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Australian Health Practitioner Regulation Agency

Tribunal finds nurse guilty of professional misconduct

29 April 2015

The State Administrative Tribunal of Western Australia has found Mr Timothy Buckby guilty of professional misconduct for engaging in a sexual relationship with a patient and breaching obligations of confidentiality.

In August 2012 the Nursing and Midwifery Board of Australia took [immediate action](#) by imposing conditions on Mr Buckby's registration, in response to an allegation that he had had a sexual relationship with an in-patient while he was working as a nurse in a mental health unit in a WA hospital.

The Board took immediate action again in October 2013, following allegations of a similar nature by another in-patient at the hospital.

In its submission to the tribunal, the Board alleged that in February 2012 Mr Buckby had a sexual relationship with the first patient, and also contacted her and engaged in sexual acts with her after she was discharged. The Board alleged Mr Buckby breached nurse-patient boundaries and engaged in sexual misconduct with a second patient in June 2012.

Mr Buckby resigned from the hospital in July 2012 after he was told about the allegations.

The Board further alleged that Mr Buckby:

- acted in breach of the professional boundaries of a registered nurse
- engaged in a pattern of conduct
- acted contrary to the guidelines for maintaining [professional boundaries](#) published by the Board
- acted contrary to the [Code of Professional Conduct for Registered Nurses](#) in that he failed to promote and preserve the trust and privilege inherent in the relationships between nurses and people receiving care
- acted in a matter inconsistent with the [Code of Ethics for Nurses](#), and
- breached patient confidentiality by disclosing information about patients on the unit.

The tribunal found Mr Buckby guilty of professional misconduct, cancelling his registration and disqualifying him from applying for registration for seven years.

Mr Buckby was also ordered to pay the Board's costs.

The reasons for the decision are on the [AustLII website](#).

For more information

- Visit the AHPRA website
- For registration enquiries: 1300 419 495 (within Australia) +61 03 9275 9009 (overseas callers)
- For media enquiries: (03) 8708 9200