

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 4/11

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*  
*Section 67 of the Coroners Act 2008*

**Inquest into the Death of CLAIRE KATHLEEN FOGARTY**

Delivered On: 25 January 2012

Delivered At: Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
Melbourne

Hearing Dates: 25 January 2012

Findings of: IAIN TRELOAR WEST, DEPUTY STATE CORONER

Police Coronial  
Support Unit: Leading Senior Constable Greig McFarlane

I, IAIN TRELOAR WEST, Deputy State Coroner having investigated the death of CLAIRE FOGARTY

AND having held an inquest in relation to this death on 25 January 2012  
at Melbourne

find that the identity of the deceased was CLAIRE KATHLEEN FOGARTY

born on 6 December 1965, aged 45 years

and the death occurred on 1 January 2011

at Box Hill Hospital, Nelson Road, Box Hill, Victoria 3128

from:

1a. PNEUMONIA COMPLICATING CEREBAL PALSY AND EPILEPSY

**in the following circumstances:**

1. Claire Fogarty, was a 45 year old woman who resided at a Department of Human Services community residential unit, situated at 29 Berry Street, Box Hill. Ms Fogarty lived in the supported care facility as she was profoundly disabled requiring full time total care, as she was fully dependent in all aspects of care. She suffered from severe cerebral palsy with spastic quadriplegia, epilepsy and intellectual disability. She was non verbal and confined to either a chair, or her bed.

2. Ms Fogarty was under the medical care of General Practitioner Dr Geoffrey Gidley, at the Box Hill Medical Centre and her epilepsy was managed and adequately controlled for many years by, Neurologist, Dr Lawrence Cher. Dr Gidley told investigators that despite Ms Fogarty's profound disabilities, he was rarely called upon to see her for medical reasons, but she did have the occasional chest infection requiring antibiotics. On 25 December 2010, staff at her care facility contacted Dr Gidley's locum service for attendance, as Ms Fogarty had had a cough and wheeze for the preceding 24 hours. Examination revealed some mild wheeze in the chest, but she was not suffering any significant respiratory distress and she was afebrile. A diagnosis of chest infection was made and she prescribed Amoxicillin medication. Staff were advised to arrange ambulance transfer to hospital if her condition deteriorated.

3. Following a further decline in her health on 26 December 2010, Ms Fogarty was admitted to Box Hill Hospital with a diagnosis of left lower lobe pneumonia and respiratory failure. She continued to deteriorate despite intravenous antibiotics and as her prognosis was considered poor, the decision was made to treat her palliatively. This decision was made in consultation with ICU staff and family members. Ms Fogarty subsequently died during the afternoon of 1 January 2011.

4. No autopsy was performed in this case as the coroner, on advice from Dr Matthew Lynch, Senior Forensic Pathologist with the Victorian Institute of Forensic Medicine, directed that no autopsy was required. Dr Lynch performed an external examination of Ms Fogarty at the mortuary, reviewed the circumstances of her death, the medical deposition and clinical notes, the post mortem CT scan and provided a written report of his findings. Dr Lynch reported that in all the circumstances, a reasonable cause of death appeared to be pneumonia complicating cerebral palsy and epilepsy.

5. I find that Claire Kathleen Fogarty died of natural causes from pneumonia complicating cerebral palsy and epilepsy.

**COMMENTS:**

Pursuant to section 67(3) of the **Coroners Act 2008**, I make the following comment connected with the death:

1. On the evidence before me I am satisfied that Ms Fogarty's care and management, both at her residential unit and at the Box Hill Hospital was within the normal parameters of reasonable health care practice.

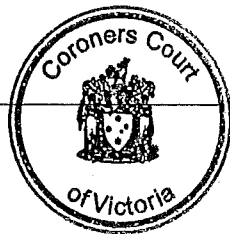
I direct that a copy of this finding be provided to the following:

The family of Ms Fogarty  
Chief Medical Office, Box Hill Hospital  
Department of Human Services

Signature:



IAIN WEST  
DEPUTY STATE CORONER



25 January 2012