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JUDGMENTS

Victoria. Coroners Court

19 July 2013 - [Inquest into the death of Andrew Timothy Davies](#) COR-2007-3554

The deceased, a 39 year old prisoner, presented at Her Majesty's Prison medical centre complaining of chest pain. The nurse who saw the deceased was a registered division 2 and 3 nurse and was the only person on duty. An electrocardiogram (ECG) was performed but the self-reporting function showed no signs of irregularity. He was therefore treated for cold and flu symptoms. Roughly 16 days later he suffered a ventricular tachycardia cardiac arrest from which he did not recover.

Medical services to the prison were provided by Pacific Shores Healthcare (PSH) through a contractual agreement with Justice Health.

The Coroner determined that the nurse had incorrectly relied on the machine's interpretation to dictate his conclusion regarding the patient's symptoms, having not been trained to interpret an ECG. He was not supervised by a division 1 nurse and did not subsequently notify that supervisor that an ECG had been performed, nor did he refer the results for review by the visiting medical officer. "The procedures in place under the control of [PSH]...enabled, permitted and encouraged [the nurse] to perform functions unsupported by a policy and procedures that ensured adequate follow up."

The Coroner concluded that, had the ECG been examined by appropriately trained personnel, an opportunity would have arisen for medical treatment to be administered and the prisoner's death could have been prevented. Numerous recommendations were made regarding PSH's policies for prisoner patients, including a staff induction program, ongoing professional development and an improved review process.

26 July 2013 - [Inquest into the death of Amy Hauserman](#) COR-2008-1116

The deceased was voluntarily admitted to Frankston hospital's psychiatric unit after showing signs of a relapse of schizophrenia and anorexia and placed on 15 minute interval observations, standard for newly admitted patients. She was prescribed medication for severe constipation but continued experiencing abdominal pain so a bath was suggested. During the bath she was verbally checked on every 15 minutes by nursing staff but not continually supervised due to privacy concerns. She was found face down in the bath and was cyanosed. Resuscitation was attempted but unsuccessful. Post-mortem examination concluded death was by hypoxic brain injury in the setting of immersion.

The nurse administering the bath believed there was no evident risk and was unaware of any relevant policy. However, the Coroner found existing protocols recommended full risk evaluation before offering a bath and therefore a failure in the administration of training updates had led to staff unfamiliarity. The Coroner concluded that, as the patient's risk presentation was multi-faceted, the staff erred in making the decision without an evaluation and allowing intermittent supervision. "The absence of [constant] supervision was a primary feature leading to her death, in that it caused or contributed to an inability to successfully intervene and to give effect to her rescue." Suicide was not evident.

The hospital subsequently removed the bath option from its psychiatric unit. The Coroner deemed this appropriate but cautioned that if it became available again, it should only be offered after improved training and an implemented policy of mandatory and continual nursing supervision.

United Kingdom (UK)

[Anor, R \(on the application of\) Nicklinson and Lamb v Ministry of Justice](#) [2013] EWCA Civ 961

"These appeals concern individuals who suffer from permanent and catastrophic physical disabilities. They are of sound mind and acutely conscious of their predicament. They do not want to suffer a painful and undignified process of dying. They wish to die at a time of their choosing. However, they are not physically capable of ending their own lives unaided. AM (known as "Martin", but that is not his real name) can end his own life but only with the assistance of a third party. Paul Lamb is so disabled that he cannot even commit suicide with assistance; he requires a third party to terminate his life. (That was also the position of Tony Nicklinson, although he died soon after the judgment below was delivered.) Each has a settled and considered wish that his death should be hastened by the requisite assistance. Each contends that as a

matter of both common law and European Convention of Human Rights law (the Convention), those who provide him with assistance to bring about his death ought not to be subject to any criminal consequences. The current understanding of the law is that those providing such assistance will be committing the offence of assisted suicide contrary to section 2(1) of the *Suicide Act 1961* (the 1961 Act) if they merely assist a person to take his own life, and murder if they actually terminate life themselves."

LEGISLATION

Commonwealth

5 August 2013 - [Therapeutic goods amendment \(advisory committees\) regulation 2013](#) F2013L01516 - SLI 2013 No. 220 as made.

16 July 2013 - [Private health insurance \(council administration levy\) amendment rules 2013](#) (No. 2) F2013L01504 as made.

Western Australia

7 August 2013 - [Medicines, Poisons and Therapeutic Goods Bill 2013](#) legislative assembly second reading.

REPORTS

Australia. Department of Health & Ageing

Media releases

1 August 2013 - [Transcript of doorstep interview with Professor Ian Olver and Carol Bennett](#). Interview with Professor Ian Olver, Chief Executive Officer (CEO) of Cancer Council Australia and Carol Bennett, CEO of Consumers Health Forum of Australia at the Queensland Institute of Medical Research, Herston.

Private Health Insurance (PHI) Circulars

[PHI 53/13 Revoke of private \(same day\) hospital information.](#)

[PHI 52/13 Revoke of private \(overnight\) hospital information.](#)

[PHI 51/13 New version \(version 1.10.1.0\) of check-it 2 released.](#)

[PHI 50/13 New private \(same day\) hospital information.](#)

Australia. National Blood Authority

2 August 2013 - Public consultation now open - single unit transfusion guideline NBA is seeking public consultation on better practice Single Unit Transfusion Guideline and supporting materials to assist local. | [Read article](#)

Australian Commission on Safety and Quality in Health Care

5 August 2013 - [On the radar – issue 138 \(140KB\)](#).

Australia. Institute of Health & Welfare

1 August 2013 - [The health of Australia's males: 25 years and over. The health of Australia's males: from birth to young adulthood \(0-24 years\)](#).

Australia. Health Practitioner Regulation Agency and the boards

8 Aug 2013 - The Board the chiropractic Board of Australia releases its latest communiqué. | [Read article](#)

6 Aug 2013 - Register for news updates the chiropractic Board of Australia has today launched a new service for chiropractors wanting to be emailed regular updates about the Board's work. | [Read article](#)

2 Aug 2013 - A Victorian chiropractor's registration has been cancelled after a three year battle by the chiropractic Board of Australia. | [Read article](#)

7 Aug 2013 - Opportunity to improve the health complaint and notification process. | [Read article](#)

7 August 2013 - Independent study by University of Sydney researchers: Community expectations & experiences of health complaints & notifications processes. | [Read article](#)

7 Aug 2013 - The dental Board of Australia releases its latest communiqué. | [Read article](#)

1 Aug 2013 - Consultation paper released. The medical Board has released a consultation paper on Good medical practice: A code of conduct for doctors in Australia. | [Read article](#)

1 Aug 2013 - The osteopathy Board releases its latest communiqué. | [Read article](#)

5 Aug 2013 - The Osteopathy Board of Australia releases its latest newsletter. | [Read article](#)

2 Aug 2013 - The Physiotherapy Board of Australia releases its latest communiqué. | [Read article](#)

2 Aug 2013 - The Podiatry Board of Australia releases its latest communiqué. | [Read article](#)

1 Aug 2013 - The Psychology Board of Australia releases its latest communiqué. | [Read article](#)

2 Aug 2013 - The national psychology Board has released the June 2013 figures on area of practice endorsements. | [Read article](#)

Australia. Therapeutic Goods Administration (TGA)

8 August 2013 - [Australian requirements and recommendations for pharmacovigilance responsibilities of sponsors of medicines](#). Updated to remove coroner and overdose final qualifying sentence from the healthcare professional definitions.

7 August 2013 - [Submissions received: Proposed amendments to the new regulatory framework for in vitro diagnostic medical devices \(IVDs\)](#). Added microbiological diagnostic unit public health laboratory and NRL submissions.

7 August 2013 - [Complementary medicines: Cancellations from the Australian Register of Therapeutic Goods \(ARTG\) following compliance review](#). Cancellation that took effect in July 2013 (Coffee shape slimming green coffee and zenacore).

5 August 2013 - [TGA structure](#). Updated information and structure diagram.

5 August 2013 - [Advisory committees on medicines & chemicals scheduling \(Advisory committee on medicines scheduling and the advisory committee on chemicals scheduling\)](#). Updated meeting dates & decision timeframes.

5 August 2013 - [Limb preservation system \(LPS\) lower extremity dovetail intercalary component](#). Consumers and health professionals are advised that Johnson & Johnson Medical has issued a hazard alert for all lots of its LPS lower extremity dovetail intercalary component.

5 August 2013 - [HypoMon sleep-time hypoglycaemic monitor](#) It has been identified that hypoMon is not performing as well as expected. Consumers and health professionals are advised that Aimedics, in consultation with the TGA, is recalling from the market all units of its hypoMon sleep-time hypoglycaemic monitor.

2 August 2013 - [Sunscreens: information for consumers](#). Information about sun protection factor ratings, using sunscreens, sunscreen regulation, and nanoparticles in sunscreens.

Australia. Private Health Insurance Administration Council (PHIAC)

31 July 2013 - [Portability switching and competition discussion paper](#) in the Australian PHI – read the paper and have your say.

3 July 2013 - [Capital adequacy standard - interest rate June 2013](#). PHIAC has determined that the interest rate applicable for the calculation of the renewal option amount to be applied by all private health insurers for the quarter ended 30 June 2013 is 2.471% per annum.

Australian Capital Territory. (ACT) Health Directorate

7 August 2013 - [Chief Minister to lead delegation to China to promote Canberra as study destination](#).

- 6 August 2013 - [Anti-smoking message being spread by Canberra kids.](#)
- 2 August 2013 - [ACT general practitioner \(GP\) shortage eases.](#)
- 1 August 2013 - [ACT kids top health, wellbeing and development indicators.](#)
- 1 August 2013 - [Chief Minister calls on Canberra businesses and offices to show their brumbies colours.](#)

New South Wales. (NSW) Ministry of Health

Media releases

- 2 August 2013 - [Innovative new service set to reform mental health delivery in NSW.](#)
- 2 August 2013 - [Forty four more paramedics for regional NSW.](#)
- 9 August 2013 - [Flu still in the air despite warm weather.](#)

Policy Directives & Guidelines

- 5 August 2013 - [Allied health assistant framework](#) GL2013_005.
- 5 August 2013 - [Locum medical officers - employment and management](#) PD2013_022.
- 7 August 2013 - [Goods and services procurement policy](#) PD2013_023.

Northern Territory. Department of Health

8 August 2013 - [Robyn Lambley - Territory telehealth program in line for national award.](#) The Department of Health and local company SRA Information Technology will represent the Northern Territory at the Australian computer society iAwards in Melbourne tomorrow night.

7 August 2013 - [Robyn Lambley - Alcohol mandatory treatment \(AMT\) program providing positive outcomes for territorians.](#) Alcohol rehabilitation Minister, Robyn Lambley, says the Government's AMT program continues to assist problem drinkers break out of addiction and to improve lives.

Queensland. Department of Health

Media releases

- 8 August 2013 - [Minister welcomes Parliamentary apology to Queensland health workers.](#)
- 7 August 2013 - [Workplaces focus on wellness with new program.](#)
- 6 August 2013 - [Unions share in payroll guilt.](#)
- 7 August 2013 - [Workplaces focus on wellness with new program.](#)
- 2 August 2013 - [Chief Health Officer warns parents to beware of "fake" immunisations.](#)
- 2 August 2013 - [Legionella testing update 2 August](#) and [Legionella report 2 August.](#)
- 2 August 2013 - [Latest hospital performance data put under the microscope.](#)

Queensland. Chesterman Inquiry into the Queensland Health Payroll

[Queensland health payroll system commission of inquiry.](#)

South Australia. Department for Health & Ageing

Media release

- 6 August 2013 - [Meningococcal case.](#)
- 4 August 2013 - [New equipment to train ambulance officers.](#)
- 31 August 2013 - [New chemotherapy unit for Port Augusta.](#)

Tasmania. Department of Health & Human Services

- 5 August 2013 - [Consultation next step in updating Tasmania's health plan.](#)

Victoria. Department of Health

Media releases

2 August 2013 - [Ministerial advisory committee for cemeteries and crematoria.](#)

2 August 2013 - [Emotional reunion for Wonthaggi paramedics.](#)

6 August 2013 - [Historic low for smoking rates in Victoria.](#)

7 August 2013 - [Mildura hospital expansion goes out to tender.](#)

8 August 2013 - [Childhood services urged to sign up to healthier lifestyles.](#)

8 August 2013 - [New initiative to help people of culturally and linguistically diverse backgrounds access palliative care.](#)

8 August 2013 - [Health alert as measles case detected.](#)

[Serious transfusion incident report 2009-11.](#)

Western Australia. (WA) Department of Health

8 August 2013 - [OD 0446/13](#) - In accordance with the WA health research governance policy and procedures 2012, the WA health research governance and single ethical review standard operating procedures have been developed to support the requirements of the policy and promote a consistent approach within WA health to research governance and the single ethical review of multi-centre research projects. The document outlines the WA health single ethical review, national approach and national mutual acceptance processes; and describes the requirements for the authorisation and ongoing monitoring of research projects conducted within WA health or accessing WA health participants, their tissue or data.

New Zealand. Ministry of Health

8 August 2013 - [Study reveals impact of disease, injury and risk factors on New Zealanders.](#)

United Kingdom. Department of Health

5 August 2013 - [Minister launches radical new procurement strategy to save the national health scheme \(NHS\) £1.5 billion.](#)

6 August 2013 - [Global expert publishes world-leading safety plan for NHS.](#)

8 August 2013 - [Prime Minister announces £500 million to relieve pressures on A&E.](#)

United States of America. Department of Health & Human Services

1 August 2013 - [Obama administration launches one stop shop website to educate business owners about the Affordable Care Act.](#)

5 August 2013 - [Data exchange growing through electronic health records adoption, new study finds.](#)

Australian Medical Association

29 July 2013 - [Make health star label system mandatory for recalcitrant food industry.](#)

29 July 2013 - [Alert - Scrap the cap alliance strategy meeting.](#)

1 August 2013 - [Tobacco tax rise another blow to killer habit.](#)

2 August 2013 - ["Cap" deferral will allow proper consultation on education expenses.](#)

6 August 2013 - [Greens' asylum seeker health panel policy must be supported by major parties.](#)

British Medical Association (BMA)

5 August 2013 - [Make doctors central to integration of care, says BMA.](#)

6 August 2013 - [BMA renews call for minimum alcohol pricing.](#)

- 6 August 2013 - [Review stops short of statutory duty to report safety concerns.](#)
- 7 August 2013 - [Agreements that prevent raising of safety concerns unacceptable, says BMA.](#)
- 7 August 2013 - [Conflict of interest claim over occupational health revalidation.](#)
- 8 August 2013 - [Growing waiting lists alarm doctors.](#)
- 8 August 2013 - [Emergency care cash injection falls short, say doctors leaders.](#)
- 8 August 2013 - [BMA warns against multi-billion pound cost of pension changes.](#)

Canadian Medical Association (CMA)

2 August 2013 - The royal Canadian legion's 320,000 members endorse the principles to guide health care transformation in Canada. The CMA is pleased to announce that The Royal Canadian Legion has endorsed the principles to guide health care transformation in Canada. This brings to 129 the number of organizations who have lent their support to the principles. | [Read article](#)

7 August 2013 - [CMA updates return to work policy.](#)

ABOUT US

Anthony Willis



Although maintaining a government focus, Anthony also advises corporate clients particularly in the technology and research and development sectors. He advised the government on proposed changes to Australian patent legislation concerning pharmaceuticals in the context of the US Australia Free Trade Agreement.

He has also advised on the patenting of genetic technology in the context of the BRCA genes.

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