



Health and Disability Commissioner  
*Te Toihau Hauora, Hauātanga*

## **Nurse breaches woman's rights by performing excision that was not consented to 21HDC00756**

The Deputy Health and Disability Commissioner has recommended a nurse complete HDC's online training module on informed consent. She has also recommended the nurse apologise to a woman for breaching her rights to be fully informed, and to be provided services of an appropriate standard.

Dr Vanessa Caldwell found the nurse breached Rights 6, 7 and 4 of the Code of Health and Disability Services Consumers' Rights .

The decision centres around care the nurse provided to the woman when she requested a mole on her back be removed for biopsy. The woman said she had consented to a punch biopsy and not the wider excision the nurse actually performed. Furthermore, the nurse failed to remove the exact area that was of concern and removed tissue unable to be tested as required.

"I wish to reiterate that at no point did I ask for anything other than a punch biopsy...I was therefore very taken aback when the nurse showed me the very large piece of tissue removed and that the wound needed five sutures. I questioned this at the time and she simply said that was required," the woman said.

Dr Caldwell found the nurse did not inform the woman she was going to perform a wide excision, nor did she discuss the risks associated with this procedure adequately.

She said, "Before giving consent to health services, consumers are entitled to be given information that a reasonable consumer, in their circumstances, would expect to receive, and need to receive, to give informed consent. This includes information about the risks and benefits of the treatment and other options available to them."

She further commented on the nurse's standard of care noting several concerns. These included the nurse not documenting her discussions with the woman, the fact the nurse failed to more precisely remove the area of concern and not photographing the lesion. This was a breach of the medical centre's policy.

Dr Caldwell also made adverse comment about the nurse in respect to the poor aftercare provided. The nurse has advised HDC she will now always use a written consent process for such procedures, ask the patient to mark the spot of concern, and take photos to record the precise area of concern. She will also undertake further formal education for such procedures.

The medical centre has provided HDC with a list of changes it has made since the events which included an improved minor surgery and punch biopsy patient information sheet, and updated consent forms that record the patient has read the information.

30 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 recommendations.

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