



Health and Disability Commissioner  
*Te Toihau Hauora, Hauātanga*

## **Mental health nurse breaches Code by having intimate relationship with prison inmate**

**21HDC02415**

The Deputy Health and Disability Commissioner has referred a mental health nurse to the Director of Proceedings for breaching professional boundaries by having an intimate relationship with a prison inmate.

Dr Vanessa Caldwell found the nurse breached Right 4(2) of the [Code of Health and Disability Services Consumers' Rights](#) which gives people the right to services that comply with legal, professional, ethical, and other relevant standards.

Dr Caldwell recommended the Nursing Council of New Zealand determine the necessary conditions to be imposed on the nurse such as supervision, monitoring and training, should she return to practice.

Dr Caldwell said, “the nurse’s relationship with Mr B breaches fundamental ethical standards, given the power imbalance between clinician and patient. I do not consider that such a relationship being consensual alters this fact. This power imbalance will always mean there is the potential for abuse of the nurse’s professional position and harm to the health consumer.”

The Nursing Council of New Zealand’s Code of Conduct states that nurses must maintain professional boundaries between themselves and health consumers, and that nurses must not engage in sexual or intimate behaviour or relationships with health consumers in their care. The nurse has been suspended from practice and her name has been removed from the register of nurses.

2 October 2023

Health and disability service users can now access an [online animation](#) to help them understand their health and disability service rights under the Code.

### ***Editor’s notes***

The full report of this case will be available on HDC’s [website](#). Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code, unless it would not be in the public interest, or would unfairly compromise the privacy interests of an individual provider or a consumer.

More information for the media, including HDC’s naming policy and why we don’t comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendation.

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