completed, by altering a document herself, and by asking another member of staff to create and alter documents.

Another registered nurse admitted to falsifying documents at the manager's behest. As one of the registered nurses responsible for the woman's care, she did not adequately document the care she provided, and breached Right 4(2).

It was also held that the woman was financially exploited by the home as she was charged for services that were not provided, or excessively charged for podiatry and accommodation services provided. Accordingly, the rest home breached Right 2.

The rest home and the two registered nurses were referred to the Director of Proceedings, who laid a charge before the Health Practitioners Disciplinary Tribunal alleging professional misconduct by the manager. The charge comprised a number of allegations arising out of care provided to three separate rest home residents over a period of two years.

There were multiple problems relating to care of the residents (including inadequate care by the manager herself), as well as management issues and a failure to maintain adequate documentation. The manager also misled the Health and Disability Commissioner by forwarding to him an incident form she had re-written.

The Tribunal upheld the charge and the manager was fined \$7,500 and ordered to pay costs to HDC and the Tribunal totalling \$18,500. It also imposed conditions that required the manager to practise under supervision for 12 months, and precluded her from practising in a sole charge or supervisory role for three years. It recommended a competence review prior to re-issue of a practising certificate.

The Director of Proceedings also laid a charge against the second nurse before the Health Practitioners Disciplinary Tribunal. The nurse entered a guilty plea and the matter proceeded by way of an agreed summary of facts. The Tribunal upheld the charge and ordered a fine of \$1,500, censure, and an award of 25% of the Director's and the Tribunal's costs. Conditions were imposed on her practice in the form of

training on professional ethics. The nurse filed an appeal in the High Court challenging the Tribunal's decision to decline permanent name suppression. The appeal is pending.

The Health Practitioners Disciplinary Tribunal's decision is available at:
<http://www.hpdt.org.nz/portals/0/nur09123ddecanon.pdf>

Claims against the rest home in the Human Rights Review Tribunal are pending.