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JUDGMENTS

New South Wales (NSW)

19 September 2013 - [Paul v Cooke \[2013\] NSWCA 311](#)

In 2003 Ms Paul had an angiogram for an intracranial aneurysm but her radiologist, (Doctor) Dr Cooke, failed to diagnose it. Three years later it was diagnosed. To avoid the risk of a spontaneous rupture, she underwent a "coiling" operation. During the operation, through no lack of skill or care by the surgeons, the aneurysm ruptured and she suffered serious and permanent disabilities.

Ms Paul brought proceedings against Dr Cooke for his negligent failure to diagnose the aneurysm. It was accepted at trial that there was no physical change in the aneurysm between 2003 - 2006 and that, although the preferred procedure had changed in that time, the overall risk of rupture had not.

Ms Paul argued that, but for Dr Cooke's negligence, her aneurysm would have been detected in 2003 and she would have undergone a 'clipping' procedure. She was therefore exposed to risks (that materialized) in 2006 that she would likely not have been in 2003.

The primary judge found that under s 5D(1)(b) of the *Civil Liability Act 2002* (NSW) the scope of Dr Cooke's liability did not extend to the injuries Ms Paul sustained. The Court of Appeal agreed, determining that his negligence did not create the risk of intra-operative rupture. The harm suffered was subsequent to, not a consequence of, the negligence. Further, under s 5I, a person is not liable if "the harm suffered...resulted from the materialization of a risk that could not be avoided by the exercise of "reasonable care and skill". The appeal was dismissed.

12 September 2013 - [Application of Michael Bar-Mordecai \[2013\] NSWSC 1286](#)

Procedure - *Vexatious Proceedings Act 2008* - application for leave to institute proceedings, ordinary Procedure and no prima facie basis disclosed. No matter of general principle.

12 September 2013 - [Attorney general in and for the state of NSW v Bar-Mordecai \[2013\] NSWSC 1307](#)

Procedure - costs, notices of motion, orders sought under s 98 of the *Civil Procedure Act 2005* - costs in relation to application for leave under *Vexatious Proceedings Act 2008* to institute proceedings against medical practitioner - order for gross costs orders - costs orders made.

South Australia

18 September 2013 - [Larsen v medical Board of Australia \[2013\] South Australian health practitioners Tribunal \(SAHPT\) 4 3/09/2013](#)

The appellant appealed the medical Board of Australia's decision to refuse her application for limited registration as a medical practitioner. She was an international medical graduate who sought limited registration under the sub-type of postgraduate training or supervised practice.

The appellant listed a number of qualifications in her application, including a doctor of medicine with honours from the Union of Soviet Socialist Republics (USSR) and an international postPhD doctor of medical radiology. However, there was no documentation supporting any of her qualification history.

The medical Board established that the appellant did not hold a qualification approved by the national Board for the medical profession. It therefore needed to determine whether she held a qualification deemed substantially equivalent or based on similar competencies. Her radiology qualification was assessed by royal Australian and New Zealand college of radiologists (RANZCR) as not comparable to an Australian or New Zealand trained radiologist. She also failed to supply details of specialist recognition in any area of medicine.

Further, the appellant did not provide evidence that met the national Board's English language registration standard and recency of practice registration standard. She also neglected to provide a statement from her sponsoring employer outlining her position description and details of the training plan for the period of supervised practice.

The Tribunal accepted that “it must ensure that only health practitioners who are suitably trained and qualified to practice in a competent and ethical manner are registered.” Given the deficiencies in the application, it agreed with the medical Board that the appellant was ineligible for limited registration and dismissed the appeal.

19 September 2013 - [Inquest into the death of Eugeniusz Szczepaniak](#) 19/2012 (0544/2010)

Death as a result of as a result of neck compression due to hanging.

19 September 2013 - [Inquest into the death of Robert Nicholas Hocking](#) 8/2012 (0242/2010)

Death as a result of aspiration pneumonia with contributing chronic schizophrenia.

United Kingdom (UK)

17 September 2013 - [Esim v Turkey \[2013\] European courts of human rights \(ECHR\) 820](#)

Conscript in the army - severely wounded by gunshots - alleged military hospital was medically negligent in allowing a bullet in his head to remain unnoticed - sustained further pecuniary damage.

LEGISLATION

19 September 2013 - [Private health insurance \(complying product\) Amendment Rules 2013 \(No. 3\)](#).

18 September 2013 - [Private health insurance \(benefit requirements\) Amendment Rules 2013 \(No. 4\)](#).

19 September 2013 - [Private health insurance \(complying product\) Amendment Rules 2013 \(No. 3\)](#).

REPORTS

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

16 September 2013 - The national Boards have released their quarterly registration data. [Read more](#).

18 September 2013 - The nursing and midwifery Board of Australia has published its July communiqué. [Read more](#).

18 September 2013 - The optometry Board of Australia releases its latest communiqué. [Read more](#).

18 September 2013 - The physiotherapy Board of Australia releases its latest communiqué. [Read more](#).

16 September 2013 - Podiatry Board of Australia to hold forum in Canberra - 24 October 2013. [Read More](#)

19 September 2013 - National nursing and midwifery Board hosting a nurse practitioner forum in Melbourne on 25 October 2013. [Read more](#).

19 September 2013 - The national psychology Board has released its quarterly registration data. [Read more](#).

19 September 2013 - The Chinese medicine Board of Australia releases its latest communiqué. [Read more](#).

20 September 2013 - Committee member vacancies - medical radiation practice Board of Australia call for expressions of interest for persons interested to join committees of the medical radiation practice Board of Australia. [Read more](#).

Australia. Therapeutic Goods Administration (TGA)

20 September 2013 - [Orphan drugs](#).

19 September 2013 - [Crocodile size three walker](#). Mobility Plus, in consultation with the TGA, is undertaking a recall for product correction of crocodile size three walkers.

19 September 2013 - [Software as in vitro diagnostic medical devices \(IVDs\)](#). The definition of an IVD medical device in the Therapeutic Goods (medical devices) regulations 2002 includes software.

19 September 2013 - [Update on TGA decision to cancel prescription pain-killers](#). The TGA is providing updated information to consumers and health professionals about the regulatory status of dextropropoxyphene-containing pain-killers.

17 September 2013 - [Australian public assessment reports for prescription medicines \(AusPARs\)](#) added fluticasone propionate/eformoterol fumarate dihydrate (flutiform), ingenol mebutate (picato 0.015% and 0.05% gel), mycophenolate sodium (myfortic), sitagliptin/simvastatin (juvicor/xelezor/tesozor) and vandetanib (caprelsa).

16 September 2013 - [Orphan drugs](#) added nitric oxide (INOmax).

16 September 2013 - [Medical devices and IVDs compliance actions](#) Details of products cancelled from the Australian register of therapeutic goods (ARTG).

16 September 2013 - [Documents released under section 11C of the Freedom of Information Act 1982](#) added freedom of information (FOI) 233-1213 and FOI 276-1213.

16 September 2013 - [Application to amend the poisons standard](#) updated application form.

Australian Institute of Health & Welfare

19 September 2013 - [Movement between hospital and residential aged care 2008-09 | media release.](#)

Australian Commission on Safety and Quality in Health Care

16 September 2013 - [On the radar: Issue 144.](#)

Australia. Private Health Insurance Administration Council (PHIAC)

16 September 2013 - [PHIAC stakeholder survey.](#) In July 2013, the PHIAC conducted a second survey of its stakeholders.

Australia. National Mental Health Commission

18 September 2013 - [Mental health moved from Prime Minister's portfolio back to health.](#)

19 September 2013 - [Commission will remain independent.](#)

Australian Capital Territory. Health Directorate

16 September 2013 - Katy Gallagher [\\$108,000 donation puts smiles on little faces thanks to give me five for kids.](#)

New South Wales. Ministry of Health

Media Releases

18 September 2013 - [NSW government launches eating disorders plan.](#)

18 September 2013 - [NSW government boosts fluoride funding.](#)

16 September 2013 - [Ensuring the rights and dignity of young people with psychosis.](#)

Policy directives (PD) and guidelines

20 September 2013 - [Hospital car parking fees policy: campuses which are subject to car parking development.](#)

19 September 2013 - [Visiting medical officers - remuneration rates.](#)

18 September 2013 - [Organ donation and transplantation - managing risks of transmission of human immunodeficiency virus \(HIV\), hepatitis C virus \(HCV\) and hepatitis B virus \(HBV\).](#)

11 September 2013 - [Human research ethics committees: standard operating procedures for NSW public health organisations.](#)

4 September 2013 - [Neonatal abstinence syndrome guidelines.](#)

Information Bulletins

2 September 2013 - [Health records and medical/clinical reports - rates.](#)

18 September 2013 - [Increases to salaries and allowances - public health system and crown nurses' and midwives' awards.](#)

18 September 2013 - [Salary increase staff specialists NSW public health system - staff specialists \(state\) award](#).

19 September 2013 - [Salary increases for staff in the NSW health service - human services union \(HSU\) and Australian salaried medical officers federation \(ASMOF\)](#).

Queensland. Department of Health

13 September 2013 - [Funding for new hear and say centre](#). A new facility to help children with hearing difficulties is one step closer after the Newman Government announced \$2 million in funding towards a new hear and say centre.

13 September 2013 - [Five more Queensland hospitals report their performance](#). Residents of Ayr, Charters Towers, Ingham, Proserpine and Stanthorpe can now discover how their local hospital is performing compared to similar facilities around the state.

16 September 2013 - [Get to know about dementia](#). Brain health: making the connections, is the theme for this year's dementia awareness week which runs from today until Sunday.

South Australia (SA). Department for Health & Ageing

16 September 2013 - [Nursing and midwifery agreement reached](#). Hon Jack Snelling MP - the state government and the Australian nursing and midwifery Federation (SA branch) have agreed on the terms of offer for the new enterprise agreement for South Australia's public sector nursing and midwifery employees.

Tasmania. Department of Health & Human Services

18 September 2013 - [Working with vulnerable people checks](#).

Victoria. Department of Health

15 September 2013 - [Labor's ambulance lies exposed by the facts](#). Labor's shameful record on unfilled paramedic shifts is being turned around by the Victorian Coalition Government, Minister for health David Davis said today.

19 September 2013 - [Next stage set for Ballarat hospital expansion](#). The next stage of the Ballarat Health Services redevelopment, which will deliver more hospital beds and a helipad to Ballarat, is about to begin, Minister for health David Davis announced today.

Western Australia (WA). Department of Health

Media Releases

13 September 2013 - [More state funds for regional renal dialysis](#).

Operational directives (OD) and information circulars (IC)

18 September 2013 - [OD 0455/13](#). WA health complaint management policy all health services must manage complaints lodged by health care consumers (including patients, carers, family) according to the guidelines set out in the WA health complaint management policy 2013.

19 September 2013 - [IC 0167/13](#). Community associated methicillin resistant staphylococcus aureus (CA-MRSA) that are of public health significance in WA. Describes the CA-MRSA program in WA.

19 September 2013 - [OD 0456/13](#). Creutzfeldt-Jakob disease (CJD). Risk assessment and management describes the infection prevention and control procedures to minimise the risk of transmission of CJD in healthcare facilities in WA.

18 September 2013 - [IC 0166/13](#). Public service award 1992 and government officers' salaries, allowances and conditions award 1989. Variations to allowances contained within the public service award and the government officers' salaries, allowances and conditions award.

18 September 2013 - [IC 0165/13](#). Public service award 1992 and government officers' salaries, allowances and conditions award 1989 - variation.

Variations to allowances contained within the public service award and the government officers' salaries, allowances and conditions award.

Parliament - report on WA hospitals by UK health experts.

18 September 2013 - WA emergency flow report - UK visit final report September 2013.

New Zealand. Ministry of Health

19 September 2013 - [Showcasing aged-care nursing](#).

United Kingdom (UK). Department of Health (DoH)

19 September 2013 - [Hunt sets out tough new approach to turn around national health service \(NHS\) hospitals](#).

13 September 2013 - [Future of primary care](#).

13 September 2013 - [More than 5,000 patients carry out hospital inspections](#).

13 September 2013 - [New ways of funding placements for social work students are put forward for consultation](#).

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

19 September 2013 - [HHS replenishes nation's supply of anthrax antitoxin](#).

19 September 2013 - [More, higher quality options for seniors in Medicare Advantage](#).

19 September 2013 - [HHS awards \\$2.8 million to transition veterans' skills into nursing careers](#).

18 September 2013 - [Obama administration announces a coordinated effort to protect consumers by preventing and detecting potential fraud in the health insurance marketplace](#).

17 September 2013 - [Nearly six in ten uninsured Americans can pay less than \\$100 per month for coverage in the health insurance marketplace](#).

17 September 2013 - [HHS launches meaningful consent site](#).

Australian Medical Association (AMA)

16 September 2013 - [AMA keen to get to work with new Abbott Ministry](#). AMA Vice President, Professor Geoffrey Dobb, today welcomed the appointment of Peter Dutton as Minister for Health, and said the AMA is keen to get to work with all the Ministers. [Read more](#).

20 September 2013 - [AMA Federal Councilor Dr Michael Gliksman - Air Pollution Forum](#). This AMA speech has just been issued speech to air pollution Forumwoolcock institute, Sydney. [Read more](#).

British Medical Association (BMA)

19 September 2013 - [Royal colleges freeze exam fees](#). Junior doctors leaders have welcomed a decision by medical royal colleges to freeze exam fees.

18 September 2013 - [Consultants to begin contract talks](#). Senior doctors have voted to enter negotiations with the government on possible changes to contracts for consultants in England and Northern Ireland.

18 September 2013 - [Abandoned IT programme still causing spending concerns](#) Future spending on NHS IT must draw on doctors' experience and have a strong clinical focus, the BMA has said.

18 September 2013 - [MPs insist on freedom to raise patient safety concerns](#). Doctors and other healthcare professionals must feel free to raise honestly held patient safety concerns.

18 September 2013 - [Epidemic work wins book of the year](#). A book detailing the history of epidemics, such as bird flu and HIV, has been named the BMA's medical book of the year.

17 September 2013 - [New co-chair to help lead staff and associate specialists committee \(SAS\) doctors](#). A new co-chair has joined Blackpool associate specialist in trauma and orthopaedics Radhakrishna Shanbhag to lead the BMA staff, associate specialists and specialty doctors committee.

17 September 2013 - **BMA Scottish junior doctors committee chair makes training pledge**. The new BMA Scottish junior doctors committee chair is to focus on maintaining training and employment prospects of current and future trainees.

17 September 2013 - **BMA stages care standards debate at party conference**. BMA has been highlighting the steps it is taking to make the NHS safer at the Liberal Democrat party conference today.

17 September 2013 - **Academics support moves to stem clinical trial decline**. Medical academics have backed calls for more government action to help address a steep fall in the number of UK clinical trials in recent years.

16 September 2013 - **Report warns unscheduled care is falling behind** Unscheduled care services in Wales are getting worse, according to an audit office report. Welsh auditor general Huw Vaughan Thomas said last week that while some improvements had been made, unscheduled care services were not keeping pace with the increase in demand.

16 September 2013 **Doctors encouraged to develop skills abroad**. Doctors, the NHS and developing countries can all benefit from clinicians gaining experience in overseas health systems, the BMA has said.

Canadian Medical Association (CMA)

17 September 2013 - **Wanted: more doctors of medicine (MDs) to meet with medical practitioners (MPs)**. With the House of Commons due to resume sitting in October, the CMA is reminding physicians of the need to make politicians aware of health care issues - and about its own program that makes this possible.

American Medical Association (AMA)

18 September 2013 - **AMA to hold webinar on genetic factors affecting patient response to opioids**. Free information to help physicians understand how genetic information affects patient response to opioid analgesics.

17 September 2013 - **AMA releases new study of physician practice arrangements**. The AMA released new data on physician practice arrangements showing that private practice medicine remains strong despite an increase in hospital employment.

16 September 2013 - **AMA announces 2014 current procedural terminology code enhancements**. Updates to medicine's common language reflect new technological and scientific advancements.

ABOUT US

Michael Regos



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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