



HEALTH ALERT

29 February 2016

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JUDGEMENTS

Queensland

17 February 2016 - [Inquest into the death of Rick Dudley Dickinson](#)

Mr Dickinson presented to hospital with chest pain and numbness following an incident at his gym. He was treated in emergency and discharged the same day after the medical team dismissed their original suspicion of aortic dissection. He was found dead in his apartment the following day reported at first as due to natural causes. A post mortem examination revealed that Mr Dickinson had died of a cardiac tamponade due to a ruptured aortic dissection, which was in accordance with the symptoms he communicated.

The inquest heard evidence from various hospital personnel including the ambulance paramedics, nursing staff, and treating physician, which indicated that there had been both an absence of clear communication in handover and triage decisions had been made without full information. This included clinical notes being entered into the system but not saved so they were not retained. The coroner concluded that the consequences of the triage assessment and incomplete handover were that a significant piece of the clinical history was not known by the nurses, and there was inadequate monitoring as a result. This also constituted a breach of the hospital's observations policy.

The coroner found that the standard of care provided was well below the standard expected of medical professionals with as much experience as those who treated Mr Dickinson, in particular citing the decision to discharge Mr Dickinson before his test results had been returned, failure to take an adequate medical history, and lack of detailed scans when symptoms indicated they were advisable.

Victoria

23 February 2016 - [Medical Board of Australia v Smith \(Review and Regulation\) \[2016\] VCAT 243](#)

Dr Smith is a paediatric neurologist who treats children under the age of eighteen. He was treating a young female patient when he instigated and pursued a sexual relationship with her mother. When the patient's father learnt of the sexual contact, Dr Smith immediately ceased treatment of the patient and severed his connection to the family. The conduct of Dr Smith led to the patient and her parents having ongoing counselling for the stress and pressure in the marriage as well as in relation to the wellbeing of the patient as a dependent. Therefore, despite the relationship being with the mother, it had a direct detrimental effect on the patient.

It was found that the conduct amounted to professional misconduct demonstrated by multiple instances and inconsistent with Dr Smith being a fit and proper person to hold registration. However, in deciding whether or not to suspend his registration, the Tribunal considered the relative scarcity of practitioners in the field of paediatric neurology, and the significant demand for the services. The Tribunal concluded that despite the professional misconduct, protecting the public is central to any decision to bar practitioners from practising, and in this case the public interest was served by allowing Dr Smith to continue treating children in his specialty area of care.

In addition to a reprimand, the Tribunal applied some conditions to his registration including mentoring sessions with a focus on maintaining professional boundaries and understanding appropriate relationships with families of patients.

23 February 2016 - [WCH v Mental Health Tribunal \(Human Rights\) \(Amended\) \[2016\] VCAT 199](#)

Mental Health Act 2014 (Vic) sections 4, 5, 6 and 55 – review of decision of the Mental Health Tribunal to make community treatment order – order revoked.

New South Wales

23 February 2016 - [Health Care Complaints Commission v Rixon \[2016\] NSWCATOD 24](#)

Medical practitioner – breach of registration conditions – professional misconduct., Health problems including addiction–managed- not currently impaired. Practice Conditions & Health Conditions imposed

Northern Territory

18 February 2016 - [Naidu v Medical Board of Australia & Anor \[2016\] NTSC 8](#)

APPEAL – Appeal on question of law only – Whether Tribunal made findings of fact where no evidence – Evidence available to support findings – No error of law – Inferences not unreasonable – Appeal dismissed
- APPEAL – Appeal on question of law only – Whether error of law in treating guidelines as prescriptive – Held no error- Appeal dismissed - APPEAL – Appeal on question of law only – Whether Tribunal erred in elevating objective of providing for health and safety of the community to prime consideration – Held no error – Appeal dismissed

United Kingdom

22 February 2016 - [XYZ v Warrington & Halton NHS Foundation Trust \[2016\] EWHC 331 \(QB\)](#)

22 February 2016 - [Arkless v Betsi Cadwaladr University Local Health Board \[2016\] EWHC 330 \(QB\)](#)

12 February 2016 - [Clark \(AP\) v Greater Glasgow Health Board \[2016\] ScotCS CSOH_25](#)

LEGISLATION

Commonwealth

26 February 2016 - [Health Legislation Amendment \(eHealth Application Day\) Proclamation 2016 F2016L00161](#) as made

23 February 2016 - [National Health \(Listing of Pharmaceutical Benefits\) Amendment Instrument 2016 \(No. 2\) \(PB 11 of 2016\) F2016L00136 PB 11 2016](#) as made

22 February 2016 - [Health Insurance \(Section 19AB Exemptions\) Guidelines 2016 F2016L00134](#) as made

New South Wales

24 February 2016 - [Health Practitioner Regulation National Law \(NSW\) Amendment \(Review\) Bill 2016](#) Introduced

Western Australia

23 February 2016 - [Health Services Bill 2016](#) Introduced

REPORTS

Australia. Department of Health

Media releases

24 February 2016 - [Can you name a symptom of ovarian cancer?](#) - Minister for Health Sussan Ley has highlighted a new social media awareness campaign as an important initiative to improve women's knowledge and awareness of ovarian cancer.

24 February 2016 - [Canberrans celebrate 10 years of the Gift of Life DonateLife Walk](#) - Thousands of Australians showed their support for organ and tissue donation by taking part in the 10th annual Gift of Life DonateLife Walk around Lake Burley Griffin.

19 February 2016 - [Support for Breastfeeding](#) - Almost \$1 million will be provided to the Australian Breastfeeding Association (ABA) to allow it to continue its 24 hour National Breastfeeding Helpline.

Private Health insurance Circulars

25 February 2016 - [PHI 13/16 - New Public Hospital Information](#)

25 February 2016 - [PHI 12/16 - Revoke Private Day Hospitals Information](#)

25 February 2016 - [PHI 11/16 - Private Hospital Information: Name Change](#)

25 February 2016 - [PHI 10/16 - Private Day Hospital Information](#)

25 February 2016 - [PHI 09/16 - Declaration of Neo-natal Facilities, St John of God Midland Public](#)

Hospital & St John of God Midland Private Hospital, WA

25 February 2016 - [PHI 08/16 - Private Day Hospital Information](#)

Australia. Health Practitioner Regulation Agency and the boards (AHPRA)

19 February 2016 - [Call for applications](#) - Call for applications for appointment to the Chiropractic Board of Australia; list of approved mentors.

Australia. National Health & Medical Research Council (NHMRC)

19 February 2016 - [NHMRC Research Stories](#) - February marks Ovarian Cancer Awareness Month. Professor David Bowtell of the Peter MacCallum Cancer Centre in Melbourne is a world leader in ovarian cancer research. After he and his team were successful in receiving funding in the 2014 NHMRC Program Grants round, his research, *Improving outcomes for women with epithelial ovarian cancer*, has just commenced funding in January.

Australia. Therapeutic Goods Administration

25 February 2016 - [Consultation forecast](#) - Medical Device Clinical Evidence Guidelines consultation to open in early March.

25 February 2016 - [Updates to the list of designated orphan drugs](#) - Added Tobramycin.

22 February 2016 - [Conference participation by the TGA](#) - The TGA is participating in these events and conferences.

Australian Institute of Health & Welfare (AIHW)

17 February 2016 - [Allied health workforce 2014 \(web report\)](#)

25 February 2016 - [Health status and risk factors of Australians with disability 2007–08 and 2011–12](#) - [Media release](#): Significant health gap remains between Australians with disability and those without disability

24 February 2016 - [National Maternity Data Development Project Stage 2: Enhancing maternity data collection and reporting in Australia](#)

24 February 2016 - [Maternity Care Classification System: Maternity Model of Care Data Set Specification national pilot report November 2014](#)

Australian Commission on Safety and Quality in Health Care

On the Radar – 22 February 2016 – Issue 261 ([PDF 116KB](#)) ([Word 160KB](#))

Australian Capital Territory (ACT). Health Directorate

23 February 2016 - [Health to begin move to Woden town centre in March](#) - The first 150 of more than 1000 ACT Government staff to be relocated to Woden will be working in the town centre from next month, Minister for Health Simon Corbell announced today.

New South Wales (NSW). Ministry of Health

Media Releases

26 February 2016 - [Medical cannabis trial for chemo patients](#) - NSW Premier Mike Baird and Minister for Medical Research Pru Goward today announced the third medicinal cannabis clinical trial, which will involve patients with chemotherapy-induced nausea and vomiting.

Policy Directives & Guidelines

25 February 2015 - [Staff Specialist Emergency Physicians - Remuneration Arrangements for the Period to June 2017](#) - PD2016_006

19 February 2015 - [Application and Use of Procurement Cards \(PCards\) within NSW Health](#) - PD2016_005

New South Wales. Health Care Complaints Commission (HCCC)

22 February 2016 - **Mr Robert Gachon - Psychologist – Registration cancelled and Prohibition on providing associated counselling and mental health services for 18 months** - The NSW Health Care Complaints Commission prosecuted Mr Robert Gachon, a psychologist, before the NSW Civil & Administrative Tribunal (NCAT) alleging that he engaged in unsatisfactory professional conduct and professional misconduct.

Northern Territory. Department of Health

24 February 2016 - **Expressions of interest invited for the development at Royal Darwin Hospital** Royal Darwin Hospital is set to receive a new multi-storey car park, a 24-bed cognitive care facility, on-site residential accommodation and other commercial opportunities with an invitation for expressions of interest opening today.

Queensland. Department of Health

26 February 2016 - **"Grow your own staff" strategy pays dividends** - Three mature-aged nursing graduates and an inspiring young nurse who migrated to Australia four years ago are now part of the South West Health and Hospital Service's (SWHHS) grow your own staff strategy.

22 February 2016 - **New gynaecological services for South West Queensland patients** - Patients living in South West Queensland now have access to diagnostic gynaecological laparoscopic services at St George and Charleville hospitals through the Flying Obstetrics and Gynaecology (FOG) Service.

Tasmania. Department of Health & Human Services

26 February 2016 - **RHH Redevelopment - on time and on budget** - A large crane will arrive onsite tomorrow at the Royal Hobart Hospital as redevelopment works continue to gain momentum.

25 February 2016 - **Labor throwing rocks from the sidelines** - Labor has no policy and no plan, they only have a history of mishandling the Royal Hobart Hospital redevelopment.

22 February 2016 - **Striking a healthy balance on smoking** - While the tobacco industry thinks the Government's proposal to raise the legal smoking age is too strong, SmokeFree Tasmania believes our approach doesn't go far enough, which is an indication that our proposal is striking the right balance.

Victoria. Department of Health

23 February 2016 - **Update: Measles outbreak in Melbourne** - Cases of measles are continuing to be diagnosed in individuals living in the Brunswick and surrounding areas.

Western Australia. Department of Health

Media Releases

24 February 2016 - **Minister for Health: Major reforms for WA Health system** - Significant reforms are proposed for Western Australia's health system with the introduction of the new Health Services Bill 2016 into State Parliament.

23 February 2016 - **Minister for Health: Aquatic wonder for new kids ward at Joondalup** - A giant aquarium has been installed in the new paediatric ward at Joondalup Health Campus which is on track to open in mid-2016.

22 February 2016 - **Minister for Health: Revolutionary research hub a step closer** - Construction of the Sarich Neuroscience Research Institute at the Queen Elizabeth II (QEII) Medical Centre reached a major milestone with the final concrete pour signalling the building reaching full height.

22 February 2016 - **Temporary closure of BHP Billiton Water Park** - Following routine water sampling, the Department of Health has recommended the temporary closure of the BHP Billiton Water Park at Elizabeth Quay. WA Health Chief Health Officer Tarun Weeramanthri said the closure follows the detection of bacteria (*Pseudomonas* type) in the water spray and amoebae in the waste discharge pipes.

Operational Directives

24 February 2016 - **OD 0659/16** - Mandatory providers of road based patient transport services for individuals in metropolitan Perth under formal Transport Orders under the Mental Health Act 2014 (Form 4A) - Variation of contracts C06423 and HCNS 120214 to extend road-based transport with Transport Officers between Department of Health Metropolitan Hospital Sites (and to Bunbury Mental Health Service) for individuals on Transport Orders under the Mental Health Act 2014. At this stage, transport of this type is available to individuals in the metropolitan area only.

24 February 2016 - **IC 0239/16** - New process for filling vacancies via an Expressions of Interest - A new process for filling vacancies via an Internal Expression of Interest (EOI) has been introduced to cater for the increased volume of EOIS being advertised across WA Health due to the Recruitment Freeze. Health Support Services will be supporting the new process for all placement of EOIS on the Jobs Opportunities internal Notice Board. The Holii EOI web site will no longer be available for any new postings and will gradually be phased out. All current postings will remain on the Holii EOI site until advertisement closing dates have been reached.

United Kingdom. Department of Health

19 February 2016 - **Unnecessary antibiotics prescriptions reduced in new trial** - A trial involving over 1,500 GP practices found that writing to GPs about their antibiotics prescribing resulted in 73,000 fewer prescriptions (a 3.3% reduction) over 6 months. This equates to direct savings of over £92,000 in prescription costs. This is part of the **government's plans to slow the growth of antimicrobial resistance**. Increasing resistance to antibiotics and a lack of new drugs means there is a greater risk of infections that cannot be treated.

Australian Medical Association (AuMA)

22 February 2016 - **Transcript - Asylum Seeker Health, Baby Asha**

ABOUT US

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Michael is the head of the DLA Piper health litigation group.

He practises in the areas of health law, insurance law, medical negligence and coronial enquiries. He represents Victorian public hospitals and their insurers, the Victorian Managed Insurance Authority and is the solicitor of choice for Australia's second-largest private health operator.

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