



**Deputy Commissioner finds informed consent not given for change in medication use, case referred to Director of Proceedings**

**21HDC00205**

The Deputy Health and Disability Commissioner (Disability) has found a registered nurse (RN) breached the Code of Health & Disability Services Consumers' Rights (the Code) for allowing a support worker to administer clonazepam to relieve anxiety without the informed consent of the recipient.

The case highlights the importance of the informed consent process in relation to the administration of medication.

Rose Wall found the RN breached Right 7(1) for authorising medication to be administered to a woman without her informed consent and Right 4(2) for failing to provide services that complied with professional and ethical standards. Ms Wall found that the RN's dishonesty in her dealings with this vulnerable consumer was contrary to the Nursing Council of New Zealand's Code of Conduct.

The woman, who has multiple sclerosis and is in a wheelchair, was living alone and receiving residential support to assist her with household management and personal care at the time of the events. Her GP had prescribed clonazepam to help her sleep in the evenings.

The support worker informed the RN that the woman was experiencing increased anxiety during the day. The support worker had advised the woman clonazepam could also be used for reducing anxiety, but the woman said she only wanted it for sleep support.

The RN and support worker discussed administering the clonazepam without the woman's consent. The RN agreed the support worker could do this, instructing her to provide it on two mornings. She then advised the support worker to inform the woman afterwards and ask her how she felt both times.

Ms Wall said, while there was differing versions of events as to who raised the idea of providing the medication first, and while the support worker was under the guidance of an RN, it was still not acceptable for her to administer medication without the informed consent of the recipient. Ms Wall also made adverse comment about the disability service provider's escalation of care process and its complaints processes.

Ms Wall recommended the RN apologise in writing to the woman and provide evidence of having completed training in medication management. She also recommended the RN complete HDC's online learning module on informed consent. Ms Wall has referred the case to the Director of Proceedings.

**8 May 2023**

***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.

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 a 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.

More information about the Director of Proceedings can be found [here](#)

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