

Widow calls for changes to NT guardianship laws after no consultation over husband's medication

By Stephanie Zillman and Mitchell Abram
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PHOTO: Brian Williams, was diagnosed with dementia in 2013. (Supplied: Kerri Williams)

A Darwin widow is seeking changes to the Northern Territory's guardianship laws after her elderly husband was given medication without her knowledge or consent while in Royal Darwin Hospital.

Kerri Williams's husband of 42 years, Brian Williams, was diagnosed with dementia in 2013.

"It was very subtle, little changes, strange little things where he'd call me mum, which was a normal thing because we had the kids in the house at different times anyway," Mrs Williams remembers.

In 2015, Mr Williams had to be admitted to Royal Darwin Hospital for reassessment — he was never to return home again.

Mrs Williams expected her husband's clinicians to keep her in the loop every step of the way, but for reasons that are still not entirely clear, his doctors did not inform her about key treatment decisions.

Under the care of well-regarded Darwin-based geriatrician Dr Michael Lowe, Mr Williams was prescribed powerful and controversial anti-psychotic medications that induced significant side effects, including permanent seizures.

Dr Lowe then stopped the medication, but Mrs Williams did not find out about the treatment until two years later.

"Don't you think a man of any standing in his place, who had been taking care of Brian with his dementia for a few years, don't you think he would have thought to pick up the phone? I was there," Mrs Williams said.

Mrs Williams complained about Dr Lowe's lack of communication to the Australian Health Practitioner Regulation Agency (AHPRA) earlier this year.

In response, the Medical Board of Australia imposed temporary conditions on Dr Lowe's registration which required him to undertake education around communicating with patient's families.

Doctor Charles Pain, executive director of medical services at the Top End Health Service said communicating with families was a priority, but admitted they failed to do so in this case.

"I think there clearly was a breakdown here. It's distressing to think that she [Mrs Williams] was not aware of what he was on. And it's very hard to understand how that would come about," Dr Pain said.

"Dr Lowe is a very senior, experienced geriatrician. He's greatly respected by his colleagues ... he's maintained our services over many years.

"He has been quite devastated by the criticism, he's taken that on board and he will most certainly change his practice."



PHOTO: Kerri Williams did not find out about her husband's treatment until two years later. (ABC News: Terry McDonald)

Legislation change 'not on the table'

Part of the reason given by Dr Lowe for not consulting Mrs Williams on her husband's treatment was the fact she was not her husband's legal guardian.

The Top End Health Service has maintained the Northern Territory's guardianship laws are problematic.

"This is a difficult issue for us and for the Northern Territory," Dr Pain said.

"The family or the spouse isn't necessarily the immediate person that is the alternate decision maker. So we need to resolve that.

"Our clinicians are operating in the situation where it isn't clear who they should be consulting with."

Mrs Williams did apply for guardianship status, but her application was not approved until after Mr Williams was moved to an aged-care facility in Darwin — where he stayed until he passed away in May 2018.

"You don't have to have a piece of paper that says you're the guardian. I was the obvious one, having never been out of his life. I was in that hospital visiting him seven days a week," Mrs Williams said.

Coroner criticises poor communication with families

Systemic poor communication by Royal Darwin Hospital staff with families was put under the spotlight last month when the Northern Territory coroner released findings into two separate deaths.

"In each case communication with the family was poor. In each case the Top End Health Service took a defensive posture and in each case had made little or no improvement by the time of the inquest," coroner Greg Cavanagh found.

In response, the Top End Health Service said it has made changes to their procedures, including a complaint referral system for families, and a review period after an unexpected death.

They also recognised that poor communication with families was not acceptable.

NT Health Minister Natasha Fyles said she had met with Mrs Williams and examined the coroner's reports closely.

Ms Fyles said she had also sought advice from dementia organisations about how routinely anti-psychotics are prescribed to dementia patients.

"They can present like a severe mental health illness, but in fact that is not the case. And that medication is not best applied is my understanding. So that's where I've asked them for advice here in the Territory," she said.

Ms Fyles said changes to the NT's guardianship laws were not currently on the table for review.

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Key points:

- Brian Williams suffered dementia and was prescribed controversial anti-psychotic medication
- His wife Kerri Williams was never consulted and did not find out for two years
- Under NT guardianship laws, she was not her husband's legal guardian

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