

**Palliative care during norovirus outbreak
(09HDC01783, 28 March 2011)**

Residential care ~ Standard of care ~ Palliative care ~ Norovirus outbreak ~ Rights 4(1), 4(4)

The family of an 85-year-old man complained about the care provided at a residential care facility during the final weeks of his life.

The man had been diagnosed with bladder cancer, secondary testicular cancer, and bony metastases, and had recently sustained a pathological fracture of his right fibula. He was admitted to a hospital wing in a large retirement village. Although the man was not admitted to the designated palliative care unit within the hospital, he and his family understood that his care was to be palliative.

The day after the man was admitted, there was a suspected norovirus outbreak at the village. It went into voluntary lockdown and most of the facility was closed to visitors. The man's family attempted to communicate with him through the window and by writing notes. They were concerned about his apparent distress and confusion, and about the management of his pain.

Family members were able to have limited contact with the man nine days after the lockdown started, and normal visiting resumed six days after that. By that time, the man's condition had deteriorated considerably. He was unable to mobilise, and he had developed pressure areas on his back and sacrum. A month after the man's admission to the village, he re-fractured his leg and was admitted to a public hospital. He died five days later.

It was held that there were deficiencies in the nursing care provided to the man, including inadequate pain management, wound management, planning and reviewing the man's care and documentation of this. It was acknowledged that the norovirus outbreak presented particular challenges, but it was thought that a more compassionate response could have been provided without unreasonably compromising efforts to contain and control the spread of infection. If a less rigid approach was not possible sooner, a clear explanation was needed.

The village was found in breach of Rights 4(1) and 4(4) for failing to provide services with reasonable care and skill, and in a manner that optimised the man's quality of life.