



## Department of Justice

Office of the Secretary



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Deputy State Coroner Iain Treloar West  
Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
Melbourne VIC 3000

Dear Deputy State Coroner West

### **Response to coronial recommendations arising from the inquest into the death of Garry John Stephens at Port Phillip Prison**

On 2 December 2011, the findings were handed down following the inquest into the death of Garry John Stephens at Port Phillip Prison on or about 7 September 2007. The inquest determined that Mr Stephens' death occurred because of ventricular arrhythmia in a man with epilepsy and documented episodes of bradycardia.

The findings included two recommendations, pursuant to section 72(2) of the *Coroners Act* 2008. On behalf of the Melbourne Assessment Prison and Port Phillip Prison, the Department of Justice accepts the coronial recommendations in principle and believe that current policy, practice and improvements to guidelines and documentation introduced since Mr Stephens' death addresses the identified concerns.

Justice Health, a business unit of the Department of Justice, was established in 2007 and is responsible for the delivery of health services for persons in Victorian prisons. In Victoria, health services to persons in prisons are contracted out to health service providers. Justice Health sets the policy and standards for health care in prison and contract manages the health service providers.

*Recommendation 1: That the Melbourne Assessment Prison and Port Phillip Prison ensure protocols are in place that confirm the original medical file accompanies a prisoner upon transfer to another prison; ie, that transfer does not occur until the file is available.*

The Justice Health Primary Health Care Standards (2005) were updated in 2009. The Standards identify the minimum requirements for medical records management: 'Standard 3.1 – Medical Records' and 'Standard 6.2 Transfer of Prisoners'. Standard 6.2 states that: '[a]n up to date medical file and medication is ready at the appropriate time for transfer with prisoners who are transferring to another prison.'

Justice Health and Corrections Victoria believe that current protocols in place ensure that either the transfer of a medical file or the exchange of information is timely, to ensure continuity of care:

- Upon written notification by Corrections Victoria of an impending prisoner transfer to another prison location, the Health Service Provider retrieves the medical record and places the medical record in a designated sealed bag that will accompany the prisoner to the receiving location.
- On occasions, the original medical files are not immediately accessible to Melbourne Assessment Prison health staff. The medical records of prisoners who have been out of custody for two years are held in off-site storage (Forensicare previously held records at the location for five years, however due to the volume of records and limited available archiving space, the period has been reduced). The records may be also required elsewhere for purposes of complying with a subpoena or Freedom of Information request. In these instances, a temporary medical record is created by the contracted Health Service Provider until the original medical record is returned and/or retrieved.
- Upon arrival at Port Phillip Prison, the prisoner and their medical record is reviewed by a registered nurse. In instances where the medical record, or parts thereof does not accompany the prisoner, in accordance with the Primary Health Care Standards (2009), health staff at Port Phillip Prison are required to contact the Health Service Provider at the Melbourne Assessment Prison to have the relevant record(s) and/or documentation forwarded in a timely manner to ensure continuity of care.

In September 2010, Justice Health amended its Notifiable Incident/Event Guidelines to include the requirement that if a prisoner's medical record does not accompany the prisoner upon inter-prison transfer, a Notifiable Incident/Event Report is to be forwarded to Justice Health. Justice Health monitor and review instances of medical record non-compliance for contract management purposes and to ensure continuity of care.

In September 2011, amendments were also made to the health screening assessment documentation at Port Phillip Prison to include provisions for health staff to note the number of volumes of medical records arriving with the patient, whether the medical record was reviewed at the time of the screening assessment (including previous volumes) and whether any medication accompanied the prisoner.

Whilst Justice Health and Corrections Victoria support in principle that the prisoner should not transfer to another location without the medical record, neither business unit supports the aspect of the recommendation that refers to prisoners not being transferred to another location until the original file is available. Both business units note that, although it is desirable for the medical file to transfer at the same time as the prisoner, this may not be possible on occasions where urgent transfers must occur for medical or security reasons and delaying the transfer could create additional risks.

***Recommendation 2: That the Melbourne Assessment Prison and Port Phillip Prison ensure protocols are in place that confirm timely dispensing of prescribed medication and that prisoner's medication accompanies him upon transfer to another prison.***

Justice Health advises that both contracted health service providers have policies and procedures in place to ensure the safe dispensing, storage, administration and recording of medication, consistent with the Justice Health Primary Health Care Standard 5.5 'Medication'.

Whilst Justice Health and Corrections Victoria support that, in principle, a prisoner's medication should accompany him or her upon transfer to another prison location, on occasion this will not always be practical, for example, the prisoner may move to another location prior to the pharmacy delivery of his medication (medication is usually dispensed within 24 hours of prescription).

In instances where medication does not accompany a prisoner upon transfer, processes are in place that require the health service provider to contact the receiving location to advise them of the medication the prisoner is prescribed and arrangements are made by the receiving location to access this medication 'out of hours'.

Justice Health monitors compliance with medication transfers via incident report notification, quarterly clinical audits and regular contract management meetings.

In instances where there are concerns relating to consistent poor performance or actions by the health service provider that result in significant clinical risk, provisions exist for Justice Health and Corrections Victoria - in the instance of the private prisons - to address these issues through the contract management process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penny Armytage', written over a horizontal line.

**PENNY ARMYTAGE**  
Secretary