# MonashMedFacultyLogo

# Submission to Australian Law Reform Commission

## Elder Abuse

## Heath Law and Ageing Research Unit, Department of Forensic Medicine, Victorian Institute Forensic Medicine and Monash University

## Professor Joseph E Ibrahim

## Email: joseph.ibrahim@monash.edu

## August 2016

# Introduction

Thank you for the opportunity to provide a submission to Australian Law Reform Commission. Our team’s focus is on conducting research that will promote the rights, choices and freedoms for older people. Our research is widely published in peer review academic journals (Attachment #1) and has received extensive media coverage (Attachment #2) in The Age, The Conversation, ABC TV National News, national radio both commercial and public broadcasting as well as industry publications.

This short report includes a brief description of our department, unit and research activity. Much of the work is in the formative stages and will be published in the next 12 to 24 months. We would appreciate the opportunity to contribute to the Commission’s review and provide this submission to ensue awareness of our work-in-progress.

# Department of Forensic Medicine, Monash University

The Department of Forensic Medicine is part of the Faculty of Medicine, Nursing and Health Sciences at Monash University and an integral part of the Victorian Institute of Forensic Medicine, located in Southbank, Melbourne. Monash University was established in Melbourne, Australia in 1958 and is a youthful, enthusiastic, optimistic and accessible organisation, which believes in quality education and research that can change the world for the better.

The Victorian Institute of Forensic Medicine (VIFM) was established over 25 years ago and is Australia’s most sophisticated forensic medical facility. VIFM is committed to making our community a safer place to live by assisting coroners, police and courts to resolve critical forensic medical issues and to prevent avoidable deaths and injury.

The Department of Forensic Medicine (DFM) provides the academic services for VIFM such as research, training of specialist medical practitioners and scientists, and undergraduate and postgraduate education, as well as addressing a broader research agenda for prevention.

# Health Law and Ageing Research Unit

Our Health Law and Ageing Research Unit is responsible for education and research that prevents injury improves health care and quality of life for older people. We have a substantial research program investigating the forensic aspects of rights, choice and freedom for older people.

The Unit comprises a multi-disciplinary team with expertise in forensic investigation, public health, health care, aged care and law and is led by Professor Joseph Ibrahim assisted by Dr Lyndal Bugeja and A/Prof David Ranson.

The Unit’s program is focussed on delivering: a reduction of injury and premature deaths; promotion of respect for older persons’ choices and; developing the workforce providing aged care services.

This is achieved by using existing information from medico-legal death investigations of older people and by applying the results of our research to identify opportunities for improvement and inform changes to promote optimal practice through development of new resources, policies, procedures and protocols for aged care and health professionals.

# Research Program

## Preventable deaths in aged care

We are researching the nature and extent of injury-related deaths of residents of Residential Aged Care Services (nursing homes) in Australia 2000-2013. This involves systematic reviews of published literature, aggregated analysis examining preventable deaths using data from the National Coronial Information System (NCIS), an Australian electronic data storage and retrieval system containing information on deaths reported to coroners in Australia since July 2000 (2001 for Queensland) and adjudication panels to formulate recommendations for improving practice.

The research topics we are progressing and, of relevance to the Commission:

* Death from **physical restraint** in nursing homes
* Death from **choking** on food
* **Suicide** in nursing homes
* **Resident on resident aggression** in nursing homes
* Deaths due to **absconding** from nursing homes

## Dignity of risk

This is focussed on an older person’s rights in decision-making, especially for those with dementia. Topics we are exploring are:

* Limitations of clinical care and;
* Dignity of risk ie., right to take a risk that improves quality of life and potentially harmful.

## Sexual assault in older people

* We are currently investigating sexual assault in older people and assault in nursing homes. This work will be completed in collaboration with Clinical Forensic Medicine.

## Homicide in older people

* We are about to embark on a 3-year project investigating homicides in older people.

# Higher Degree Students

Briony Murphy PhD: Intentional causes of death in nursing homes (suicide and resident-on resident aggression)

Marta Woolford PhD: Dignity of risk (including absconding from nursing homes)

Gabrielle Abelskamp PhD: Death from choking in nursing homes

Briohny Kennedy PhD: Homicide in older people (due to enrol 2nd semester 2016)

Emma Bellenger Honors during MD at Notre Dame project-Physical restraint

# Education and Training

## RAC Communiqué

We continue publication of printed educational the Residential Aged Care Communiqué for health and aged care professionals. This is our ten-year anniversary of publishing the newsletter and we have over 3,000 subscribers, reaching a readership of approximately 25,000 (there are extensive secondary distributions networks). We have covered key topics relevant top elder abuse including (death from physical restraint, absconding, assault, arson, inappropriate management of behaviours of unmet need).

Formal evaluation indicates about 50% of subscribers change practice in their organisation based on the information we provide.

## Junior Doctor Leadership Program in Ageing and Patient Safety

Currently six medical practitioners who have recently qualified (1 to 4 years post graduation) are enrolled in a program that we expect to reach junior doctors to improve the care of older people.

* Dr [Bharathy Gunasekaran](mailto:bharathy.gunasekaran@gmail.com) (Austin Hospital)
* Dr Nick Lonergan (Bendigo Hospital)
* Dr Kate Hurley (St Vincent’s Hospital)
* Dr Hannah Cross (Royal Melbourne Hospital)
* Dr Joey Lam (East Grampians internship program)
* Dr Danielle Todd (Ballarat Health)

# Funding

The Unit is currently funded through external grants from the Commonwealth and State Health Departments to the end of Jun 2017.

# Conclusion

We are ready to assist the Commission by meeting in person or providing our published research. We ask for an opportunity to address the Commission when our ‘work-in-progress’ is completed which we anticipate will be by June 2017.

**Attachment #1: Published articles in academic journals of relevance to the Commission**

1. Hitchen T, Ibrahim JE., Woolford M., Bugeja L., Ranson DL., Premature and preventable deaths in older people: a new perspective. Ageing and Society 2016
2. Bugeja L., Ibrahim JE., Ferrah NM., Murphy B., Willoughby M., Ranson DL., The utility of electronic medico-legal databases for public health research: a systematic review of reports from peer-reviewed publications using the National Coronial Information System. *Health Research Policy and Systems 2016.*
3. Bicknell R, Ibrahim J, Bugeja L and Ranson D. The dangers of dementia: Getting the balance right. *Journal of Law and Medicine*: December 2015 Volume 23 Part 2
4. Ferrah N· Obieta A· Ibrahim JE· Odell M, · Yates M Loff B · Inequity in health: older rural driving and dementia. Injury Prevention 06/2015; DOI:10.1136/injuryprev-2015-041601.
5. IBRAHIM, J.E., Murphy, B.J., Bugeja, L., Ranson, D. (2015). Nature and Extent of External-Cause Deaths of Nursing Home Residents in Victoria. Australia. *Journal of the American Geriatrics Society*. 05/2015; 63(5). DOI:10.1111/jgs.13377
6. IBRAHIM JE, MacPhail A, Winbolt M, Grano P. [Limitation of care orders in patients with a diagnosis of dementia](https://scholar.google.com.au/citations?view_op=view_citation&hl=en&user=aic7aiQAAAAJ&sortby=pubdate&citation_for_view=aic7aiQAAAAJ:JV2RwH3_ST0C). *Resuscitation*: 2016 Jan;98:118-24. doi: 10.1016/j.resuscitation.2015.03.014. Epub 2015 Mar 26.
7. Kitching F, Winbolt M, MacPhail A, IBRAHIM JE. Web-based social media for professional medical education: Perspectives of senior stakeholders in the nursing home sector. *Nurse Education Today* 05/2015; DOI:10.1016/j.nedt.2015.05.013
8. Ferrah, N., Murphy, B.J., IBRAHIM, J.E., Bugeja, L.C., Winbolt., M., LoGiudice, D., Flicker, L., & Ranson, D. (2015). Resident-to-resident physical aggression leading to injury in nursing homes: a systematic review. *Age Ageing* 44(3): 356-364.
9. Murphy BJ, Bugeja L, Pilgrim J, IBRAHIM JE. Completed suicide among nursing home residents: a systematic review: Completed suicide among nursing home residents *International Journal of Geriatric Psychiatry* 05/2015; DOI:10.1002/gps.4299
10. MacPhail A, IBRAHIM JE, Fetherstonhaugh D, Levidiotis V. The Overuse, Underuse, and Misuse of Dialysis in ESKD Patients with Dementia. *Seminars in Dialysis* 05/2015; DOI:10.1111/sdi.12392
11. Kennedy B, IBRAHIM JE, Bugeja L, Ranson D. [Causes of Death Determined in Medicolegal Investigations in Residents of Nursing Homes: A Systematic Review](https://scholar.google.com.au/citations?view_op=view_citation&hl=en&user=aic7aiQAAAAJ&sortby=pubdate&citation_for_view=aic7aiQAAAAJ:3s1wT3WcHBgC). *Journal of the American Geriatrics Society*: 2014 62 (8), 1513-1526
12. Yates M., IBRAHIM JE., Responsible management of motor vehicle drivers with dementia. *J R Coll Physicians Edinb*. 2014 44(1):4-7.

**Attachment #2: Media Reports**

|  |
| --- |
| **Counterpoint program on ABC Radio National**  Closing down God's waiting room  Amanda Vanstone Mon-6 June 2016 4.20pm  http://www.abc.net.au/radionational/programs/counterpoint/closing-down-god's-waiting-room/7472692 |
| **The Conversation, 31 May 2016**  God’s waiting room? Life needs to be valued in nursing homes'  Here's the link:  http://theconversation.com/gods-waiting-room-life-needs-to-be-valued-in-nursing-homes-59980 |
| **6PR - 882 AM Perth, WA**  Darren De Mello Sunday afternoon  Sunday 22 May 2016  www.6pr.com.au/ |
| **666 ABC Canberra**  Canberra Breakfast Show  Presenter: Philip Clark Producers: Clare Mortensen and Clarissa Thorpe.  Tuesday 17 May 2016 Time: 7.15am |
| **ABC Darwin**  Arvos ‘Mickey Murdoch’ 105.7 ABC Darwin  Mon 16-May at 3.45pm (Darwin) EST 4:15PM |
| **ABC Adelaide**  Mornings with Ali Clarke, 891 ABC Adelaide  Mon 16-May at 9.05am |
| **2UE Sydney**  Weekend Afternoon show with Clinton Maynard Sunday 15-May at 3.35pm Macquarie Media Limited |
| **ABC Radio National**  Life Matters with Cassie McCullagh Fri-13 May 2016 @9:00am  http://www.abc.net.au/radionational/programs/lifematters/too-old-to-drive/7408962 |
| **ABC Radio Tasmania**  936 ABC Hobart and ABC Northern Tasmania,  “Evenings with Marcus Taylor” Thu-12 May 2016 @8:07PM |
| **ABC Radio Perth**  WA Afternoons with Gillian O'Shaughnessy Thu-12 May 2016 @1:00pm |
| **Australian Association of Gerontology,**  June 2016 newsletter. |
| **Australian Doctor; Newsletter 12-May 2016**  <http://www.australiandoctor.com.au/opinions/guest-view/should-older-people-and-those-with-dementia-have-their-licences-revoked-57667> |
| **The Conversation**,  Lead story 12-May 2016  Should older people and those with dementia have their licences revoked  https://theconversation.com/should-older-people-and-those-with-dementia-have-their-licences-revoked-57667 |
| **Radio National Morning**  Fran Kelly 8:45am Wed 6 April 2016  Alarming rates of elderly suicide prompt calls for legal voluntary euthanasia  http://www.abc.net.au/radionational/programs/breakfast/aged-care/7303080 |
| **The Age**  My Dad was given drugs 'like potato chips': how the elderly are being restrained, Date, March 6, 2016, Jason Dowling  <http://www.theage.com.au/victoria/my-dad-was-given-drugs-like-potato-chips-how-the-elderly-are-being-restrained-20160218-gmxc3o.html> |
| **Australian Ageing Agenda magazine**  Special report: Quality indicators program rolls out, but debate continues  By Darragh O'keeffe And Linda Belardi on January 20, 2016 in News & features  Available at < http://www.australianageingagenda.com.au/2016/01/20/37547/> |
| **ABC Radio Melbourne**  Ibrahim, JE, Causes of premature deaths in nursing homes. Radio interview ABC Melbourne - Drive with Rafael Epstein (18th May 2015 15:20). Available at: http://mediamonitoring.vic.gov.au/emailClip.php?clipkey=c4afc864b7fd3f1da8618a3b0343ea6e |
| **Aged Care Insite**  Ibrahim, JE, Causes of premature deaths in nursing homes. ‘Insite’ podcast online 5th June 2015. Available at: http://www.agedcareinsite.com.au/2015/06/quality-of-life-vs-safety-study-highlights-risks/ |
| **ABC Radio Perth**  Afternoon Program in Perth with Jane Marwick 23 November 2015 (1:05pm) |
| **ABC TV National News**  22 November 2015 7:30pm news story on dignity of risk from last night: Available at http://mediamonitoring.vic.gov.au/emailClip.php?clipkey=1f6904b7cc709a04c36d4ca1d0696645. Also online article: http://www.abc.net.au/news/2015-11-22/risky-activities-could-improve-quality-of-life-for-elderly/6939166 |
| **Community Care Review**  Dementia and driving: knowing when to hand in the keys by Linda Belardi on October 15, 2015 in. Available at http://www.australianageingagenda.com.au/2015/10/15/dementia-and-driving-knowing-when-to-hand-in-the-keys/ |
| **Australian Ageing Agenda**  Majority of clinical staff support quality indicators, study finds by Darragh O'keeffe on July 15, 2015 in Health & medical, Industry. Available at http://www.australianageingagenda.com.au/2015/07/15/majority-of-clinical-staff-support-quality-indicators-study-finds/ |
| **The Sunday Age**  Victorian nursing home deaths preventable: study. May 14, 2015 – Available at: http://www.theage.com.au/victoria/victorian-nursing-home-deaths-preventable-study-20150509-1mwmxz.html |