



HEALTH ALERT

23 MARCH 2015

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JUDGMENTS

New South Wales (NSW)

18 March 2015 - *Health Care Complaints Commission (HCCC) v Ashford* - [2015] NSWCATOD 15

In the course of disciplinary proceeding the Health Care Complaints Commission refused to consider a registered nurse's drug dependence to be a 'mitigating factor'.

The HCCC investigated four in relation to a registered nurse, Mr Ashton.

The complaints alleged that, over a period of several months, whilst working at a number of different hospitals Mr Ashton had misappropriated drugs of addiction for his own use (including Oxycontin and Fentanyl) .

Mr Ashford submitted that a more benign approach should be taken to his misconduct, because he suffered from drug dependency caused by Post Traumatic Stress Disorder ('PTSD') that he alleged had arisen from trauma caused to him by his nursing of a severely burned patient in 2009.

The Tribunal did not take this approach. The Tribunal did not consider there to be any mitigating factors in Mr Ashford's drug dependence. The Tribunal was satisfied that the complaints had been made out, and that the evidence demonstrated that Mr Ashford's judgment in the practice of nursing was significantly below the standard reasonably expected of a registered nurse of equivalent training or experience. It was also found that Mr Ashford had an impairment, namely PTSD, which detrimentally affected his capacity to practice nursing.

16 March 2015 - *Inquest into the death of John Gibson* - Coroners Court

Hospitals should ensure that their policies mandate the practice of properly confirming correct placement of central venous lines ('CV lines') before being used to infuse substances into a patient.

Mr Gibson had been admitted to Grafton Base Hospital for emergency surgery, after which Dr Tyson inserted a CV line so as to be able to administer Mr Gibson medications. Unfortunately, the CV line was inadvertently inserted into Mr Gibson's Carotid Artery, rather than his jugular vein.

The misplacement of the CV line was only discovered some 36 hours later, by which time Mr Gibson had been delivered a number of medications by the CV line. This caused him to suffer a fatal cerebral infarction.

The inquest considered whether appropriate checks were made at the Hospital to ensure the CV line had been inserted into the correct vessel.

Dr Tyson gave evidence that he relied on the absence of pulsating blood from the site of the CV line as confirmation that it was not in the artery. The Coroner found that blood flow is an unreliable test and that additional checks should have been made. The Hospital had an ultrasound machine available to assist with the placement of a CV line, and a transducer to confirm correct placement, but Dr Tyson did not use either.

The Coroner recommended that the Northern NSW Local Health District ratify a policy ensuring this practice is formally adopted at Grafton Base Hospital, commenting: '...it is essential that appropriate checks are undertaken to confirm correct placement.'

18 March 2015 - *Health Care Complaints Commission v Bialowas* - [2015] NSWCATOD 16

Halina Christina Bialowas – finding of lack of competency and registration cancelled.

11 March 2015 - *Health Care Complaints Commission v Ferguson* - [2015] NSWCATOD 14

Mr Andrew Ferguson - finding of impairment by the NSW Civil and Administrative Tribunal and reprimanded.

United Kingdom (UK)

[Baker & Ors v Cambridgeshire And Peterborough National Health Service \(NHS\) Foundation Trust - \[2015\] EWHC 609](#)

This action arises out of the tragic suicide of Philip Baker sometime on the night of 27 October 2010 or the early morning of 28 October at the age of 51. The claim is brought on behalf of his widow, Pauline Baker under the *Fatal Accidents Acts 1976*, and on behalf of the estate under the *Law Reform (Miscellaneous Provisions) Act 1934*. There are also claims made by her son, Andrew Baker and daughter, Rebecca Piercy for psychiatric injury as a consequence of seeing Mr Baker's body shortly after it was discovered. Mr Baker had been referred by Dr Gee, his general practitioner, to the local mental health services, Cambridge and Peterborough NHS Foundation Trust in September 2010. Mr Baker was seen by Dr Kabacs, a speciality doctor in psychiatry on two occasions, 29 September and 26 October 2010, before she discharged him back to the care of Dr Gee. It is alleged that the treatment plan provided by Dr Kabacs on 29 September was inadequate and her decision on 26 October 2010 to discharge Mr Baker to the care of his general practitioner, caused him to take his own life.

LEGISLATION

Commonwealth

20 March 2015 - [Private Health Insurance \(Complying Product\) Amendment Rules 2015 \(No. 1\)](#).

20 March 2015 - [Private Health Insurance \(Benefit Requirements\) Amendment Rules 2015 \(No. 1\)](#).

18 March 2015 - [Aged Care \(Transitional Provisions\) Amendment \(March 2015 Indexation\) Principles 2015](#).

18 March 2015 - [Aged Care \(Subsidy, Fees and Payments\) Amendment \(March 2015 Indexation\) Determination 2015](#).

18 March 2015 - [Aged Care \(Transitional Provisions\) \(Subsidy and Other Measures\) Amendment \(March 2015 Indexation\) Determination 2015](#).

17 March 2015 - [National Health \(Pharmaceutical Benefits\) Amendment \(Medication Chart Prescriptions\) Regulation 2015](#).

Victoria

18 March 2015 - [Mental Health Amendment Bill 2015 - Assembly - 2nd reading](#).

Western Australia

18 March 2015 - [Children and Community Services Legislation Amendment and Repeal Bill 2014](#) Legislative Council Second Reading.

18 March 2015 - [Gender Reassignment Amendment Bill 2015](#) Legislative Council Second Reading.

REPORTS

Australia. Department of Health (DH)

Media releases

19 March 2015 - [\\$150 million for special medical training](#) - The Specialist Training Programme and the Emergency Medicine Programme will have their funding extended for 2016.

19 March 2015 - [Global Backing for Australia in Fight Against Ice](#) - Australia's resolution to the 58th UN Conference on Narcotics – urging global cooperation on fighting the drug ice – has been formally adopted in Vienna.

18 March 2015 - [Positive progress and achievement from AMWG](#) - The Minister for Health, Sussan Ley, has announced the publication of new guidance for post market reviews of medicines listed on the Pharmaceutical Benefits Scheme (PBS).

17 March 2015 - [Australia Provides Additional Support to Vanuatu](#) - Australia will provide additional medical assistance and urban search and rescue capability in response to the devastation resulting from tropical Cyclone Pam.

17 March 2015 - [Free flu vaccines for Indigenous children](#) - Aboriginal and Torres Strait Islander children will receive free seasonal influenza vaccines this winter.

17 March 2015 - [Kicking goals with community soccer programme](#) - *The Big Issue's* Community Street Soccer Programme will continue to provide positive health outcomes for disadvantaged and marginalised Australians.

17 March 2015 - [Media Update - Hepatitis A linked to Frozen Berries](#) - This page provides a Media Update - Hepatitis A in Frozen Berries as at 17 March 2015 - 11am.

17 March 2015 - [RAAF swoops in to help on Indigenous health](#) - Minister Nash has welcomed a new partnership between the peak body of Aboriginal health services, the National Aboriginal Community Controlled Health Organisation, and the Royal Australian Air Force.

Private Health insurance (PHI) Circulars

13 March 2015 - [PHI 15/15 Prostheses List Advisory Committee Appointments](#).

[Australian Commission on Safety & Quality in Health Care](#)

Commission update e-newsletter, March 2015 ([PDF 334KB](#)) ([HTML](#)).

16 March 2015 - On the Radar – Issue 214 ([PDF 79KB](#)) ([Word 123KB](#)).

[Australia. Health Practitioner Regulation Agency \(AHPRA\) and the boards](#)

17 March 2015 - [Board consults on new cosmetic surgery guidelines](#) - Cooling off periods for all patients and mandatory psychological assessment for under 18s are proposed in draft guidelines for cosmetic medical and surgical procedures proposed by the Medical Board of Australia. The Board has launched a consultation seeking feedback on the best way to protect consumers seeking cosmetic medical and surgical procedures provided by medical practitioners. In lots of ways cosmetic procedures are different from other medical procedures. We are looking for the best way to manage risk to patients without limiting or making judgements about consumer choices,' said Board Chair, Dr Joanna Flynn AM.

16 March 2015 - [Medical practitioner reprimanded and conditions imposed](#) - The Queensland Civil and Administrative Tribunal has reprimanded Dr Christopher Alroe and imposed conditions on his registration for professional misconduct. The Medical Board of Australia referred Dr Alroe to the tribunal on five charges related to the prescription of drugs of dependence. Dr Alroe agreed with the Board that his conduct, as a whole, amounted to professional misconduct and that he should be reprimanded, immediately surrender his endorsement to prescribe controlled drugs and not apply for reinstatement of this authority.

13 March 2015 - [Tribunal reprimands and suspends nurse, and imposes conditions on registration](#) - The State Administrative Tribunal of WA has reprimanded Mr Michael Cummins, suspended his registration as an enrolled nurse for 16 months and imposed conditions on his registration once he does return to practice. The Nursing and Midwifery Board of Australia referred the matter to the tribunal in June 2013 after it received a mandatory notification alleging Mr Cummins had assaulted an aged care resident and a patient care assistant while working at Kerry Lodge in Katanning. The notification also alleged Mr Cummins had failed to document patient information and made false entries in medical records. The Board took immediate action and imposed conditions on Mr Cummins' registration, restricting his ability to administer medication and requiring him to see a psychologist for anger management counseling.

[Australia. National Health & Medical Research Council \(NHMRC\)](#)

18 March 2015 - [NHMRC announces new gender equity policy](#) - The National Health and Medical Research Council has today announced a new gender equity policy to support the retention and progression of women in health and medical research. The revised Administering Institution Policy aims to address the underrepresentation of women in senior research positions across Australia and applies to all institutions that receive NHMRC funding. In 2014, women accounted for 63% of all applications for

NHMRC's early career fellowships, but this figure fell to just 11% for NHMRC's most senior and experienced fellowships.

16 March 2015 - **Up to \$25 million for research to prepare Australia for genomics revolution** - The National Health and Medical Research Council has opened a Targeted Call for Research into Preparing Australia for the Genomics Revolution in Health Care. One successful team will receive up to \$25 million across five years to conduct their research, making it one of the largest grants in NHMRC's history. Genomics is the study of genes, their functions, and how the way they interact influences growth, development, and health throughout life. It is increasingly being recognised as one of the most valuable emerging tools for understanding disease.

Australia. Therapeutic Goods Administration (TGA)

20 March 2015 - **Persona Trabecular Metal tibial plate (used in knee replacements)** - Hazard alert - potential for implant failure due to loosening.

19 March 2015 - **DeltaLox acetabular shells used in hip implants** - Hazard alert - higher than expected revision rate.

19 March 2015 - **Reasons for the medicines scheduling delegates final decisions, March 2015 (Medicines)** - Reasons for decisions by the Delegate of the Secretary to the Department of Health for amendments to the Poisons Standard.

18 March 2015 - **ASTRAZENECA suxamethonium chloride 100mg/2mL injection BP ampoule - medicine shortage** - Health professionals are advised of a Medicine shortage notification.

16 March 2015 - **OMG Slim capsules** - Safety advisory.

16 March 2015 - **Duodenoscopes used in Endoscopic Retrograde Cholangiopancreatography** - Safety advisory - potential issues with devices transmitting infections between patients.

16 March 2015 - **Advisory Committee on Medicines Scheduling (ACMS)** - The ACMS and ACCS information has been updated and new members have been appointed to ACMS.

16 March 2015 - **Australian Public Assessment Reports for prescription medicines (AusPARs)** - Added Empagliflozin (Jardiance).

16 March 2015 - **Consultation: Proposed Medicines Advisory Statements Amendment Specification 2015 (corrections and minor changes to the RASML)** - The TGA is seeking comments from interested parties on proposed minor changes and corrections to the Required Advisory Statements for Medicine Labels (RASML) documents. Closing date: 10 April 2015.

13 March 2015 - **Advisory Committee on Complementary Medicines (ACCM)** - Added Chair of the Advisory Committee on Complementary Medicines.

13 March 2015 - **Documents released under Section 11C of the Freedom of Information Act 1982** - Added FOI 130-1415 documents.

12 March 2015 - **Cabergoline (Dostinex and Cabaser) 0.5 mg, 1 mg and 2 mg tablets** - Recall for product correction - bottles supplied without child-resistant caps.

12 March 2015 - **Mefenamic acid (Ponstan) 250 mg capsules, bottles of 50** - Recall - bottles supplied without child-resistant caps.

12 March 2015 - **Methotrexate (Methoblastin) 2.5 mg and 10 mg tablets** - Recall for product correction - bottles supplied without child-resistant caps.

12 March 2015 - **Medicines supplied without child-resistant caps - multiple brands** - The following medicines (with brand names in brackets) should be returned to a pharmacy: alprazolam (Xanax), cabergoline (Dostinex and Cabaser), mefenamic acid (Ponstan), methotrexate (Methoblastin) and triazolam (Halcion).

12 March 2015 - **Alprazolam (Xanax) 2 mg tablets** - Recall - bottles supplied without child-resistant caps.

Australian Institute of Health & Welfare

20 March 2015 - [Mental health services expenditure, private ambulatory care \(web release\) - media release](#).

19 March 2015 - [Admitted patient care 2013–14: Australian hospital statistics - media release](#).

18 March 2015 - [Use of aged care services before death - media release](#).

17 March 2015 - [Healthy Futures—Aboriginal Community Controlled Health Services: report card](#).

17 March 2015 - [Asthma \(web snapshot\)](#).

16 March 2015 - [Osteoporosis](#) and [Juvenile arthritis](#) (web snapshots).

Australian Commission on Safety and Quality in Health Care

16 March 2015 - On the Radar – Issue 214 ([PDF 79KB](#)) ([Word 123KB](#)).

Australian Capital Territory. Health Directorate

12 March 2015 - [Canberra Hospital road closure](#) - Temporary road closure at Canberra Hospital from mid-March until the end of April.

New South Wales (NSW). Ministry of Health

Media Releases

18 March 2015 - [NSW says protect against mosquitoes after huge jump in Ross River detection](#) - NSW Health is urging people to take extra precautions to protect themselves against mosquitoes following a seven fold increase in detections of the mosquito-borne virus Ross River Fever across the State compared with this time last year. Director of Communicable Diseases Dr Vicky Sheppard said it's the second time this year that NSW Health has issued a warning about mosquito-borne illnesses. 'Autumn is the peak time of the year for these insects to carry such infections so it is also when there is the highest number of mosquito-borne viral infections,' she said. 'So far this year, NSW Health has seen an increase in reporting of people infected by mosquito-borne viruses.' 'There have been 539 notifications of Ross River virus infections across the State compared with just 79 for the same period in 2014.'

Policy Directives & Guidelines

19 March 2015 - [Infants and Children: Acute Management of Community Acquired Pneumonia Clinical Practice Guideline](#).

News South Wales. Health Statistics

17 March 2015 - [Alcohol attributable injury hospitalisations](#)

17 March 2015 - [Immunisation in children](#)

Queensland. Department of Health

19 March 2015 - [Tropical Cyclone Nathan: plan for your medication and health needs](#) - With severe tropical cyclone Nathan expected to make landfall in north Queensland early on Friday morning, Chief Health Officer Dr Jeannette Young is reminding Queenslanders to consider their health and medication needs over the next few days. 'While most Queenslanders are familiar with what to do to stay safe and healthy during severe weather, it is important that people with ongoing or chronic health issues and those with young children take special precautions,' Dr Young said.

13 March 2015 - [Salmonella spike prompts health alert](#) - A reported 1895 cases of salmonella in Queensland so far this year has prompted Queensland Health to issue an alert to businesses involved in food preparation, and the community as a whole. Executive Director of the Health Protection Unit, Sophie Dwyer said the figure was more than double what would normally be expected.

Queensland. Office of the Health Ombudsman

17 March, 2015 - **February performance data** - Figures released for February show the Office of the Health Ombudsman (OHO) is continuing to successfully work with complainants and health service providers.

Victoria. Department of Health

Health Victoria News - March 2015

20 March 2015 - Hospital Circular - **Publication Number 01/2015** - Subject: Public Hospital Charges - Changes to Nursing Home Type Patients (NHTP) Fees.

Media releases

19 March 2015 - **Crime Statistics Reveal Increase In Reported Family Violence Incidents** - Crime statistics released today reveal an increase in the number of family violence incidents reported. Figures show police recorded more than 68,000 family violence incidents last year, an increase of 8.2 per cent on 2013. The overall rate of recorded family violence incidents has increased 70.2 per cent since 2010.

19 March 2015 - **Auditor-General Report Confirms Ambulance Crisis** - The Victorian Auditor-General's report into Emergency Services Response Times, tabled in the Parliament today, is the latest evidence of the ambulance crisis left behind by the Liberals. This report follows the release of the Interim Report of the Ambulance Performance and Policy Consultative Committee by the Premier and Minister for Ambulance Services earlier this week.

17 March 2015 - **New Plan to Help People with Disability Reach Their Full Potential** - A new plan by the Andrews Labor Government for a fairer Victoria will help break down the barriers people with a disability continue to face, making it easier for every Victorian to participate in all areas of life.

17 March 2015 - **Ministers Praise Family Violence Assistant Commissioner** - The Minister for Police, Wade Noonan and the Minister for the Prevention of Family Violence, Fiona Richardson today welcome the appointment of Assistant Commissioner Dean McWhirter as the head of Australia's first family violence police command. This new command will dedicate itself to investigating family violence, sexual assault and child abuse where the perpetrator and victim know each other.

17 March 2015 - **Ice Action Plan Needed Now More Than Ever** - The Andrews Labor Government's Ice Action Plan is needed now more than ever, with a Sentencing Advisory Council report released today finding ice was the most common drug trafficked in commercial quantities in Victoria over the last five years

Victoria. Law Reform Commission

Medicinal cannabis issues paper published - The Commission has released an **issues paper** that provides background information about cannabis used for medicinal purposes.

Western Australia. Department of Health

Media Releases

18 March 2015 - **Meningococcal infection in a child** - The Department of Health today reported that a young child is recovering in hospital after having been diagnosed with meningococcal disease.

17 March 2015 - **Premier and Minister for Health: New Director General of Health announced** - Highly respected clinician and medical administrator Dr David Russell-Weisz has been appointed Director General of the Western Australian Department of Health.

Operational Directives (OD)

18 March 2015 - **IC 0218/15** - Public Service Award 1992 And Government Officers Salaries, Allowances And Conditions Award 1989 – Variation PSA and GOSAC Award Variation - Variation of Allowances.

11 March 2015 - **OD 0593/15** - Code Black Bravo - Active shooter - Hospitals and Health services are required to have in place procedures guiding the prevention, preparedness, response and recovery to an active shooter incident, Code Black Bravo.

New Zealand. Ministry of Health

19 March 2015 - **Public consultation begins on disabled children voluntary out-of-home placement system** - A joint-sector project set up by the Ministries of Social Development and Health is carrying out a review of the voluntary out-of-home placement system for disabled children.

United Kingdom. Department of Health

19 March 2015 - **DBS guide to eligibility.**

19 March 2015 - **DH non-executive appointments.**

19 March 2015 - **The efficient management of healthcare estates and facilities (HBN 00-08).**

18 March 2015 - **Improving children and young people's mental health services.**

18 March 2015 - **Nicotine inhaling products: introducing a minimum age of sale.**

17 March 2015 - **Good manufacturing practice and good distribution practice.**

17 March 2015 - **Improving mental health services for young people.**

17 March 2015 - **Promoting the health and wellbeing of looked-after children.**

17 March 2015 - **Looked-after children: promoting their health and welfare.**

17 March 2015 - **Updating our care and support system: draft regulations and guidance.**

17 March 2015 - **Health secretary announces \$100m Dementia Discovery Fund.**

16 March 2015 - **DH Senior Officials travel and accommodation data: 2014 to 2015.**

16 March 2015 - **MHRA is 1 of 10 regulators to help with the development of treatments for dementia.**

United States of America. Department of Health & Human Services

19 March 2015 - **Departments of Justice and Health and Human Services announce over \$27.8 billion in returns from joint efforts to combat health care fraud.**

Australian Medical Association (AuMA)

19 March 2015 - **AIHW Report – Admitted patient care 2013-14: Australian hospital statistics** - AuMA President, A/Prof Brian Owler, said today that the latest report from the Australian Institute of Health and Welfare is a welcome update on the state of Australian hospitals, but the AuMA is concerned that this report is lacking data on a key performance indicator – the number of hospital beds. A/Prof Owler said that the report, *Admitted patient care 2013-14: Australian hospital statistics*, does not report the number of beds available in public hospitals, a statistic traditionally included in this report. 'The number of beds is key information about the capacity of our hospital system to meet the community's needs for acute medical care, and it is a mystery why it is missing. The AMA hopes to see bed number statistics in future reports,' A/Prof Owler said.

19 March 2015 - **Report shows that general practice is efficient and cost effective** - The latest report from the National Health Performance Authority (NHPA) shows that general practice is the most efficient and cost effective part of the health system, but requires greater support to continue providing high quality primary health care to the Australian community. AuMA President, A/Prof Brian Owler, said today that the NHPA *Healthy Communities: Frequent GP attenders and their use of health services in 2012-13* report provides important data to understand the characteristics and use of health services by people who visit a GP frequently. The report shows how frequent users of GP services are distributed, and how they differ from other patients in the number of GPs they visit, the cost barriers they face, and their demographic characteristics.

19 March 2015 - **Coordinated national action needed to Close the Gap** - AuMA President, A/Prof Brian Owler, said today that coordinated national action from all governments and the health sector, including the medical profession, is needed to restore momentum to efforts to close the gap in health and life expectancy between Aboriginal and Torres Strait Islanders and other Australians. A/Prof Owler said that

last month's *Close the Gap Campaign Report* and *Prime Minister's Closing the Gap Report* showed that targets for life expectancy, reduced mortality rates, and other key performance indicators are not being met or are not on track. 'Despite modest gains in some areas for Aboriginal and Torres Strait Islander people in recent years, progress is slow and much more needs to be done,' A/Prof Owler said.

British Medical Association

19 March 2015 - [FGM e-learning module launch](#) - A free e-learning module on FGM (female genital mutilation) is now available for doctors.

19 March 2015 - [Plan to boost general practice appeal](#).

18 March 2015 - [Drinks duty cut alarms minimum price campaigners](#).

18 March 2015 - [GPs seek restructuring support](#).

17 March 2015 - [Go-ahead for standardised tobacco packaging](#).

17 March 2015 - [Northern Ireland health trusts to go smoke-free](#).

17 March 2015 - [Better training needed to combat self-harm](#).

17 March 2015 - [Unfilled posts threaten patient care](#).

17 March 2015 - [Public health campaigns 'short-sighted', say GPs](#).

ABOUT US

Mark Williams



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