

**Care and treatment of disabled
person at emergency department
(08HDC10486, 18 August 2009)**

Public hospital ~ District health board ~ Emergency department ~ Treatment delay ~ Standard of care ~ Informed consent ~ Consumer-centred care ~ Respect ~ Rights 1(1), 4(1), 4(3), 7(4)

IHC complained about the care provided to a 35-year-old man who had cerebral palsy and an intellectual impairment. He presented with abdominal pain at a public hospital's emergency department, accompanied by caregivers. The man was assessed by a medical officer three hours later, and referred for a surgical review. This took place nine hours later. Overnight, the man was transferred to a surgical ward and the following morning he underwent surgery to explore his abdomen and to remove his gall bladder and appendix. His condition fluctuated over the next few days. Five days after surgery he died.

Although the emergency department was overcrowded and understaffed, this did not excuse the delays in assessment and the failure of medical and nursing staff to provide appropriate care and keep proper records. In these circumstances, the DHB breached Right 4(1).

It was accepted that the patient's surgery was not delayed by the issue of informed consent and that the surgery was appropriate. However, hospital staff did not make the most of the assistance available from caregivers to ensure care and treatment were provided in a manner that ensured the man was treated with respect and that his distress and discomfort were minimised. Inappropriate comments were made in relation to the man's quality of life and social background. Accordingly, the DHB breached Rights 1(1) and 4(3).

This case highlights a number of issues within emergency departments, in relation to both the practice of individual clinicians and the systems and protocols needed to ensure appropriate care is provided in a timely manner. It also emphasises the importance of recognising and responding to the needs of patients who are not able to communicate in the usual ways. In this case it was both necessary and desirable for the man's caregivers to provide advice and assistance, and for them to be consulted about the patient's care and treatment.