

Inspection of the Nursing Care Department of Narva Hospital

On 25 November 2014 advisers to the Chancellor of Justice paid an unannounced visit to the Nursing Care Department of Narva Hospital. A nursing care expert participated in the inspection.

According to the activity licence, the Nursing Care Department of Narva Hospital provides independent inpatient nursing care services to 85 persons.

The Chancellor of Justice had not inspected the Nursing Care Department before.

During the visit, advisers to the Chancellor of Justice paid special attention to the guaranteeing of the patients' fundamental right to freedom and the way they are treated. The advisers also checked the existence of consent for the provision of nursing care services and the documentation of the consent. During the inspection, advisers to the Chancellor of Justice visited the premises of the Nursing Care Department and talked to employees and patients from the department.

As a result of the inspection the Chancellor of Justice makes the following suggestions to Narva Hospital to guarantee the fundamental rights and freedoms of persons:

1. to explain to the employees of the independent nursing department of Narva Hospital that the patient may be secured with mechanical means in the interests of the patient's safety for the duration of medical procedures, incl. to prevent the patients from removing nasogastric tubes, but restraining nursing care patients without medical indication is not permitted;
2. to document the cases where patients are restrained for the period of medical procedures in the patients' medical records in accordance with legislation;
3. if necessary, contact the Ministry of Social Affairs for guidelines, indicating cases where and why involuntary emergency psychiatric care was implemented, incl. restraining measures, and giving reasons why effective legislation must be amended in this regard;
4. consider training the staff of the Nursing Care Department of Narva Hospital in preventing the need to restrain patients and implementing alternative measures.

The Chancellor of Justice advises Narva Hospital to:

1. take account of the observations concerning the provision of nursing services and improve the quality of the nursing care service accordingly;
2. guarantee that when nursing care is provided to patients whose ability to give informed consent is doubtful, the appropriate consent for the provision of nursing care is always requested from their legal representatives or from themselves (if they are able to give such consent) and recorded in writing;
3. in the case of patients who are unable to consider the pros and cons in a responsible manner and whose active legal capacity is limited, explain to them (if the patient's condition permits it), their close family members or the local authority that if there is no need to provide the service immediately, it is necessary to ask a court to appoint a legal representative for the patient to give the appropriate consent for the provision of the service on behalf of the patient, before the provision of the nursing care starts;
4. ascertain in each case whether the court has granted the patient's legal representative the right to decide on the provision of a health service on behalf of the patient;
5. guarantee that the patient's consent for or the explanation of why the nursing care provider found the patient to be incapable of making decisions or that a patient with

- limited active legal capacity is unable to responsibly consider the pros and cons of the provision of the nursing care service is recorded in the patient's medical records;
6. to guarantee that patients and other unauthorised persons have no unauthorised access to the medicines kept in the medical supplies room;
 7. to guarantee that decisions to administer medicines to patients and other decisions concerning nursing care are made in the department by health care professionals within the limits of their specialties after assessing the patient's condition personally and immediately, if necessary;
 8. to guarantee that in situations where a physician has authorised a health care professional without the competency of a doctor to administer such medicine to the patients, it is possible to check the activities of the health care professional efficiently and retroactively;

The Chancellor of Justice requests that Narva Hospital send information about compliance with the above proposals and recommendations by 1 April 2015.