

Nurse's Appeal Over Ban Fails

Dominion Post

10/ 06/ 2006

By PATTERSON, Colin

A PSYCHIATRIC nurse who used a threat from the movie *One Flew Over the Cuckoo's Nest* against a patient has lost a High Court bid to overturn his one-year ban from nursing.

Brian Kenneth Stabb had been found guilty by the Nursing Council after he threatened the patient while staffing a mental health helpline in December 2003.

A caller known as "Z" told Mr Stabb that he had a shotgun and would seek out Mr Stabb and his family and kill them. Mr Stabb told Z he would call round to his home and stick his shotgun "so far up your arse you won't know whether to fart or wind up your wristwatch".

After his employer, McKesson New Zealand, complained, a Nursing Council hearing found Mr Stabb guilty of professional misconduct.

Mr Stabb then appealed to the Wellington High Court, saying his approach, though unorthodox, was within acceptable bounds given the seriousness of Z's threats. It also calmed Z.

Mr Stabb called evidence from a police detective and a psychiatrist to support his argument.

However, Justice John Wild said it was not for those outside the nursing profession to define acceptable conduct for nurses. He preferred the evidence of two nurses called by the Nursing Council who said it was never acceptable for a nurse to threaten a patient.

Mr Stabb also appealed against the 12-month deregistration, saying the penalty was out of proportion to those handed down in other cases.

He quoted the case of nurse Lesley Martin, who was not deregistered despite being found guilty of professional misconduct after admitting she ended the life of her terminally ill mother.

However, Justice Wild said Ms Martin had served a 15-

month prison term for manslaughter, which in effect took the place of a deregistration period.

"Neither Ms Martin or Mr Stabb will again be able to practise as a nurse unless they satisfy the Nursing Council they are competent."

Justice Wild dismissed both the appeal against the council's finding and the penalty it imposed.

Mr Stabb did not appeal against a second finding that he breached professional standards by disclosing Z's name to a television reporter.

(c) 2006 Dominion Post. Provided by ProQuest Information and Learning. All rights Reserved.



[Hot Jobs](#)



[Bonuses & Benefits](#)



[Traveler Times](#)

