



**Office of the
Health Complaints
Commissioner
2007**

**700-0701003 – Private Hospital - Standard of care provided whilst an inpatient -
Closed October 2007**

Section 23(1)(c) & (e) Health Complaints Act 1995 - that a health service provider acted unreasonably in the manner of providing a health service - that a health service provider failed to treat a health service user in an appropriate professional manner.

An elderly woman's daughter complained about the level of care provided to her mother by a hospital, and about the fitting of the appropriate neck collar. In particular, that her mother was given a Philadelphus (P) collar to wear around her neck, which was too big and so caused skin chaffing and infection; that due to the ill-fitting collar she was unable to feed herself with her left arm as it covered her mouth; that it was not washed every day; that staff refused to hand feed her; that the hospital failed to book a podiatrist appointment for her mother; that her mother was forgotten in the toilet where she needed constant supervision and cleaning, and was reprimanded for ringing for assistance.

The hospital stated that the woman, who had been transferred from another hospital, had as a result of a car accident in 2006 sustained a fracture to her cervical spine and had limited movement in her right shoulder, and her doctor had made orders for her to be fitted with a soft collar whilst she was in bed and a P collar for when she was out of bed or sitting. The hospital admitted that the collar did cause the woman some discomfort and it required additional fittings until a satisfactory result was obtained. When she was admitted she had a pressure area on her chin from the collars and the appropriate dressings were applied in an attempt to resolve the problem. Additional linings were applied to the collar to make it more comfortable and were changed when soiled. The woman required assistance to be fed due to her inability to tolerate her dentures, weakness in her arms and discomfort associated with the use of the collar. The hospital strongly denied that it failed to assist the woman with feeding and the records document that such assistance was required and provided. The hospital emphatically denied the woman was left unattended in the toilet and she was provided with all necessary and appropriate assistance and supervision. The hospital attempted to make an appointment with a podiatrist, but that person was on leave during the woman's stay in hospital.

A report was obtained from OPST (Orthotic Prosthetic Services Tasmania) who implemented the reviews and fittings of the collar. Their concern was to balance the integrity of the woman's neck with an appropriate collar even though it might cause chafing, pain and discomfort.

The woman's daughter in reply to the hospital stated that she accepts that alterations had to be made to the ill-fitting collar, but because the collar prevented her mother from feeding herself there was no reason for nursing staff not to feed her, and why would her mother lie about this and the incident in the toilet. Also, the daughter submitted that the podiatrist was visiting when her mother was in hospital but her name had been omitted from the podiatrists list.

The complaint was in part substantiated, and the conclusions reached were that the hospital should have organised the first review of the P collar earlier than 8 September 2006, as the complainant was admitted to hospital on 4 September 2006, and the first review occurred on 8 September 2006, which meant she had been wearing that particular sized collar for 10 days. It is reasonable to accept the complainant required assistance with her feeding and it would have been inappropriate if nursing staff had not rendered her assistance. It is accepted on balance that an incident must have taken place in which the complainant was left unattended in the toilet, as it is very unlikely that she fabricated this claim. The podiatrist appointment should have been made for the complainant whilst she was an inpatient.

It was noted that nursing staff should have regard to a patient's dignity and recognize that if assistance is not provided when required, a patient should not be reprimanded for making such a request.

No recommendations were made.