

Selected cases – Jonathan Coates

W v Health Practitioners Disciplinary Tribunal & A Professional Conduct Committee of the Nursing Council [2019] NZHC 420 – judicial review of the Tribunal’s decision to admit hearsay evidence and to refuse to stay disciplinary charge – allegation of sexual relationship between nurse and 14-16 year old patient where patient refused to give evidence – application of the Evidence Act 2006 to professional disciplinary proceedings

Appanna v Anglesea Hospital Limited & NZ Private Surgical Hospitals Assoc. Inc. [2019] NZHC 474 – claim for damages brought by surgeon suspended by private hospital – nature of the relationship between private hospitals and medical specialists – credentialing of senior doctors in the private health sector – fiduciary relationships

Professional Conduct Committee of the Physiotherapy Board of New Zealand v R [2018] NZHC 2531 – professional discipline – physiotherapist entering into personal relationship with patient/former patient including social media communications – ambit of professional boundaries involving physiotherapy profession

G v Director for Area Addiction Services for West Coast, Canterbury, South Canterbury and Southern DHBs [2018] NZHC 1993 – patient with severe alcohol addiction – application of the Substance Addiction (Compulsory Assessment and Treatment) Act 2017

Greenbaum v Waikato DHB & Watson [2018] NZHC 1273 – credentialing processes at private hospitals - information obtained about surgeon as part of application for clinical privileges – extent to which information can be withheld from surgeon – application for non-party discovery

B v Waitemata DHB [2017] NZSC 88; [2017] 1 NZLR 823 – Supreme Court decision upholding Court of Appeal and High Court’s decision that DHB’s policy banning smoking on DHB premises lawful – judicial review – NZ Bill of Rights Act – discrimination – right to private life – humanity and dignity of detained persons – Smokefree Environments Act. Court of Appeal judgment - *B v Waitemata DHB* [2016] NZCA 184; [2016] 3 NZLR 569.

Cole v Professional Conduct Committee of the Nursing Council [2017] NZHC 1178 – professional discipline – ambit of professional boundaries involving nurse/former patient

Rabih v A Professional Conduct Committee of the Dental Council [2015] NZHC 1110 – professional discipline – approach on appeals – expert evidence – penalty – name suppression

Tunncliff v A Professional Conduct Committee of the Nursing Council [2015] NZHC 1092 – professional discipline – penalty – approach on appeal – appeals out of time

R v Wealleans [2015] NZHC 1834 – third party disclosure of confidential health information

Thompson v Accident Compensation Corporation [2015] NZHC 1640 – treatment injury - causation

The Chief Executive of the Department of Corrections and Canterbury DHB v All Means All [2014] NZHC 1433; [2014] 3 NZLR 404 – hunger striker in prison refusing medical treatment

ST v Chief Executive of Canterbury DHB [2014] NZHC 1775 – application for writ of habeas corpus – detained mental health patient

Professional Conduct Committee v Moon [2014] NZHC 189 – dentist – professional disciplinary proceedings – whether Health Practitioners Disciplinary Tribunal has jurisdiction to suspend the penalty of suspension of practising certificate

Accident Compensation Corporation v Stanley [2013] NZHC 2765 – treatment injury – injury that is wholly or substantially caused by a person’s underlying health condition

B and Steele v Waitemata DHB [2013] NZHC 1702; [2013] NZAR 937 – judicial review of a DHB’s decision to ban smoking in the DHB’s mental health facilities

Dr Diana Scott Ltd & Ors v South Canterbury DHB and South Link Health [2012] NZHC 2764 – alleged breach of contract by a DHB in relation to the provision of after-hours primary health services

Hutt DHB v W [2011] NZFLR 873 – High Court declaration that it would be lawful not to reinsert feeding tube into 7 year old boy knowing death would follow

Hallagan v Medical Council CIV 2010-485-222 HC Wellington – judicial review – limits on Medical Council’s powers when setting codes of practice – challenge to statement on doctors and beliefs – conscientious objections

Cullen v Medical Council CIV-2007-485-1133 HC Auckland – power to suspend medical practitioner pending disciplinary hearing

Winefield v Professional Conduct Committee CIV-2006-485-2225 HC Wellington – appeal against decision of Health Practitioners Disciplinary Tribunal on penalty – 9 months suspension of pharmacist

D v Physiotherapy Board CIV 2006-485-1980 HC Wellington – role of Physiotherapy Board when reviewing the competence of practitioners

S v MidCentral [2004] NZAR 342 – woman raped by mental health patient - duty owed by a DHB to a third party – s 8 NZ Bill of Rights Act – right not to be deprived of life