



FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 18th day of November 2015 and the 5th day of May 2016, by the Coroner's Court of the said State, constituted of Mark Frederick Johns, State Coroner, into the death of Malcolm David Falkenberg.

The said Court finds that Malcolm David Falkenberg aged 77 years, late of the Tanunda Lutheran Nursing Home, 27 Bridge Street, Tanunda, South Australia died at Tanunda Hospital, 15 Mill Street, Tanunda, South Australia on the 27th day of June 2013 as a result of septic shock due to cellulitis of the left forearm. The said Court finds that the circumstances of his death were as follows:

1. Introduction and reason for Inquest

1.1. Malcolm David Falkenberg was 77 years of age when he died on 27 June 2013 at the Tanunda Hospital. At the time of his death Mr Falkenberg was the subject of a guardianship order with special powers pursuant to section 32 of the Guardianship and Administration Act 1993. Adam Falkenberg, the son of the deceased, was appointed as his father's full guardian and the special powers enabled him to direct where his father would reside. Given the nature of this order Mr Falkenberg's death was therefore a death in custody within the meaning of that expression in the Coroners Act 2003, and this Inquest was held as required by section 21(1)(a).

2. Background and the events leading to Mr Falkenberg's death

2.1. Mr Falkenberg had been living independently in his home at Nuriootpa with support from his immediate family who provided meals and assisted with his care. Over time

Mr Falkenberg's living conditions and personal hygiene deteriorated and his family became concerned about his apparent increase in alcohol consumption. In January 2013 he was referred to the Geriatric Evaluation and Management Team of the Inner North Country Health Service. Mr Falkenberg proved difficult to work with, declined assistance and did not agree at any stage to an increase in support services within his own home.

- 2.2. On 22 February 2013 Mr Falkenberg was reviewed by the Director of the Northern Adelaide Local Health Network, Dr John Maddison, at the Modbury Hospital via a referral from the Geriatric Evaluation and Management Team. The review highlighted clear evidence of cognitive impairment in multiple domains consistent with dementia. Dr Maddison indicated to Mr Falkenberg's family that he would support a guardianship application. On 10 May 2013 Mr Falkenberg was again reviewed by Dr Maddison who indicated that the situation needed to be resolved due to a decline in Mr Falkenberg's social situation including his living conditions, his social interaction and his resistance to accept support. Dr Maddison foreshadowed an intent to make application for Mr Falkenberg's driver's licence to be revoked and for him to become a participant in a trial Alzheimer's treatment plan.
- 2.3. On 21 May 2013 Adam Falkenberg made an application to the Guardianship Board in order to obtain guardianship of his father and to obtain special powers under section 32 of the Guardianship and Administration Act. This application was granted and an order was made on 7 June 2013. After numerous attempts to provide aid to Mr Falkenberg the support service withdrew its assistance on 29 May 2013. This occurred in consultation with Mr Falkenberg's general practitioner and his family.
- 2.4. On 6 June 2013 Mr Falkenberg was conveyed to the Tanunda Hospital by ambulance after being discovered in his house having suffered a fall. He presented with a minor head injury requiring three sutures to the back of his head. During this admission it was noted that he was not oriented to time and place as a consequence of his dementia. Mr Falkenberg was discharged on 7 June 2013 but was readmitted on 10 June 2013 after a neighbour heard him moaning inside his residence and called police for assistance. Mr Falkenberg was taken to hospital by ambulance and upon arrival it was noted that his general overall health was poor. Intravenous treatment was commenced

as part of a care plan to combat an apparent viral illness. During this admission Mr Falkenberg pulled out his intravenous drip on numerous occasions and on other occasions the drip was noted to be twisted, misplaced and leaking. It had to be replaced on each of these occasions. As a consequence a decision was made to replace the intravenous therapy with oral antibiotics on 12 June 2013.

- 2.5. During this admission Adam Falkenberg made arrangements for his father to be relocated to the Tanunda Lutheran Nursing Home. A bed was secured and he was discharged into this facility on 19 June 2013. On 21 June 2013 whilst residing at the nursing home Mr Falkenberg collapsed and fell from his wheelchair. He remained unresponsive to staff for about 30 seconds before being assisted to his bed. At this time staff noted his left hand and wrist were swollen, red and warm to the touch. Staff at the facility contacted Adam Falkenberg later that day to advise of his father's condition and during this call Adam Falkenberg alluded to his father complaining of tenderness in his left hand and arm during the transfer process from Tanunda Hospital to the nursing home on the previous Wednesday. This was noted and arrangements were made for Mr Falkenberg to be transferred back to Tanunda Hospital. A diagnosis at the hospital of cellulitis of the left hand was made upon his admission and intravenous antibiotics were commenced. Hospital progress notes indicate that Mr Falkenberg's left hand and elbow remained swollen and painful when moved. Mr Falkenberg engaged in the behaviour of removing his intravenous drip and on 25 June 2013 his jelco was removed by nursing staff. Oral antibiotics and fluids were commenced but to no avail. Mr Falkenberg was unresponsive and only opened his eyes on occasion. Ultimately, a discussion was held between the treating doctor, Dr William Geyer, and Adam Falkenberg on 25 June 2013 and a decision was made to institute comfort care only.
- 2.6. At approximately 9:25pm on 27 June 2013 Mr Falkenberg passed away in hospital.

3. Cause of death

- 3.1. A pathology review was undertaken by Dr Iain McIntyre of Forensic Science South Australia. Dr McIntyre provided the cause of death as septic shock due to cellulitis of the left forearm, and I so find.

4. Recommendations

4.1. The Court does not see a need to make any recommendations in this matter.

Key Words: Death in Custody; Natural Causes, Section 32 Powers

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

Seal the 5th day of May, 2016.

State Coroner

Inquest Number 31/2015 (1059/2013)