



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 17<sup>th</sup> day of April 2014 and the 27<sup>th</sup> day of August 2015, by the Coroner's Court of the said State, constituted of Anthony Ernest Schapel, Deputy State Coroner, into the death of Arsho Balian.*

*The said Court finds that Arsho Balian aged 83 years, late of St Laurence's Court Aged Care Facility, 56 High Street, Grange, South Australia died at the Queen Elizabeth Hospital, 28 Woodville Road, Woodville, South Australia on the 26<sup>th</sup> day of February 2012 as a result of right-middle cerebral artery infarct/stroke. The said Court finds that the circumstances of her death were as follows:*

### **1. Introduction and reason for Inquest**

- 1.1. Mrs Arsho Balian died at the Queen Elizabeth Hospital on 26 February 2012. She was 83 years of age. Mrs Balian suffered from a number of medical conditions including dementia, schizophrenia, Type 2 diabetes, arthritis and recurrent urinary tract infections. Her cause of death was right middle cerebral artery infarct/stroke.
- 1.2. Mrs Balian clearly died from a clinically well understood natural cause and did so in circumstances that were utterly unremarkable. Nevertheless, her death was reported to the State Coroner. Moreover, the circumstances in which she died, which I will describe presently, meant that her death had to be investigated by SAPOL, and in particular by a Criminal Investigation Branch detective, as a death in custody. The reason for all this was that at the time of Mrs Balian's death she was the subject of a guardianship order imposed by the Guardianship Board pursuant to section 32 of the Guardianship and Administration Act 1993. That order in and of itself would have

triggered the need for Mrs Balian's death to be reported to the State Coroner pursuant to section 3 of the Coroners Act 2003, having regard to the fact that Mrs Balian was a protected person under the Guardianship and Administration Act. This circumstance brought her death within the definition of reportable death. Not only that, the death was also to be characterised as a death in custody by virtue of that part of the Guardianship Board's order that stipulated that Mrs Balian, the protected person, be detained in such place as her guardian shall from time determine.

- 1.3. It is understood that Mrs Balian's place of detention pursuant to the order of the Board was the St Laurence's Court Aged Care Facility at Grange. Mrs Balian suffered a stroke at St Laurence's as a result of which she was conveyed to the Queen Elizabeth Hospital where she died from that stroke. While Mrs Balian did not die in the place at which she was detained, namely St Laurence's, the cause of her death being the stroke arose while Mrs Balian was situated in her place of detention. For that reason her death also fell within the definition of death in custody in section 3 of the Coroners Act 2003 thereby triggering the detailed and thorough police investigation that then ensued, culminating in an Inquest in this Court that was mandatory by virtue of section 21(1)(a) of the Coroners Act 2003. These are the findings of that Inquest.

## **2. Background and events leading to Mrs Balian's death**

- 2.1. Mrs Balian first presented to the Grange Medical Centre in 1988 with symptoms of paranoid schizophrenia which included visual and auditory hallucinations. Dr Trevor James treated Mrs Balian on this occasion. He continued to treat her over the years for her medical conditions which included paranoid schizophrenia, hypertension, diabetes, arthritis and gynaecological issues. Mrs Balian refused to be medically treated for her schizophrenia and managed her condition with the assistance of family. However, in late 2008 and early 2009 Mrs Balian's family noted a decline in her mental function. She was becoming confused and forgetful. Consequently on 12 August 2009 Mrs Balian was assessed by Dr Patrick Flynn through Western Community Aged Mental Health. Dr Flynn made the assessment that Mrs Balian's psychiatric condition was becoming worse as a result of her cognitive decline which highlighted the onset of dementia. To manage this condition Mrs Balian was prescribed aripiprazole. However, she continued to decline and was admitted to the Repatriation General Hospital on 4 September 2009.

- 2.2. Mrs Balian was transferred to Howard House at the Royal Adelaide Hospital on 16 September 2009 where she was detained. A senior clinical psychiatrist at Howard House assessed Mrs Balian and recommended that she be moved into residential care under the authority of a guardianship order.
- 2.3. On 10 November 2009 Mrs Balian's family applied for a section 32 guardianship order. On 26 November 2009 the Guardianship Board issued the order with special powers pursuant to section 32 of the Guardianship and Administration Act 1993. Mrs Balian's sister and brother were appointed as her legal guardians. The order was to be reviewed on a 12-monthly basis. The order was last reviewed on 16 September 2011.
- 2.4. On 28 January 2010 Mrs Balian was admitted to St Laurence's Court Aged Care Facility. At that time she was taking medications to treat her hypertension, cholesterol and schizophrenia. Those medications were adalat and atancaph to treat hypertension, crestor to treat her high cholesterol and seroquel to treat schizophrenia. Examination of the nursing home records<sup>1</sup> reveal that Mrs Balian was taking the prescribed medications regularly and that no other medications had been prescribed.
- 2.5. On 11 February 2012 at about 8:30am Ms Hu, the registered nurse on duty at St Laurence's, observed Mrs Balian in her bed and noted that she had left arm weakness and that the left side of her face was drooping. Ms Hu suspected that Mrs Balian had suffered a stroke. Mrs Balian was conveyed by ambulance to the Queen Elizabeth Hospital where she was assessed as having left-sided weakness in her arm, face and leg. She was unable to speak and swallow and was suffering left-sided neglect and left visual field defect.
- 2.6. While in the Emergency Department a computerised tomography scan was conducted on Mrs Balian's brain. It confirmed extensive acute right middle cerebral artery territory infarct. Mrs Balian was then admitted to the stroke ward and was assessed by the hospital consultant. The hospital consultant advised Mrs Balian and her family as to her poor prognosis. Mrs Balian indicated that she wanted nature to take its course. Her family agreed with this course of action and treatment was limited to making Mrs Balian comfortable. At that time Mrs Balian also had a palliative advanced care plan which documented a do not resuscitate order.

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<sup>1</sup> Exhibit C10

- 2.7. Mrs Balian was treated with morphine and midazolam and at about 10:25am on 26 February 2012 she died peacefully. Dr Rizvi, Mrs Balian's treating physician at the Queen Elizabeth Hospital, provided a report to the Coroner and declared her cause of death as right middle cerebral artery infarct/stroke.

**3. Conclusion**

- 3.1. The Court is indebted to Detective Senior Constable First Class John Braithwaite of the Serious and Organised Crime Branch for his investigation and report. In his report Detective Braithwaite states that his investigation failed to reveal any evidence of foul play or any evidence to suggest that the care and treatment that Mrs Balian received had been anything other than appropriate. Nor did his investigation reveal any evidence to suggest that Mrs Balian's Guardianship Board order or the regime that the order imposed contributed in any manner to her death. He concluded that the Guardianship Board order ensured appropriate care for the deceased. I agree with all of those conclusions and have nothing further to add.

**4. Recommendation**

- 4.1. The Court does not see any need to make any recommendation in relation to this matter.

*Key Words: Death in Custody; Natural Causes*

*In witness whereof the said Coroner has hereunto set and subscribed his hand and*

*Seal the 27<sup>th</sup> day of August, 2015.*

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*Deputy State Coroner*