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JUDGMENTS

New South Wales

9 August 2013 - [Health Care Complaints Commission v Dr Platt \[2013\] NSWMT 14](#)

The medical Tribunal investigated two corresponding complaints regarding a general practitioner's alleged unsatisfactory professional conduct and professional misconduct. It was claimed that Doctor (Dr) Platt had improperly prescribed drugs of addiction to 12 drug dependent patients without the approval of the Pharmaceutical Services Branch, in conflict with accepted therapeutic guidelines, and in circumstances of poor record keeping.

Dr Platt initially had little understanding of the issues at hand. However, after reviewing the critical assessment of Dr Gibbons and receiving counselling, Dr Platt conceded that the allegations were true and conveyed remorse. Her explanation was that she had felt sorry for the patients and mistakenly believed that by prescribing the drugs she was assisting them to cope.

Dr Gibbons criticised that there [were] no records of assessment, regular review or monitoring of symptoms, pain relief achieved, physical examination, counselling or patient education. With few exceptions there [were] no overall management plans, with the use of alternative therapies."

The Tribunal concluded that Dr Platt's prescribing practices were considerably lower than the standard expected of a practitioner with the same training and experience. There was no suggestion of mal-intent. As it was not an isolated incident, the Tribunal determined that Dr Platt's conduct was serious enough to warrant a three month suspension. In deciding this, the principle consideration was the public's protection.

The Tribunal therefore also imposed a number of protective orders and practice conditions, including psychological counselling, withdrawal of authority to prescribe schedule 8 and 4D drugs, professional supervision, and ongoing medical records audits.

Victoria. Coroners Court

13 August 2013 - [Inquest into the death of Thelma Holt | Part 2 of the decision](#)

The deceased died aged 79. She had an extensive history of obesity and other co-morbidities. After unsuccessful attempts to lose weight, at age 77 an intragastric balloon was placed in her stomach. This resulted in rapid weight loss but she formed an incisional abdominal hernia. The balloon was removed to repair the hernia. Against the advice of many physicians, she requested and received a second balloon. She experienced problems with it and was diagnosed with a serious gastro-intestinal obstruction. Her stomach perforated and emergency surgery was undertaken but she continued to deteriorate. She died from pneumonia in the setting of acute peritonitis due to perforated stomach (operated).

The Coroner was critical, asserting that a sequence of systems failures resulted in the perforation and the deceased's inability to react to intense management afterwards. She concluded that many of the failures arose because the gastroenterologist who placed the balloons was the sole provider of that service and did not receive peer support or critique of his work. This also influenced the decisions made when the deceased presented with the obstruction, as the treating physician was inexperienced with intragastric balloons. "Correction of any...of these system failures may have prevented [the]...perforation and/or changed the circumstances of [her] death."

The deceased was classified as a patient for whom intragastric balloons were strongly contra-indicated. The Coroner determined that even if the first balloon was justified, the second was not.

The Coroner made a number of important recommendations intended to avoid further deaths occurring in similar circumstances.

Western Australia. State Administrative Tribunal

9 August 2013 - [Medical Board of Australia v Alexandra Boyd \[2013\] WASAT 123](#)

Health profession regulation medical practitioner - participation in alternative treatment - minimisation of involvement in treatment - inadequate treatment - misleading conduct - failing to comply with requirements for administration of drugs - penalty.

South Australia. Coroners Court

15 August 2013 - [Inquest into the death of Anthony Douglas Stock](#)

Death as a result of hypoxic-ischaemic encephalopathy complicating cardiac arrest due to retroperitoneal and pelvic haemorrhage complicating pelvic fractures.

LEGISLATION

2 August 2013 - [National health \(continued dispensing\) amendment determination 2013 \(No. 1\) \(No. PB 45 of 2013\)](#).

9 August 2013 - [National health \(listing of pharmaceutical benefits\) amendment instrument 2013 \(No. 10\) \(No. PB 53 of 2013\)](#).

8 August 2013 - [Private health insurance \(prostheses\) rules 2013 \(No. 1\)](#).

9 August 2013 - [National Health Act 1953 - Amendment determination under paragraph 98C\(1\)\(b\) \(No. PB 59 of 2013\)](#).

9 August 2013 - [National health \(price and special patient contribution\) amendment determination 2013 \(No. 5\) \(No. PB 54 of 2013\)](#).

REPORTS

Australia. Department of Health & Ageing

Private Health Insurance (PHI) circulars.

[PHI 54/13 - Private health insurers' second tier default benefit rates annual audit](#).

Australia. National Blood Authority

9 August 2013 - Two new items for public consultation now open national education and training strategy and consensus statement on clinical indications for apheresis and whole blood pooled platelets. [Read more](#).

Australian Commission on Safety and Quality in Health Care

12 August 2013 - [On the radar - Issue 139](#).

Australian Institute of Health & Welfare

8 August 2013 - [Aussies living and working longer, but some doing it tough](#).

8 August 2013 - [Australia's welfare 2013: in brief](#) | [Australia's welfare 2013 web pages media release](#).

Australia. National Health & Medical Research Council

12 August 2013 - [New patterns found in the genetic relationship of five major psychiatric disorders](#).

6 August 2013 - [National Aboriginal Community Controlled Health Organisation \(NACCHO\) health news: new research on cancer among indigenous children](#).

Australia. Health Practitioner Regulation Agency and the boards

8 August 2013 - The chiropractic Board of Australia cracks down to protect the public. [Read more](#).

13 August 2013 - [Nursing & midwifery Board update on English language skills registration standard](#).

13 August 2013 - Provision extended to 30 June 2015 for eligible midwife published. [Read more](#).

15 August 2013 - Communiqué from the Board the pharmacy Board of Australia releases its latest communiqué. [Read more](#).

Australia. Therapeutic Goods Administration (TGA)

16 August 2013 - **Compositional guideline: quercetin dihydrate** Added to current compositional guideline page.

16 August 2013 - **Quercetin dihydrate: proposed revision of the draft compositional guideline**. Submissions received and TGA response to the proposed revision of the draft compositional guideline for quercetin dihydrate.

16 August 2013 - **Consultation: Over the counter (OTC) N2 application requirements and OTC medicine monographs for aspirin, paracetamol and ibuprofen**. Submissions received and a summary of the outcomes in relation to the consultation for the OTC N2 application requirements and OTC medicine monographs.

14 August 2013 - **Listed medicines application and submission user guide**. Updated user guide for the electronic listing facility (ELF) system which outlines the eBusiness system (eBS) and ELF systems, and provides users with instructions for creating and submitting applications

14 August 2013 - **Advisory committee on prescription medicines (ACPM)**. Added 21 August 2013 meeting date for ACPM.

13 August 2013 - **Senior staff appointments and changes at TGA**. In August some appointments were finalised and we would like to update our external stakeholders on these changes.

13 August 2013 - **Submissions received: regulation impact statement: changes to premarket assessment requirements for medical devices**. Submissions received in relation to the regulation impact statement: changes to premarket assessment requirements for medical devices, proposal paper.

12 August 2013 - **PyroTitan humeral resurfacing arthroplasty - used in shoulder replacements**. It has been identified that there is potential for PyroTitan humeral resurfacing arthroplasty devices to break after being implanted.

12 August 2013 - **International generic drug regulators pilot (IGDRP)**. The IGDRP was created to promote collaboration and convergence in generic drug regulatory programs for regulatory agencies from a number of different countries.

9 August 2013 **8mm vectorTAS screw – orthodontic anchoring screw**. Consumers and health professionals are advised that Ormco, in consultation with the TGA, is recalling from the market one lot of its 8mm vectorTAS screw. Ormco has also issued a related hazard alert to orthodontists.

9 August 2013 **Australian regulatory guidelines for prescription medicines (ARGPM)**. Updated guidance is available to replace former appendices 9, 10, 11, 18 and 19.

9 August 2013 **Maximum powerful tablets**. Maximum powerful tablets pose a serious risk to your health and should not be taken.

Australia. Private Health Insurance Administration Council (PHIAC)

15 August 2013 - **Quarterly statistical release** PHIAC data from 2007.

15 August 2013 - **Standard operating procedure – appointment of an external manager**.

New South Wales (NSW). Ministry of Health

Media releases

12 August 2013 - **\$23 million Nepean Hospital car park opens**.

Policy Directives & Guidelines

12 August 2013 - **Oral health: cleaning, disinfecting and sterilizing**.

12 August 2013 - **Pit and fissure sealants: use of in oral health services NSW**.

7 August 2013 - **Goods and services procurement policy**.

7 August 2013 - **Locum medical officers - employment and management**.

Northern Territory. Department of Health

15 August 2013 - [Robyn Lambley - hospitals team up to boost medical care](#). Royal Darwin hospital continues to build on its sister hospital agreement with Bali's Sanglah hospital.

13 August 2013 - [Robyn Lambley - health board chairs appointed](#). Two prominent territorians – each with a strong background in community governance – will chair the Territory's new hospital boards, Health Minister Robyn Lambley announced today.

13 August 2013 - [Robyn Lambley - minister welcomes funding for chemotherapy in Katherine](#). Minister for Health Robyn Lambley has welcomed an election commitment from the Federal Coalition of \$500,000 to fund chemotherapy services at Katherine hospital.

9 August 2013 - [Robyn Lambley - telehealth program takes national award](#). The Department of Health and Territory company SRA Information Technology have been recognised on the national stage for their innovative telehealth technology.

Queensland. Department of Health

Media release

15 August 2013 - [Search begins for new Director General of Queensland health](#). A nation-wide campaign has been launched to recruit a new Director-General to succeed Dr Tony O'Connell as the head of Queensland health.

South Australia. Department for Health & Ageing

15 August 2013 - \$750,000 funding boost for high tech medical research Hon Tom Kenyon MP South Australia's medical technology sector will benefit through a \$750,000 funding commitment under the State Government's Manufacturing Works strategy. [Read more](#).

15 August 2013 - [Aboriginal environmental health worker funding secured](#).

Tasmania. Department of Health & Human Services

9 August 2013 - [Increased testing leads to early detection](#).

Victoria. Department of Health

15 August 2013 - [New mental health service opens in Frankston](#). People with mental illness in Frankston and the Mornington Peninsula now have access to a new ten-bed short stay residential prevention and recovery service.

9 August 2013 - [Coalition improving access to community mental health care](#). Minister for Mental Health Mary Wooldridge today announced that five service providers will trial a new \$2.5 million initiative to make it easier for Victorians to access community based mental health care.

7 August 2013 - [Coalition's research funding recipients proof of Victoria's leading edge](#). The five projects to receive grants from the Victorian Coalition Government's \$10 million mental illness research fund exemplify the incredible work of our researchers in the field of neuroscience, Minister for Mental Health Mary Wooldridge said today.

14 August 2013 - [PRONTO – new rapid human immunodeficiency virus \(HIV\) testing site](#).

Western Australia. Department of Health

Media Releases

15 August 2013 - [Meningococcal disease infection](#).

Publications

8 July 2013 - [Health and wellbeing of children in Western Australia 2012, overview and trends](#).

15 August 2013 - [Operational directives and information circulars: OD 0449/13](#). Health professions titles policy and procedure position titles for the health professions (allied health and health sciences) in

WA health are standardised. This will assist WA Health to accurately profile, map, plan and manage the composition of the health professions workforce.

14 August 2013 - [Operational directive information circulars: OD 0448/13](#). Western Australian review of death policy The review of death (ROD) policy (2013) supersedes the Western Australian review of mortality (WARM) policy: Guidelines for reviewing inpatient deaths (2008). Reviews of death provide an important opportunity for clinicians and services to examine the quality of health care that was afforded to a patient. Review processes must incorporate the principles identified within the ROD Policy, recognising that the existing local processes of many organisations established in response to the 2008 WARM Policy already incorporate the principles.

New Zealand. Ministry of Health

Media releases

9 August 2013 - [Disability sector well-represented on Christchurch advisory group](#).

8 August 2013 - [New Zealand burden of diseases statistical annexe](#).

Publications

[Health loss in New Zealand: a report from the New Zealand burden of diseases, injuries and risk factors study 2006–2016](#).

[Health loss in New Zealand: a report from the New Zealand burden of diseases, injuries and risk factors study 2006–2016](#).

United Kingdom. Department of Health

15 August 2013 - [Panel appointed to consider integrated care pioneer bids](#).

15 August 2013 - [Modernisation of HIV rules to better protect public](#).

9 August 2013 - [Researchers get £124m funding to tackle major health challenges](#).

United States of America. Department of Health and Human Services (HHS)

15 August 2013 - [New resources available to help consumers navigate the health insurance marketplace](#).

14 August 2013 [Health and Human Services \(HHS\) settles with health plan in photocopier breach case](#).

Australian Medical Association (AMA)

15 August 2013 - [Dr Haikerwal national electronic health transition authority \(NEHTA\) resignation raises serious concerns about clinical input to personally controlled electronic health record \(PCEHR\)](#). AMA President, Dr Steve Hambleton, said today that the resignation of Dr Mukesh Haikerwal, head of clinical leadership and stakeholder management, from the National electronic health transition authority. [Read more](#).

13 August 2013 - [AMA President Dr Steve Hambleton, the social determinants of health alliance public forum](#).

9 August 2013 - [Important initiatives to improve the health of Aboriginal men](#).

British Medical Association (BMA)

15 August 2013 - [Ban lifted on HIV-positive doctors practising surgery](#).

14 August 2013 - [Work with doctors on the future of general practice](#).

14 August 2013 - [Recruitment and investment key to tackling emergency care crisis](#).

13 August 2013 - [Cash boost for specialist palliative care services](#).

13 August 2013 - [Public health title prompts rule strengthening call](#).

12 August 2013 - [Plans to forge ahead on alcohol and tobacco regulation](#).

9 August 2013 - [£124m research boost welcomed by medical academics.](#)

9 August 2013 - [BMA helps pave way for tougher European tobacco rules.](#)

Canadian Medical Association

15 August 2013 - [The dene nation of the Northwest territories endorses the principles to guide health care transformation in Canada.](#)

12 August 2013 - [Retired teachers of Canada endorse principles to guide health care transformation in Canada.](#)

ABOUT US

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Mark is a partner in the Litigation and Regulatory team at DLA Piper.

Mark's focus is on public liability and professional indemnity insurance and associated litigation. He has particular experience with medical negligence claims and the complex insurance and indemnity arrangements prevalent in the resources, mining, building and construction industries.

Mark also acts for the regulators of the medical and other health professions.

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