

Decision of the Nursing and Midwifery Board of Australia

Performance and Professional Standards Panel

Jurisdiction: Victoria

Date of hearing and decision: 27 March 2012

Classification of Notification:

Offence – Violence/Physical Assault

Allegations

Staff of an aged care facility said they had observed a nurse abusing an elderly resident by handling the resident roughly by the neck. The matter was reported to the police who charged the nurse with assault. The charges were later withdrawn. The nurse's employment was terminated and the nurse did not renew her nursing registration.

The nurse faced allegations that she had placed the public at risk of harm by practising the profession in a way that was a significant departure from accepted professional standards, in that excessive and unnecessary force was used in managing a resident's behaviour.

Finding and determination

The nurse denied that she had handled or touched the patient's neck at all and the Panel was satisfied with the nurse's account of the events. Given that the police had withdrawn the assault charge, the Panel decided that the nurse had no case to answer and to take no further action.