

**Retired GP assists rest home resident in emergency
(06HDC15897, 20 April 2007)**

Rest home and hospital ~ Registered nurse ~ Retired general practitioner ~ Bowel impaction ~ Manual evacuation ~ Duty to respond in emergency ~ Medical emergency ~ Practising certificate ~ Privacy ~ Scope of practice ~ Vicarious liability ~ Rights 4(2), 4(5)

An 87-year-old terminally ill man resided in the hospital care ward of a rest home, where he required full nursing care.

When a caregiver found the man distressed she contacted the registered nurse on duty, who examined him and concluded that he had faecal impaction. Rather than consult other staff on duty in other parts of the hospital, the nurse asked a retired GP, who was visiting a relative, to review the man. The GP concurred with the nurse's assessment and, with her assistance, successfully performed a manual evacuation of the man's bowels.

The manager of the rest home became aware of what had happened and complained to HDC.

It is a doctor's duty to attend in an emergency. In this case, the GP was retired and no longer held a current practising certificate. He was a visitor at the hospital. However, the expert advisor in general practice advised that he still had a duty to respond to a situation presented as a potential medical emergency. Furthermore, his clinical care was exemplary. While it was not ideal for a retired doctor to be called on to administer medical treatment during a visit to a rest home on personal business, these circumstances were outside his control. He simply responded as a "good Samaritan", and did not breach the Code.

The nurse also had good intentions, and was clearly concerned for her patient. But the errors she made were serious. In failing to discuss the man's predicament with the other registered nurses on duty, she failed to co-operate with her colleagues to ensure quality and continuity of services to her patient, and therefore breached Right 4(5). By failing to document the retired GP's involvement, and by failing to safeguard the patient's privacy, the nurse did not comply with professional standards, and breached Right 4(2).

It was also found that the nurse was working outside her scope of practice and she was inadequately supervised. Therefore her employer, the rest home, was vicariously liable for her breaches of the Code.