

25 September 2023

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Ms Amber Wylie
Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
Southbank Vic 3000

**Subject: Mrs Emma Gertrude Weidemann- Finding into Death with Inquest
Court Reference COR 2019 006767**

Dear Ms Wylie,

Thank you for the opportunity to respond to the Recommendations made by Coroner Spanos in relation to the death of Mrs Emma Gertrude Weidemann. Eastern Health is grateful for Her Honour Coroner Spanos' recommendations and acknowledges that at paragraph [30] of the Findings, Coroner Spanos found that the evidence does not support any link between alleged deficiencies in care provided by Eastern Health and the cause of Mrs Weidemann's death.

After considering the circumstances of Mrs Weidemann's death, Coroner Spanos made the following recommendations:

- That a review is conducted into clinical Guidelines to ensure clearer communication between the clinician and consumer and/or their supporting family members when assessing a consumer's decision-making capacity beyond the ability to refuse treatment;
- That clinical Guidelines provide for any specific request for assessment of decision-making capacity to be documented and communicated to relevant supporting family members where appropriate. If the assessment is only relevant to the decision to refuse treatment, it should not be assumed to apply to other decisions or situations. The assessment should be communicated or clarified to relevant supporting family members where appropriate."

Eastern Health's Response to Coroner Spanos' Recommendations:

Eastern Health has a Guideline regarding assessing a consumer's decision-making capacity. This includes decision-making capacity beyond the ability to refuse treatment described in the recommendations. The Guideline is "Medical Treatment – Consent, Refusal, Advance Care Directives Standard. Policy number 90." As per this Guideline, in determining whether or not a consumer has decision-making capacity, clinicians must consider that a consumer may have capacity to make some decisions and not others.

In response to Coroner Spanos' recommendations this Guideline has been reviewed and it is now more clearly expresses that decision making about treatment should not be taken as sufficient awareness around decision making associated with other social issues (including their ability to care for themselves and others).

The Eastern Health Guideline (90): Medical Treatment – Consent, Refusal, Advance Care Directives makes reference to communication to relevant support persons. In this Guideline reasonable steps must be taken to ascertain whether the consumer has an Advance Care Directive, Appointed Medical Treatment Decision Maker or appointed Support Person. In addition, with the patient's permission, clinicians can involve the consumer's family members or friends in the clinician's discussion with the consumer about the patient's Medical Treatment Decision. Consumers may make collaborative decisions with family regarding their Medical Treatment. Partnerships between consumers, their families, carers and health practitioners are stressed as being important to achieve the best possible outcomes.

This Guideline also has attached advice regarding capacity assessments from the Office of Public Advocate and a flowchart from the Eastern Health Psychology Department. The flowchart recommends that clinical decisions and risks are communicated to the consumer and their family. In addition, it recommends that each discussion is documented in the file. In order to make it clearer this recommendation to document each discussion in the file has been added to the body of the Guideline (90): Medical Treatment- Consent, Refusal, Advance Care Directive, rather, than in a supplementary attachment.

Eastern Health offers its sincere condolences to Mrs Weidemann's family for their loss.

Please feel free to contact my office should you require any further information.

Yours sincerely,



Associate Professor Paul Katz
Executive Clinical Director
Mental Health and Wellbeing Program