

**Professor Brian Livesley MD FRCP**

Code A

**Code A**

**Without prejudice**

9 November, 2000

DCI Ray Burt  
Hampshire Constabulary  
Major Crime Complex, Fratton Police Station  
Kingston Crescent, North End  
Portsmouth  
Hampshire PQ2 8BU

Dear DCI Burt

**Re: Gladys RICHARDS (deceased)**

First, let me thank you and your colleagues for the thoroughness with which you have answered the questions I have raised and promptly produced the additional information I have requested in connection with the above named.

Herewith are two copies of my medical report.

On the evidence I have seen and evaluated I stand unequivocally by the opinions, conclusions, and summary this report contains.

Following our recent conversation, the report is headed 'Initial medical report for discussion only'. As you know, this is because I regard it essential for me to discuss the matters arising with the CPS and, preferably also with experienced Counsel, before I produce a formal statement as an expert witness.

Moreover, and in view of the evidence I have already seen, I write also now to express my serious concern about what appears to have been a culture of inappropriate clinical practice on Daedalus ward at Gosport War Memorial Hospital. The reasons for my concern are as follows:-

When Mrs RICHARDS was first admitted to Daedalus ward for rehabilitation I can find no evidence that she would require the subcutaneous drugs that Dr BARTON prescribed. In this connection it is significant that, although prescribed, the nurses did not administer these drugs at that time. In addition, and on her readmission to Daedalus ward, there is no evidence that Mrs RICHARDS had a condition requiring the continuous subcutaneous administration of diamorphine, midazolam, haloperidol, and hyoscine and the lack of appropriate fluid and food intake until she died. It appears probable, therefore, that this has been an institutionalised practice that may have led to the premature and unlawful death of other elderly people admitted to Daedalus ward at Gosport War Memorial Hospital.

I recommend that further enquiries be made to determine if other patients at the Gosport War Memorial Hospital have been affected in a manner similar to that of Mrs RICHARDS and particularly those who have been under the care of Dr BARTON.

Yours sincerely

**Code A**

Brian Livesley MD FRCP  
The University of London's Professor  
in the Care of the Elderly

**Initial medical report for discussion only**Richards BL0911/ med rep 01/09 Nov 00  
Page 1 of 35**Concerning the case of Gladys Mable Richards deceased**

Prepared for:

Hampshire Constabulary  
Major Crime Complex, Fratton Police Station, Kingston Crescent,  
North End, Portsmouth, Hampshire PO2 8BU

by: Professor Brian Livesley MD FRCP  
The University of London's Professor in the Care of the Elderly  
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For the purpose of ... providing an independent view about whether, or not, there is evidence to support criminal proceedings against any party to the care of Mrs Gladys RICHARDS.

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**Summary**

1. At the age of 91 years, Mrs Gladys RICHARDS was an in-patient in Daedalus ward at Gosport War Memorial Hospital.
  - 1.1. Dr Jane Ann BARTON, a registered medical practitioner, prescribed the drugs **diamorphine, haloperidol, midazolam, and hyoscine** for Mrs Gladys RICHARDS in such a manner as to cause her death.
  - 1.2. Mr Philip James BEED, Ms Margaret COUCHMAN, and Ms Christine JOICE were also knowingly responsible for the administration of these drugs.
  - 1.3. As a result of being given these drugs, Mrs RICHARDS was unlawfully killed.

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 2 of 35**CONTENTS**

	page no.
1. Summary .....	1
2. Introduction .....	3
3. Information relating to Mrs Gladys RICHARDS (deceased) .....	3
4. Synopsis .....	4
5. Relevant aspects of Mrs RICHARDS's medical history .....	6
6. Drugs prescribed for Mrs RICHARDS at Gosport War Memorial Hospital .....	12
7. Death certification and cremation .....	15
8. My opinion .....	16
9. My conclusions .....	17
10. Appendix A – the documents I have received and read .....	18
11. Appendix B – facts of the environment obtained from the statements of Mrs RICHARDS's daughters .....	23
12. Appendix C – Glossary .....	29
13. Appendix D – Texts used for reference .....	31
14. Appendix E – My qualifications and experience .....	33
15. My signature and dating of this report .....	35

## Initial medical report for discussion only

Richards BL0911/ med rep 01/09 Nov 00  
Page 3 of 35

### Introduction

2. The documents with which I have been provided and the visits I have made to the hospitals involved in this enquiry are listed in the Appendix A.
  - 2.1. Appendix B contains facts of the environment provided by the statements of Mrs Gillian MACKENZIE (the elder daughter of Mrs Gladys RICHARDS (deceased)) and Mrs Lesley Frances LACK (the younger daughter).
  - 2.2. I have indicated any medical terms in **bold type**. I have defined these terms in a glossary in Appendix C.
  - 2.3. I have included in Appendix D references to published material.
  - 2.4. Appendix E contains details of my qualifications and experience.
  - 2.5. This report has been presented on the basis of the information available to me—should additional information become available my opinions and conclusions may be subject to review and modification.

### Information relating to Mrs Gladys Richards (deceased)

3. Mrs Gladys Mable RICHARDS (née Beech) was born on **Code A** and died on 21<sup>st</sup> August 1998 aged 91 years.
  - 3.1. Mrs Richards has two daughters. They are Mrs Gillian MACKENZIE (the elder daughter) and Mrs Lesley Frances LACK.
    - 3.1.1. Mrs Lack is a retired Registered General Nurse. She retired during 1996 after 41 years continuously in the nursing profession. For 25 years prior to her retirement she was involved in the care of elderly people. For 20 years prior to retirement she held supervisory and managerial positions in this particular field of nursing.
  - 3.2. The Glen Heathers Nursing Home is a private registered nursing and residential home at Lee on the Solent, Hampshire. Dr J BASSETT is a general practitioner who visits.
  - 3.3. The Royal Hospital Haslar is an acute general hospital in Gosport, Hampshire serviced by the Armed Forces at the time of the incident but available as a National Health Service facility to local people.
  - 3.4. Gosport War Memorial Hospital is part of the Portsmouth Healthcare NHS Trust.

## Initial medical report for discussion only

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 4 of 35

- 3.4.1. Daedalus ward is a continuing care and rehabilitation ward at Gosport War Memorial Hospital.
- 3.5. Dr Jane Ann BARTON is a registered medical practitioner who in 1988 took up a part-time post as clinical assistant in elderly medicine. This post became centered at Gosport War Memorial Hospital. She retired from this part-time post in the year 2000.
- 3.6. Mr Philip James BEED is the clinical manager and charge nurse on Daedalus ward at Gosport War Memorial Hospital. Ms Margaret COUCHMAN and Ms Christine JOICE are registered general nurses who were working on Daedalus ward at the time of the incident.
- 3.7. Dr Anthea Everista Geredith LORD is a consultant physician, within the department of elderly medicine of Portsmouth Healthcare NHS Trust, who was usually responsible for the patients on Daedalus ward and who was on study leave on 17/18 August 1998.
  - 3.7.1. Other consultant physicians from the department of elderly medicine provide on-call consultant physician cover when Dr LORD is absent from duty.

## Synopsis

4. Mrs Gladys Mable RICHARDS died on 21<sup>st</sup> August 1998 while receiving treatment on Daedalus ward at Gosport War Memorial Hospital.
  - 4.1. Some four years earlier, on 5<sup>th</sup> August 1994, Mrs RICHARDS had become resident at the Glen Heathers Nursing Home.
  - 4.2. On 29<sup>th</sup> July 1998, Mrs RICHARDS developed a fracture of the neck of her right femur [thighbone] and she was transferred to the Royal Hospital Haslar, Gosport.
  - 4.3. Despite her confused state, Mrs RICHARDS was considered by medical staff at the Royal Hospital Haslar to be suitable for implantation of an artificial hip joint. This took place on 30<sup>th</sup> July 1998.
  - 4.4. On 11<sup>th</sup> August 1998, and having been seen by a consultant geriatrician, Mrs RICHARDS was transferred for rehabilitation to Daedalus ward at Gosport War Memorial Hospital.
  - 4.5. Later on 11<sup>th</sup> August 1998 Dr BARTON saw Mrs RICHARDS. Dr BARTON recorded that Mrs RICHARDS was not obviously in pain but despite this Dr BARTON prescribed **Oramorph** [an oral morphine preparation] four hourly orally. Dr BARTON also prescribed for Mrs RICHARDS large dose-ranges of diamorphine, hyoscine, and midazolam. These were to be given subcutaneously and continuously over periods of 24 hours for an undetermined number of days. At the end of a short case note, Dr

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 5 of 35

BARTON wrote 'I am happy for nursing staff to confirm death'. Although prescribed, these drugs were not administered at that time.

- 4.6. On 13<sup>th</sup> August 1998, Mrs RICHARDS artificial hip joint became dislocated.
- 4.7. The following day, 14<sup>th</sup> August 1998, Dr BARTON arranged for Mrs RICHARDS to be transferred back to Haslar Hospital where the dislocation of the hip was reduced.
- 4.8. Three days later, on 17<sup>th</sup> August 1998, Mrs RICHARDS was returned to the Gosport War Memorial Hospital on a sheet and not on a stretcher. She was very distressed when she reached Daedalus ward.
- 4.9. There is no evidence that Mrs RICHARDS, although in pain, had any specific life-threatening and terminal illness that was not amenable to treatment and from which she could not be expected to recover.
- 4.10. Despite this, and on 18<sup>th</sup> August 1998, Dr BARTON did not seek any other medical opinion but prescribed diamorphine, midazolam, haloperidol, and hyoscine to be given continuously subcutaneously over periods of 24 hours.
  - 4.10.1. Neither midazolam nor haloperidol is licensed for subcutaneous administration.
- 4.11. During this period when a **syringe driver** was being used to administer the subcutaneous drugs, there is no evidence that Mrs RICHARDS was given fluids or food in any appropriate manner.
- 4.12. There is no evidence that in fulfilling her duty of care Dr BARTON reviewed appropriately Mrs RICHARDS's clinical condition from 18<sup>th</sup> August 1998 to determine if any reduction in the drug treatment being given was indicated.
- 4.13. There is no evidence that in fulfilling their duty of care Mr Philip BEED, Ms Margaret COUCHMAN and Ms Christine JOICE reviewed appropriately Mrs RICHARDS's clinical condition from 18<sup>th</sup> August 1998 to determine if any reduction in the drug treatment they were administering was indicated.
- 4.14. There is, however, indisputable evidence that the subcutaneous administration of drugs by syringe driver continued without modification and during every 24 hours from 18<sup>th</sup> August 1998 until Mrs RICHARDS died on 21<sup>st</sup> August 1998.
- 4.15. Although Dr Barton recorded that death was due to bronchopneumonia there is no clinical or pathological evidence this was correct.

## Initial medical report for discussion only

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 6 of 35

- 4.16. It is beyond reasonable doubt that the death of Mrs RICHARDS was the result of the continuous subcutaneous administration of diamorphine, haloperidol, midazolam, and hyoscine in the dosages given above.
- 4.17. Dr Jane Ann BARTON had a duty of care to Mrs RICHARDS.
- 4.18. Mr Philip BEED, Ms Margaret COUCHMAN, and Ms Christine JOICE had a duty of care to Mrs RICHARDS.
- 4.19. There was a breach of the duty of care.
- 4.20. Foreseeable injury occurred as a consequence of the breach and resulted in the death of Mrs RICHARDS.
- 4.21. It is my opinion that Mrs Gladys RICHARDS was unlawfully killed.

## Relevant aspects of Mrs RICHARDS's medical history

5. Mrs RICHARDS became resident at the Glen Heathers Nursing Home on 5<sup>th</sup> August 1994 at the age of 87 years and although disorientated and confused she was able to wash and dress herself and able to go up and down stairs and walk well.
  - 5.1. At the beginning of 1998, she had become increasingly forgetful and less able physically but was inclined to wander and she had about a six months' history of falls.
  - 5.2. She also had a past medical history of bilateral deafness for which she required hearing aids (unfortunately these were lost by December 1997 while she was at the Glen Heathers Nursing Home and had not been replaced by July 1998). She had had operations for the removal of cataracts and required glasses (unfortunately these were also lost at the Glen Heathers Nursing Home).
    - 5.2.1. On 8<sup>th</sup> July 1998 her general practitioner, Dr J BASSETT wrote to the audiologist at Queen Alexandra Hospital, Cosham requesting an 'URGENT [sic]' domiciliary visit to Glen Heathers Nursing Home. This was '... with a view to supplying her [Mrs RICHARDS] with two new hearing aids.... Since her poor hearing probably contributes to her confusional state I would be grateful if you would visit with a view to fitting of replacement aids as soon as possible please.'
  - 5.3. On 29<sup>th</sup> July 1998, Mrs RICHARDS developed a fracture of the neck of her right femur [thighbone] and she was transferred to the Royal Hospital Haslar, Gosport.
    - 5.3.1. In the Accident & Emergency department she was given 2.5mg of **morphine** and 50 mg of **cyclizine** at 2300 hours to relieve her pain and distress. She

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 7 of 35

was known to be taking **haloperidol** 1mg twice daily and **Tradazone** 100mg at night.

5.4. On 30<sup>th</sup> July 1998 Mrs RICHARDS had a right cemented hemiarthroplasty [an artificial hip joint inserted].

5.4.1. Post-operatively she was given 2.5 mg morphine intravenously on July 30<sup>th</sup> at 0230 hours, 31<sup>st</sup> at 0150 and 1905 hours, and on August 1<sup>st</sup> at 1920 hours and 2<sup>nd</sup> at 0720 hours. From August 1<sup>st</sup> - 7<sup>th</sup> she was weaned over to two tablets of **co-codamol**, requiring these on average twice daily for pain relief.

5.4.2. On 3<sup>rd</sup> August 1998 it was noted 'All well. Sitting out early mobilization'.

5.5. On 5<sup>th</sup> August 1998, Dr REID, a consultant geriatrician, saw her. He stated in a letter that '... she appeared to have a little discomfort on passive movement of the right hip. I understand that she has been sitting out in a chair and I think that, despite her dementia, she should be given the opportunity to try to re-mobilise. I will arrange for her transfer to Gosport Memorial Hospital.'

5.5.1. Dr REID also noted that Mrs RICHARDS had continued on Haloperidol and '... her Trazodone has been omitted. According to her daughters it would seem that since her Tradozone has been omitted she has been much brighter mentally and has been speaking to them at times.'

5.6. A discharge letter, dated 10<sup>th</sup> August 1998, was sent by the sergeant staff nurse at the Royal Hospital Haslar and addressed to 'The Sister in Charge Ward [sic] Memorial Hospital, Bury Road, Gosport, Hants.' It contained the following information:-

5.6.1. After the operation Mrs RICHARDS became '...fully weight bearing, walking with the aid of two nurses and a **Zimmer frame**.' She was noted to require 'total care with washing and dressing, eating and drinking....' She was '... continent, when she become[s] fidgety and agitated it means she wants the toilet....' She 'Occasionally says recognisable words, but not very often.' Her wound 'Is healed, clean and and dry.'

5.7. On 11<sup>th</sup> August 1998, Mrs RICHARDS was transferred to Daedalus ward at the Gosport War Memorial Hospital.

5.7.1. There is an unsigned 'Summary' record which is apparently a Nursing record and this states:-

5.7.1.1. '11-8-98 Addmitted [sic] from E6 Ward Royal Hospital Haslar, into a continuing care bed. Gladys had sustained a right fractured neck of Femur on 30<sup>th</sup> July 1998 in Glen Heathers Nursing Home. She has had a right cemented hemi-arthroplasty and she is now fully weight bearing, walking with the aid of two nurses and a



**Initial medical report for discussion only**

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 8 of 35

Zimmer frame. Daughter visits regularly and feeds mother. She wishes to be informed Day or night of any deterioration in mothers condition....'

- 5.7.2. The contiguous 'Assessment Sheet' states, 'Patient has no apparent understanding of her circumstances due to her impaired mental condition ... Deaf in both ears ... Cataract operation to both eyes ... occasionally says recognisable words, but not very often ... soft diet. Enjoys a cup of tea ... requires feeding ... Dental/Oral status Full "Set" – keeps teeth in at night.'
- 5.7.3. The 'Patient Medication Information' states, '11.8.98 ... Haloperidol O[rally] 1 mcg [looks like 'mcg' but probably is 'mg' since this drug is not prescribed in single **microgram** doses] B.D. [twice daily]'
- 5.8. ??[initials]B [subsequently identified as Dr BARTON] has written in the medical case records '11-8-98 Transferred to Daedalus Ward Continuing Care.... O/E [on examination] Impression frail demented lady [paragraph] not obviously in pain [paragraph] Please make comfortable [paragraph] transfers with hoist Usually continent needs help with ADL [activities of daily living].... I am happy for nursing staff to confirm death.'
- 5.9. At 1300 hours on the 13<sup>th</sup> August 1998 the Nursing Contact Record states 'Found on floor at 13.30hrs [sic]. Checked for injury none apparent at time hoisted into safer chair 20.00 [hours][altered on record to 19.30] pain Rt [right] hip internally rotated. Dr BRIGG contacted advised Xray AM [in the morning] & analgesia during the night. Inappropriate to transfer for Xray this PM [evening] [initialled signature (? by whom)] RGN [Registered General Nurse] [next line] Daughter informed.'
- 5.10. Dr BARTON has recorded '14-8-98 Sedation/pain relief has been a problem screaming not controlled by haloperidol 1 [illegible symbol or word] but very sensitive to oramorph. Fell out of chair last night ... Is this lady well enough for another surgical procedure?'
- 5.11. In her contiguous note Dr BARTON has recorded '14-8-98 Dear [?] Cdr [Commander] SPALDING Further to our telephone conversation thank you for taking this unfortunate lady who slipped from her chair at 1.30 pm yesterday and appears to have dislocated her R[ight] hip.... She has had 2.5ml of 10mg/5ml Oramorph at midday.'
- 5.11.1. According to the letter signed by Philip BEED, Mrs RICHARDS was given 10mgs of Oramorph at 1150 hours on 14<sup>th</sup> August 1998 prior to being transferred back to the Royal Hospital Haslar.
- 5.12. The Nursing Contact Record at Daedalus ward continues:-

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 9 of 35

- 5.12.1. '14/8/98 am [morning] R[ight] Hip Xrayed – Dislocated [paragraph] Daughter seen by Dr BARTON & informed of situation. For transfer to Haslar A&E [accident and emergency department] for reduction under sedation [initialled signature]'
- 5.12.2. 'pm [afternoon or evening of 14<sup>th</sup> August 1998] Notified that dislocation has been reduced. [Mrs RICHARDS] To stay in Haslar [hospital] for 48 hours then return to us [[initialled signature] Family aware.'
- 5.13. At the Royal Hospital Haslar (at 1400 hours) Xray having confirmed that the hemiarthroplasty had dislocated, intravenous sedation using 2 mgs of midazolam allowed the dislocation to be corrected by traction. The procedure was described as 'Under sedation c [with] CVS/RS [cardiovascular and respiratory systems] monitoring. ... Easy reduction.' Mrs RICHARDS was noted to be 'rather unresponsive following the sedation. The [She] gradually became more responsive....' She was then admitted the Royal Hospital for 48 hours observation.
- 5.14. Apart from two tablets of co-codamol on the 15<sup>th</sup> August 1998, she did not need to be given any pain relief following the reduction of her hip dislocation.
- 5.14.1. Two days later, on 17<sup>th</sup> August 1998, it was recorded that 'She was fit for discharge that day and she was to remain in straight knee splint for four weeks. In the discharge letter from Haslar Hospital it was also recorded that Mrs RICHARDS was to return to Daedalus Ward. It was further stated that 'She has been given a canvas immobilising splint to discourage any further dislocation, and this must stay in situ for four weeks. When in bed it is advisable to encourage abduction by using pillows or abduction wedge. She can however mobilise fully weight bearing.'
- 5.15. On 17<sup>th</sup> August 1998 it was also recorded that she was 'Fit for discharge today (Gos[port] War Mem[orial hospital]). To remain in straight knee splint for 4/52 [four weeks] ... No follow-up unless complications.'
- 5.16. She was returned to Daedalus ward in the Gosport War Memorial Hospital later that day but in a very distressed state. Their nursing record states 'Returned from R.N. Haslar, patient very distressed appears to be in pain. No canvas under patient – transferred on sheet by crew To remain in straight knee splint for 4/52 [four weeks] For pillow between legs at night (abduction) No follow-up unless complications.'
- 5.16.1. Mrs RICHARDS was given Oramorph 2.5 mg in 5mls. The nursing record for 17<sup>th</sup> August 1998 further states '1305 [hours] ... Daughter reports surgeon to say her mother must not be left in pain if dislocation occurs again. Dr Barton contacted and has ordered an Xray. M. COUCHMAN. [paragraph] pm Hip Xrayed at 1545 [hours] Films seen by Dr PETERS & radiologist &

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/09 Nov 00  
Page 10 of 35

no dislocation seen. For pain control overnight & review by Dr BARTON  
mane [in the morning]. ?[illegible nurse signature]

5.16.1.1. This radiograph was reported by Dr. DOMJAN, Consultant  
Radiologist as showing 'RIGHT HIP: The right hemiarthroplasty  
is relocated in the acetabulum.'

5.17. On 17<sup>th</sup> August 1998, Dr BARTON noted 'Readmission to Daedalus from RHH [Royal  
Hospital Haslar] Closed reduction under iv [intravenous] sedation remained  
unresponsive for some hours now appears peaceful. Plan Continue haloperidol  
[paragraph] Only give oramorph if in severe pain See daughter again.'

5.18. On 18<sup>th</sup> August 1998, Dr BARTON recorded 'Still in great pain [paragraph] Nursing a  
problem. [paragraph] I suggest sc[subcutaneous] diamorphine/Haloperidol/midazolam  
[paragraph] I will see daughters today [paragraph] please make comfortable.'

5.19. The nursing Contact Record on Daedalus ward in the Gosport War Memorial Hospital  
continues:-

5.19.1. '18/8/98 am Reviewed by Dr Barton. For pain control via syringe driver.  
[paragraph] 1115 Treatment discussed with both daughters [Mrs LACK and  
Mrs MACKENZIE]. They agree to use of syringe driver to control pain [Mrs  
LACK disagrees with this statement] & allow nursing care to be given.  
[paragraph] 1145 Syringe driver diamorphine 40 mg, Haloperidol 5 mg,  
Medazolam [midazolam] 20 mg commenced'

5.19.2. '18/8/98 20.00 Patient remained peaceful and sleeping. Reacted to pain when  
being moved – this was pain in both legs. [paragraph] Daughter quite upset  
and angry about mother's condition, but appears happy that she is pain free at  
present. C JOICE.'

5.19.3. The nursing Contact Record continues 'Daughter, Jill, stayed the night with  
Gladys [Mrs RICHARDS], grandson arrived in early hours of morning  
[initialled signature; dated '19/8/98'] [paragraph] He would like to discuss  
Grand mother's condition with someone – either Dr. Barton or Phillip Beed  
later today [initialled signature]' [paragraph] '19/8/98 am Mrs Richards  
comfortable. [paragraph] Daughters seen. Unhappy with various aspects of  
care, complain[t] to be handled officially by Mrs S Hutchings Nursing co-  
ordinator [initialled signature]'

5.19.4. It is noted that there is no continuing nursing Contact Record for the 20<sup>th</sup>  
August 1998.

**Initial medical report for discussion only**Richards BL0911/ med rep 01/09 Nov 00  
Page 11 of 35

- 5.19.5. The contiguous nursing Contact Record states '21/8/98 12.13 [hours] Patient's [Mrs RICHARDS] overall condition deteriorating, medication keeping her comfortable. Daughters visited during the morning. C JOICE'
- 5.20. Dr BARTON's next contiguous medical record was on 21<sup>st</sup> August 1998 when she wrote 'Much more peaceful [paragraph] needs Hyoscine for rattly chest'. Nurse GRIFFIN made the next note in the medical records on 21<sup>st</sup> August 1998 stating that Mrs Richards was dead at 2120 hours.
- 5.21. The Nursing Care Plan records state:-
- 5.21.1. '12.8.98 Requires assistance to settle and sleep at night.... 12.8.98 Haloperidol given at 2330 [hours] as woke from sleep very agitated shaking and crying. Didn't settle for more than a few minutes at a time. Did not seem to be in pain.'
- 5.21.2. '13.8.98 oromorph at 2100 [hours] Slept well [initialled signature] [paragraph] For Xray tomorrow morning [initialled signature]'
- 5.21.3. '14.8.98 Same pain in rt[right] leg / ?[query] hip this am. [initialled signature]'
- 5.21.4. 'Re-admitted 17/8/98'
- 5.21.5. '17.8.98 Oromorph [Oramorph] 10mg/5ml at present.'
- 5.21.6. '18.8.98 Now has a syringe driver with 40mgs Diamorphine – comfortable. Daughters stayed. [initialled signature]'
- 5.21.7. 'Daughters stayed with Gladys [Mrs RICHARDS] overnight. [initialled signature]'
- 5.21.8. There is no record of continuance of the Nursing Care Plan for 20<sup>th</sup> and 21<sup>st</sup> August 1998.
- 5.21.9. After Mrs RICHARDS had been readmitted to Daedalus ward on 17<sup>th</sup> August 1998, there is no record between 17<sup>th</sup> and 21<sup>st</sup> August 1998 in the patient Nursing Care Plan for 'Nutrition'. On 21<sup>st</sup> August the record states 'no food taken [initialled signature]'
- 5.21.9.1. There is no record that Mrs RICHARDS was offered any fluids.
- 5.21.10. Similarly, the Nursing Care Plan for 'Constipation' shows no record between 17<sup>th</sup> and 21<sup>st</sup> August 1998. On 21<sup>st</sup> August the record states 'BNO [bowels not open] [initialled signature]'

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 12 of 35

5.21.11. The Nursing Care Plan for 'Personal Hygiene' states:-

5.21.11.1. '18.8.98 Complete Bed Bath given plus oral [Signature] Hygiene [second signature]'

5.21.11.2. '18.8.98 Night: oral care given frequently'

5.21.11.3. '19.8.98 Nightie changed & washed, repositioned. Apparently pain free during care [initialled signature]'

5.21.11.4. It is noted that there is no record of Mrs Richards being attended to for 'Personal Hygiene' on 20<sup>th</sup> August 1998.

5.21.11.5. '21.9.98 General care and oral hygiene given [initialled signature]'

5.22. The drugs prescribed for Mrs RICHARDS at Gosport War Memorial Hospital from the time of her admission there on 11<sup>th</sup> August 1998 are described below.

**Drugs prescribed for Mrs RICHARDS at Gosport War Memorial Hospital**

6. Dr BARTON wrote the following drug prescriptions for Mrs RICHARDS.

6.1. On 11<sup>th</sup> August 1998:-

6.1.1. Oramorph 10mgs in 5mls to be given orally four hourly. On the Administration Record these doses are recorded as being given

6.1.1.1. twice on 11<sup>th</sup> August 1998 (10mg at 1015 [1215] and 10mg at 1145 [1pm]),

6.1.1.2. once on 12<sup>th</sup> August (10mg at 0615),

6.1.1.3. once on 13<sup>th</sup> August (10mg at 2050),

6.1.1.4. once on 14<sup>th</sup> August (5ml [10mg] at 1150),

6.1.1.5. four times on 17<sup>th</sup> August (2.5ml [5mg] at 1300, 2.5ml [5mg] at [time illegible], 2.5ml [5mg] at 1645, and 5ml [10mg] at 2030),

6.1.1.6. and twice on 18<sup>th</sup> August 1998 5ml [10mg] at 01230[sic and ? meaning 0030 hours] and 5ml [10mg] at [0415].

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 13 of 35

- 6.1.2. Diamorphine at a dose range of 20 – 200 mg to be given subcutaneously in 24 hours.
- 6.1.2.1. None of this diamorphine prescription is recorded on the Administration Record as having been given between 11<sup>th</sup> – 14<sup>th</sup> August inclusive.
- 6.1.3. Hyoscine at a dose range of 200 – 800 mcg [micrograms] to be given subcutaneously in 24 hours.
- 6.1.3.1. None of this hyoscine prescription is recorded on the Administration Record as having been given between 11<sup>th</sup> – 14<sup>th</sup> August inclusive.
- 6.1.3.2. This prescription was administered at a dose level of 400mcg [micrograms] on 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998 commencing at 1120, 1045, and 1155 hours respectively.
- 6.1.4. Midazolam at a dose range of 20-80 mgs to be given subcutaneously in 24 hours.
- 6.1.4.1. None of this midazolam prescription is recorded on the Administration Record as having been given between 11<sup>th</sup> – 14<sup>th</sup> August inclusive.
- 6.1.4.2. This prescription was administered at a dose level of 20mg on 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998 commencing at 1120, 1045, and 1155 hours respectively.
- 6.1.5. Haloperidol 1mg orally twice daily. It is noted that at the top of this prescription chart 'TAKES MEDICINE OFF A SPOON' [sic] is clearly written.
- 6.1.5.1. She was give 1mg of haloperidol at 1800 hours on 11<sup>th</sup> August 1998, at 0800 and 2330 hours on 12<sup>th</sup> August 1998, at 0800 and 1800 hours on 13<sup>th</sup> August 1998.
- 6.1.5.2. In addition, on 13<sup>th</sup> August 1998, Mrs RICHARDS was prescribed haloperidol 2mgs in 1ml to be administered orally as required at a dose of 2.5ml [this figure has been altered and also can be read as 0.5 ml] to be given 'IF NOISY' [sic]. She was given a dose [quantity not stated bearing in mind the altered prescription] at 1300 on 13<sup>th</sup> August 1998.
- 6.1.5.3. She was also given 1mg of haloperidol at 0800 hours on 14<sup>th</sup> and also at 1800 hours on 17 August 1998.

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/09 Nov 00  
Page 14 of 35

- 6.1.6. It is noted that, apart from 2330 hours on 12 August 1998, at the above times when Mrs RICHARDS was given haloperidol she was also give 10ml of **Lactulose** [a purgative].
- 6.2. On 12<sup>th</sup> August 1998:-
- 6.2.1. Oramorph 10mgs in 5mls to be given orally in a dose of 2.5 mls four hourly [equivalent to 5mgs of oramorph].
- 6.2.1.1. Although this drug was apparently not administered its prescription was written up on the 'Regular Prescription' chart but at the side in an ink-drawn box there are the letters PRN [meaning that the prescription is to be administered as required].
- 6.2.2. Oramorph 10mgs in 5mls to be given orally once at night.
- 6.2.2.1. Although this drug was apparently not administered its prescription was also written up on the 'Regular Prescription' chart but at the side in an ink-drawn box there are the letters PRN [meaning that the prescription is to be administered as required].
- 6.3. 18<sup>th</sup> August 1998:-
- 6.3.1. Diamorphine at a dose range of 40-200mg to be administered subcutaneously in 24 hours
- 6.3.2. Haloperidol a dose range of 5-10 mgs to be administered subcutaneously in 24 hours.
- 6.4. On 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998, Mrs RICHARDS was given simultaneously and subcutaneously midazolam 20mgs [this had been prescribed on 11<sup>th</sup> August 1998 but was first administered on 18<sup>th</sup> August 1998], diamorphine 40mgs, and haloperidol 5mgs in 24 hours.
- 6.4.1. These drugs are recorded as being administered at the same time of day on each of the four days they were given. They were administered at 1145, 1120, 1045, and 1155 for 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998 respectively. All these drugs were administered at the times stated and were signed off by initials as being co-administered by the same person each day. Over the four days of 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998, at least three nurses were involved in administering these drugs.
- 6.4.2. It is noted that on the 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> August 1998 the drugs midazolam 20mgs, diamorphine 40mgs, and haloperidol 5mgs were also co-administered

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 15 of 35

subcutaneously in 24 hours with 400mcg of hyoscine [this last drug had been prescribed by Dr BARTON to be given as required on 11<sup>th</sup> August 1998 but its administration was not commenced until 19<sup>th</sup> August 1998].

- 6.4.3. It is also noted that the drugs for subcutaneous administration were all not prescribed at specific starting dosages but each was prescribed for a wide range of dosages and for continuous administration over 24-hour periods.
- 6.4.4. According to the prescription charts these drugs were signed for as being administered to Mrs RICHARDS via the syringe driver by Mr Philip BEED on 18<sup>th</sup> and 19<sup>th</sup> August 1998, by Ms Margaret COUCHMAN on 20<sup>th</sup> August 1998, and by Ms Christine JOICE on 21<sup>st</sup> August 1998.

**Death certification and cremation**

7. The circumstances of Mrs RICHARDS death have been recorded as follows:
- 7.1. In a document [Case no. 1630/98] initialled by the Coroner on 24<sup>th</sup> August 1998 'Reported by Dr BARTON [sic]. Deceased had undergone surgery for a fractured neck of femur. Repaired. Death cert[ificate] issued. [paragraph] THOMAS [sic]
- 7.2. The cause of death was accepted by the Coroner on 24<sup>th</sup> August 1998 as being due to:-
- 7.2.1. '1(a) Bronchopneumonia'.
- 7.2.2. The death was certified as such by Dr J A BARTON and registered on 24<sup>th</sup> August 1998.
- 7.3. The body was cremated.

**My opinion**

8. At the age of 91 years, and despite her confused mental state, Mrs RICHARDS had been considered well enough for two operations on her right hip.
- 8.1. After her second operation she was transferred back to Daedalus ward at Gosport War Memorial Hospital on 17<sup>th</sup> August 1998. Following the transfer she was in severe pain.
- 8.2. There is no evidence to show that Mrs RICHARDS, although in pain, had any specific life-threatening and terminal illness that was not amenable to treatment and from which she could not be expected to recover.

Professor Brian Livesley



**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 16 of 35

- 8.3. It is my opinion, and there is evidence to show, that Mrs RICHARDS was capable of receiving oral medication for the relief of the pain she was experiencing on 17<sup>th</sup> August 1998.
- 8.4. Mrs RICHARDS was known by Dr BARTON to be very sensitive to Oramorph, an oral morphine preparation, and to have had a prolonged sedated response to intravenous midazolam.
- 8.5. Despite this and without consultation with any other medical person, Dr BARTON prescribed the continuous subcutaneous administration of diamorphine, haloperidol, midazolam, and hyoscine.
- 8.6. The administration of these drugs continued on a 24-hours regime without modifying their dosages according to Mrs RICHARDS's response to them and until Mrs RICHARDS died.
- 8.7. *Dr BARTON had a duty of care towards Mrs RICHARDS and was in breach of that duty of care.*
- 8.8. Mr Philip BEED, Ms Margaret COUCHMAN, and Ms Christine JOICE each had a duty of care towards Mrs RICHARDS and were in breach of that duty of care.
- 8.9. No other event occurred to break the chain of causation and Mrs RICHARDS's death was directly attributable to the administration of the drugs she continuously received by syringe driver from 18<sup>th</sup> August 1998 until her death on 21<sup>st</sup> August 1998.
- 8.10. The terminal sedation Mrs RICHARDS received profoundly compromised her dignity and distorted the memory she left behind for her attentive daughters.
- 8.11. Without the induction of stupor and unconsciousness due to the continuous subcutaneous administration of prescribed drugs it is beyond reasonable doubt that Mrs RICHARDS would have lived longer before succumbing to illness.
- 8.12. Without the withholding of appropriate quantities of food and water it is beyond reasonable doubt that Mrs RICHARDS would have lived longer before succumbing to illness.
- 8.13. There is no clinical or pathological evidence that Mrs RICHARDS' death was caused by pneumonia.
- 8.14. It is beyond reasonable doubt that the cause of Mrs RICHARDS' death was a result of the drugs she was administered continuously by syringe driver from 18<sup>th</sup> August 1998 until her death on 21<sup>st</sup> August 1998.

Professor Brian Livesley

**Initial medical report for discussion only**

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 17 of 35

**My conclusions**

9. My conclusions are as follows:-
  - 9.1. Mrs RICHARDS was unlawfully killed by the continuous administration of drugs actively prescribed by Dr BARTON.
  - 9.2. Mr Philip BEED, Ms Margaret COUCHMAN, and Ms Christine JOICE knowingly and continuously administered diamorphine, haloperidol, midazolam, and hyoscine to Mrs RICHARDS when they should have recognised the fatal consequences of so doing.

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 18 of 35**APPENDIX A**

14. I have received and read the following documents:-
- 14.1. The letter of DCI BURT dated 22<sup>nd</sup> November 1999 that gave an initial overview of the case.
- 14.2. The documents in the file DCI BURT presented at our meeting on 28<sup>th</sup> January 2000 as follows:-
- 14.2.1. 1) Draft (unsigned) statement (MG11) of Lesley HUMPHREY.
- 14.2.2. 2) Copy of PEC (NHS) T Health Record (LH/1/C).
- 14.2.3. 3) Copy of RHH Medical Record (AF/1/C).
- 14.2.4. 4) Draft (unsigned) statement (MG11) of Gillian MACKENZIE.
- 14.2.5. 5) Draft (unsigned) statement of Lesley LACK.
- 14.3. The documents in the file DCI BURT presented at our meeting on 8<sup>th</sup> March 2000 including those pursuant to my request of 28<sup>th</sup> January 2000 (documents WX1, WX2, and YZ were forward to me on 9 March 2000) as follows:-
- 14.3.1. A Typed copy of Notes prepared by Mrs LACK and given to Portsmouth Healthcare NHS Trust
- 14.3.2. B Typed copy of additional page of notes which was prepared by Mrs LACK but, apparently, not passed to Portsmouth Healthcare NHS Trust
- 14.3.3. C Typed copy of Notes prepared by Mrs LACK and given to Social Services
- 14.3.4. D Typed copy of comments made by Mrs LACK in respect of letter from Portsmouth Healthcare NHS Trust which represented a response to her Notes of complaint (A)
- 14.3.5. E Typed copy of comments made by Mrs LACK in respect of a Report prepared by Portsmouth Healthcare NHS Trust which resulted in the letter referred to above
- 14.3.6. F As D above but made by Mrs MACKENZIE
- 14.3.7. G As E above but made by Mrs MACKENZIE
- 14.3.8. HI Copy of letter written by Mrs MACKENZIE to DI MORGAN (OIC of initial investigation) plus 5 copies newspaper cuttings
- 14.3.9. JK Copy of Coroner's Officer's Form
- 14.3.10. L Copy of letter from Dr REID to S/Cdr SCOTT
- 14.3.11. M Copy of Report made by Dr LORD during original investigation
- 14.3.12. N Copy of additional newspaper cutting
- 14.3.13. O (1) Typed copy of signed statement of Anne FUNNELL (RHH)
- 14.3.14. O (2) Typed copy of signed statement of Lesley HUMPHREY (Portsmouth Healthcare NHS Trust)
- 14.3.15. O (3) Copy of signed statement of Lesley LACK

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 19 of 35

- 14.3.16. O (4) Copy of final draft of Gillian MACKENZIE's statement
- 14.3.17. PQ Copy of schedule of x-ray images (RHH)
- 14.3.18. R Copy of Risk Event Record (Portsmouth Healthcare NHS Trust)
- 14.3.19. S (1) Copy of letter which DCI BURT has sent to Lesley HUMPHREY (Portsmouth Healthcare NHS Trust) raising various issues
- 14.3.20. S (2) Copy of entries in medical directories 1998/1999 - Dr Jane Ann BARTON
- 14.3.21. S (3) Copy of letter from Mrs MACKENZIE to DCI BURT
- 14.3.22. S (4) Copy of documents which accompanied the two Portsmouth Healthcare NHS Trust x-ray images
- 14.3.23. T Copy of various documents which featured in a Social Services Case Conference stemming from receipt of Mrs LACK's Notes of complaint (C above)
- 14.3.24. UV Copy of Death Certificate - Mrs RICHARDS
- 14.3.25. WX1 Witness Statement of Mrs Gillian MACKENZIE dated March 6 2000
- 14.3.26. WX2 Copy of letter from DR J.H. BASSETT to Mrs MACKENZIE with an addendum of five pages being a photocopy from 'Toxic Psychiatry' a book by Dr Peter BREGGEN published by Harper Collins.
- 14.3.27. YZ Two extracts from 'Criminal Law. Diana Rowe. Hodder & Stoughton 1999.'
- 14.4. On 8<sup>th</sup> March 2000, in the presence of DCI BURT, I visited:-
- 14.4.1. the Gosport Memorial Hospital and followed the passageways along which Mrs Richards was conveyed and the ward areas in which she was treated; and,
- 14.4.2. the Royal Hospital Haslar and followed the passageways along which Mrs Richards was conveyed and the ward area in which she was treated.
- 14.4.2.1. At the Royal Hospital Haslar, on 8<sup>th</sup> March 2000, in the presence of DCI BURT, I was also shown twelve (12) radiographs relating to Mrs Richards' treatment there on 12<sup>th</sup> April 1998, 17<sup>th</sup> July 1998, 14<sup>th</sup> August 1998, 29<sup>th</sup> July 1998, and 31<sup>st</sup> July 1998.
- 14.5. In addition I have read the following the documents given to me by DCI BURT on 12<sup>th</sup> May 2000 consisting of the following which are numbered below as listed in the two containing ring binders:
- 14.5.1. E 25 Copy of Glen Care Homes file Re: Gladys RICHARDS supplied by Glen Care Homes
- 14.5.2. E 22 Copy of Hampshire County Council Social Services file Re: Gladys RICHARDS

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 20 of 35

- 14.5.3. E23 Copy of Glen Care Homes file Re: Gladys RICHARDS supplied  
Nursing Homes Inspectorate
  - 14.5.4. E 24 Copy Portsmouth and South East Hampshire Health Authority GP  
Patient Records of Gladys RICHARDS
  - 14.5.5. D 63 Police letter 090300 to Miss CROSS, Haslar Hospital with further  
questions
  - 14.5.6. D 65 Letter 100400 from Miss CROSS at Haslar including Patient transfer  
order and further medical records
  - 14.5.7. D 104 Letter 080200 from Mrs. MACKENZIE with notes Re: draft  
statement
  - 14.5.8. D 108 Portsmouth NHS Trust Dept. of Diagnostic Imaging report folder
  - 14.5.9. D 110 Copy typed Gladys RICHARDS Death Certificate dated 240898
- 14.6. I have also read the documents given to me by DCI BURT on 19<sup>th</sup> July 2000, consisting of copies of the statements made by:-
- 14.6.1. JOICE Christine
  - 14.6.2. GIFFIN Sylvia Roberta
  - 14.6.3. PULFORD Monica Catherine
  - 14.6.4. WALKER Fiona Lorraine
  - 14.6.5. MARJORAM Catherine
  - 14.6.6. BALDACCHINO Linda Mary
  - 14.6.7. PERKINS Margaret Joan
  - 14.6.8. TUBBRITT Anita
  - 14.6.9. COUCHMAN Margaret
  - 14.6.10. WALLINGTON Kathleen Mary
  - 14.6.11. FLETCHER Anne
  - 14.6.12. COOK Joanne
  - 14.6.13. MOSS JEAN Kathleen
  - 14.6.14. TYLER Christina Ann
- 14.7. I have also read statements, provided on 30<sup>th</sup> August 2000 by DCI BURT, made by:
- 14.7.1. Doctor Jane Ann BARTON
  - 14.7.2. Phillip James BEED
- 14.8. I have also received from DCI BURT on 8<sup>th</sup> September 2000 and read copies of:-
- 14.8.1. A letter dated 18<sup>th</sup> August 2000 from Mrs Gillian MACKENZIE to DCI BURT.
    - 14.8.1.1. Enclosed with this letter was a copy of a letter dated 9<sup>th</sup> August 2000 from Ms Jill BAKER to Mrs Gillian MACKENZIE to which had been added a petition form.

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 21 of 35

- 14.9. A letter dated 21st August 2000 from Mrs Gillian MACKENZIE to DCI BURT.
- 14.9.1. Enclosed with this letter was a copy of a letter dated 14<sup>th</sup> December 1998 from Ms Lesley HUMPHREY, Quality Manager at Portsmouth Healthcare NHS Trust Central Office to Mrs Gillian MACKENZIE. This had enclosed with it a copy of a letter dated 22<sup>nd</sup> September 1998 from Mr Max MILLETT, Chief Executive of Portsmouth Healthcare NHS Trust.
- 14.10. Copies of Witness Statements (taken by Mrs S HUTCHINGS who led the initial Internal Inquiry as Investigating Officer of Portsmouth Healthcare NHS Trust) as follows:-
- 14.10.1. On 3<sup>rd</sup> September 1998 statement consisting of four pages from Mrs Jenny BREWER – Staff Nurse Daedalus Ward to which is attached an additional statement (three pages) by Staff Nurse Brewer (the first page of this three pages is headed Portsmouth Healthcare NHS Trust and has been signed on page three by S. N J Brewer RGN and dated 9-9-98 (Reference D142)).
- 14.10.2. On 8<sup>th</sup> September 1998 statement consisting of five pages from Mr Philip BEED – Clinical Manager Daedalus Ward (Reference D143).
- 14.10.3. On 9<sup>th</sup> September 1998 statement consisting of three pages from Ms Christine JOICE – Staff Nurse Daedalus Ward (Reference D144).
- 14.10.4. On 8<sup>th</sup> September 1998 statement consisting of two pages from Ms Monica PULFORD – Enrolled Nurse Daedalus Ward (Reference D145).
- 14.10.5. On 3<sup>rd</sup> September 1998 statement consisting of four pages from Ms Margaret COUCHMAN – Staff Nurse Daedalus Ward (Reference D146).
- 14.11. A copy of the National Council for Hospice and Specialist Palliative Care Services paper entitled 'Ethical decision-making in palliative care'.
- 14.12. On 5<sup>th</sup> and 6<sup>th</sup> October 2000 I received from Hampshire Constabulary and subsequently read:-
- 14.12.1. The records of the interviews conducted with Dr Anthea Everista Geredith LORD on 27<sup>th</sup> September 2000.
- 14.12.2. During these interviews Dr LORD produced as listed in the Officer's Report by DC McNally the following documents:-

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 22 of 35

- 14.12.2.1. Drug Therapy Guidelines for subcutaneous fluid replacement as approved by the Elderly Medicine and Formulary & Medicines Group of Portsmouth Hospitals and Portsmouth Healthcare updated for 1998.
- 14.12.2.2. Consultants' Rota for August 1998 of the Department of Medicine for Elderly People (Ref: CI/28.7.98).
- 14.12.2.3. Memorandum from Mrs. L HUMPHREY of Portsmouth Health Care NHS Trust to Dr. LORD dated 17<sup>th</sup> December 1998 and headed 'Mrs. Richards deceased, Gosport War Memorial Hospital, 21<sup>st</sup> August, 1998.'
- 14.12.2.4. Letter from Dr R I REID, Medical Director of Portsmouth Health Care NHS Trust giving approval of study leave for Dr. LORD for the dates of 17/18 August 1998.
- 14.12.2.5. Consultants' Timetable of the Department of Medicine for Elderly People from 4.5.98 – 8.2.99.

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 23 of 35**Appendix B****Facts of the environment  
obtained from the statements of Mrs RICHARDS's daughters**

15. Mrs MACKENZIE is the elder of Mrs RICHARDS's two daughters. It is noted that her sister, Mrs LACK, is a retired Registered General Nurse.
- 15.1. Mrs LACK retired in 1996 after 41 years continuously in the nursing profession. For 25 years prior to retirement she was involved in the care of elderly people. For 20 years prior to retiring she held supervisory and managerial positions in this field of nursing.
- 15.2. By July 1998, Mrs RICHARDS had been resident at the Glen Heathers Nursing Home for some four years. She had a past medical history of bilateral deafness for which she required two hearing aids (unfortunately these were lost while she was at the Glen Heathers Nursing Home). She had had operations for the removal of cataracts and required glasses (unfortunately these were also lost at the Glen Heathers Nursing Home).
- 15.3. Also by July 1998, Mrs RICHARDS had become increasingly forgetful and less able physically. She had had 17 falls documented at the Glen Heathers Nursing Home between 29<sup>th</sup> January 1998 and 29<sup>th</sup> July 1998.
- 15.3.1. During this period Mrs MACKENZIE decided to meet and question her mother's general practitioner, Dr BASSETT. Mrs MACKENZIE had formed the opinion that the drugs Dr BASSETT was prescribing could contribute to her mother's confused mental state and deterioration of her physical health. One drug was Trazodone and the other was haloperidol. Following this meeting she sent him a copy of a book entitled *Toxic Psychiatry*.
- 15.3.2. Dr BASSETT replied, in a hand-written letter, thanking Mrs MACKENZIE and stating '... I have a reputation in Lee [-on-Solent] of being somewhat sparing with 'mood' drugs and especially antibiotics. ... most drugs are prescribed with more caution these days. [paragraph] Hopefully we can continue to keep your Mother's drugs to a minimum!'
- 15.4. It is convenient to mention here that both Mrs MACKENZIE and Mrs LACK have registered serious concerns about the care given to their mother in the Glen Heathers Nursing Home.
- 15.4.1. Jane PAGE, Principal Nursing Home Inspector, Portsmouth & S.E. Hants Health Authority investigated these concerns formally. On 11<sup>th</sup> August 1998, she made an unannounced visit to the Glen Heathers Nursing Home. She reported, on 26<sup>th</sup> August 1998, that 'From the written records obtained



**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 24 of 35

and discussions held, I can find no evidence to substantiate that Mrs RICHARDS did not receive appropriate care and medication.'

- 15.4.2. These concerns were discussed further by the Social Services Department at a meeting held on 23<sup>rd</sup> November 1998 when Mrs LACK was present. The conclusion was that 'There was no evidence of deliberate abuse [of Mrs RICHARDS] although there seemed to be problems of complacency in some of the care practices which needed review.... However, there was no evidence of malpractice by the Home.'
- 15.5. On 29<sup>th</sup> July 1998, while in the Glen Heathers Nursing Home, Mrs RICHARDS sustained a fracture of the neck of her right femur (thighbone). According to Mrs LACK her mother underwent a surgical operation on 30<sup>th</sup> July 1998 'following a discussion with the consultant who thought my mother should be given the chance to remain ambulant.'
- 15.6. Mrs LACK has also stated:-
- 15.6.1. 'My mother received a replacement hip, on her right side, and remained in the Haslar Hospital a further eleven days until Tuesday the 11<sup>th</sup> August 1998. [paragraph] I visited my mother every day during this period and, in my view, when taking into account the serious injury which she had sustained and the trauma she had suffered, my mother appeared to make a good recovery during this period.'
- 15.6.2. 'Prior to her discharge, and transfer to the Gosport War Memorial Hospital, my mother was responding to physiotherapy, able to walk a short distance with the aid of a zimmer frame and no longer required a catheter. Her medication had been reduced and she was able to recognise family members and make comments to us which made sense.'
- 15.6.3. 'She was with encouragement, eating and drinking naturally and as a result the drips, which had facilitated the provision of nourishment after the operation, had been removed.'
- 15.6.4. 'Significantly, my mother was no longer in need of pain relief. It was quite apparent, to me, that she was free of pain.'
- 15.6.5. 'Such was the extent of my mother's recovery that it was considered appropriate to discharge her and transfer her to the Gosport War Memorial Hospital where she was admitted to Daedalus Ward on Tuesday the 11<sup>th</sup> August 1998. This was the first occasion that my mother had been admitted to this particular hospital.'

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 25 of 35

- 15.7. On 12<sup>th</sup> August 1998, the day after her mother's admission to the Gosport War Memorial Hospital, Mrs LACK visited her mother there and has recorded '... I was rather surprised to discover that I could not rouse her [Mrs RICHARDS]. As she was unrousable she could not take nourishment or be kept hydrated. [paragraph] I enquired among the staff and I was told that my mother had been given the morphine based drug 'Oramorph' for pain. This also surprised me. When my mother had been discharged from the Haslar Hospital, the day before, she had not required pain relief for several days. [paragraph] I was distressed to observe my mother's deteriorated condition which significantly contrasted with the level of recovery which had been achieved following treatment at the Haslar hospital during the period after the surgical operation to replace her hip. [paragraph] I was told that my mother had been calling out, showing signs of being anxious, and it was believed that she was suffering pain. They did not investigate the possible cause. I consider it likely that she was in need of the toilet. ... One of the consequences of being rendered unrousable, by the effects of 'Oramorph', was that no fluids could be given to my mother and this, together with the abandonment of other forms of rehabilitation, would have served to inhibit or prevent the recovery process which had begun prior to her admission to the Gosport War Memorial Hospital.'
- 15.8. Mrs RICHARDS had a fall on 13<sup>th</sup> August 1998 (as described above). On the following morning (14<sup>th</sup> August 1998), Mrs LACK noted that while her mother was being taken to the X-ray department at the Gosport War Memorial Hospital 'She was still deeply under the effects of the 'Oramorph' drug.'
- 15.9. As described above Mrs RICHARDS was then transferred to the Royal Hospital Haslar for the reduction of her dislocated artificial hip. She was returned to the Gosport War Memorial Hospital on 17<sup>th</sup> August 1998 having been noted the previous day (16<sup>th</sup> August) by Mrs LACK [a nurse experienced in the care of elderly people] to be 'easily manageable'.
- 15.9.1. In accepting that he would transfer Mrs RICHARDS to the Gosport War Memorial Hospital, Dr REID (consultant geriatrician) had stated that '... despite her dementia, she [Mrs RICHARDS] should be given the opportunity to try to re-mobilise.'
- 15.10. On visiting her mother at the Gosport War Memorial Hospital at about 1215 hours on 17<sup>th</sup> August 1998, Mrs LACK accompanied by her sister [Mrs MACKENZIE], found her mother to be screaming and in pain. The screaming ceased 'within minutes' when Mrs LACK and a registered general nurse repositioned Mrs Richards.
- 15.11. Subsequently, the X-ray at the Gosport War Memorial Hospital showed no fresh dislocation of the artificial hip.
- 15.12. Following this further X-ray, Mrs LACK told Dr BARTON that Haslar Hospital would be prepared to readmit her mother. Dr BARTON is reported to have '... felt that was

**Initial medical report for discussion only**

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 26 of 35

inappropriate.' Mrs LACK '... considered this was essential so that the 'cause' of my mother's pain could be treated and not simply the pain itself.'

15.12.1. Dr BARTON is stated to have said to Mrs LACK that, '... "It was not appropriate for a 91 year old, who had been through two operations, to go back to Haslar Hospital where she would not survive further surgery." '

15.13. Mrs LACK states that, on 18<sup>th</sup> August 1998, the Ward Manager [Mr Philip BEED] explained to her and her sister that a syringe driver was going to be used. This was to ensure Mrs RICHARDS 'was pain free at all times' so that she would not suffer when washed, moved, or changed in the event she should become incontinent. Mrs LACK has also described in her contemporaneous notes (as well as in her Witness Statement, see below) that 'A little later Dr BARTON appeared and confirmed that a haematoma was present and that this [the use of a syringe driver] was the kindest way to treat my mother. She [Dr BARTON] also stated "And the next thing will be a chest infection." '

15.13.1. In her Witness Statement, Mrs LACK has recorded 'The outcome of the syringe driver was explained to my sister and I fully. Drawing on my experience as a nurse I [Mrs LACK] knew that the continuous use of morphine, as means of relieving her pain, could result in her death. She [Mrs RICHARDS] was, at the time, unconscious from the effects of previous doses of 'Oramorph'.... [paragraph] As result of seeing my mother in such great pain I was becoming quite distressed at this stage. My sister asked the Ward Manager, "Are we talking about euthanasia? It's illegal in this country you know." The Ward Manager replied, "Goodness, no, of course not." I was upset and said, "Just let her be pain free". [paragraph] The syringe driver was applied and my mother was catheterised to ease the nursing of her. She had not had anything by mouth since midday Monday 17<sup>th</sup> August 1998. [paragraph] A little later Dr BARTON [sic] appeared and confirmed that a haemetoma [sic] was present and that this was the kindest way to treat my mother. She also stated, "And the next thing will be a chest infection." .... [In her witness statement Mrs Mackenzie has stated that ' DR BARTON [sic] then said, "Well, of course, the next thing for you to expect is a chest infection".'] [paragraph] I would like to clarify the issue of my 'agreement' to the syringe driver process. It was not a question, in my mind, of 'agreement'. [paragraph] I wanted my mother's pain to be relieved. I did not 'agree' to my mother being simply subjected to a course of pain relief treatment, at the Gosport War Memorial Hospital, which I knew would effectively prevent steps being taken to facilitate her recovery and would result in her death. [paragraph] I also wanted my mother to be transferred back to the Haslar Hospital where she had, on two occasions, undergone operations and recovered well. My mother was not, I knew, terminally ill and, with hindsight, perhaps I should have challenged Dr BARTON [sic] more strongly on this issue. [paragraph] In my severe distress I did not but I do believe that my failure to pursue the point more vigorously should not have

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 27 of 35

prevented Dr BARTON [sic] from initiating an alternative course of action to that which was taken, namely a referral back to the Haslar Hospital where my mother's condition could have been treated and where an offer had already been made to do so. [paragraph] I accept that my mother was unwell and that her physical reserves had been depleted. However, she had, during the preceding days and weeks, demonstrated great courage and strength. I believe that she should have been given a further chance of recovery especially in the light of the fact that her condition had, it would seem likely, been aggravated by poor quality service and avoidable delay experienced whilst in the hands of those whose responsibility it was to care for her. [paragraph] My mother's bodily strength allowed her to survive a further 4 days using her reserves. She suffered kidney failure on 19<sup>th</sup> August and no further urine was passed. The same catheter remained in place until her death. [paragraph] Because the syringe driver was deemed to be essential following the night of several doses of pain relief my mother's condition gradually deteriorated during the next few days, as I knew it inevitably would, and she died on Friday the 21<sup>st</sup> August 1998.'

15.14. It is noted that Mrs LACK had made contemporaneous hand-written notes comprising five numbered pages. In her Witness Statement she records these '... are in the form of a basic chronology and I incorporated within them a series of questions which focused on particular areas of concern in respect of which I sought an explanation or clarification from the hospital authorities. Following presentation of my notes we were visited on the ward by Mrs Sue HUTCHINGS [sic] on 20.8.98.'

15.14.1. Mrs LACK also made a further one page of contemporaneous hand-written notes. In these she states she was so appalled about her mother's condition, discomfort and severe pain that she visited Haslar Hospital at about lunchtime on 17<sup>th</sup> August 1998 to ask questions about her mother's condition before she [Mrs RICHARDS] had left the Haslar Hospital ward for her second transfer to Gosport War Memorial Hospital. She learned that, prior to her discharge from Haslar Hospital on 17<sup>th</sup> August 1998, her mother had been eating, drinking, using a commode and able to stand if aided. Mrs LACK also states in this contemporaneous record that 'On leaving the ward [at Haslar Hospital at about lunchtime on 17<sup>th</sup> August 1998] I bumped into the Dr [doctor] who had been in casualty theatre for my mothers [sic] second [sic] operation. He was with consultant when all the procedures were explained to me on Friday 14<sup>th</sup> [August 1998] He said "How's your mother". I explained the current position to him in detail. I told him that she was in severe pain since the transfer which had been undertaken a short time earlier. He said "We've had no referral. Get them to refer her back. We'll see her."

15.15. It is noted that a Discharge Letter from the Royal Hospital Haslar describes Mrs RICHARDS' condition on discharge on 17<sup>th</sup> August 1998 as "She can, however, mobilise fully weight bearing."

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 28 of 35

- 15.16. It is also noted that Mrs LACK has stated that she and her sister were constantly at the Gosport War Memorial Hospital, day and night, from 17<sup>th</sup> August 1998 until the time their mother died.
- 15.16.1. Mrs MACKENZIE has stated that 'I stayed with my mother until very late that Tuesday night [18<sup>th</sup> August 1998]. it was past midnight, in fact, when my son arrived from London. As from the Wednesday night my sister also sat with me all night long and we both remained, continuously, until twenty past nine on the following Friday evening [21<sup>st</sup> August 1998] when my mother died. During that time Dr Barton [sic] did not visit my mother. I am quite certain about this because our mother was not left alone, in her room, at any time apart from when she was washed by the nursing staff. Either my sister or I, [sic] was with her throughout.'
- 15.16.2. Mrs MACKENZIE has also stated that although she did not sign the contemporaneous notes made by Mrs LACK she '... was a party, at times, to the preparation process and where, on occasions, my sister has referred to 'I' in fact it could read 'we' as we were together when certain events occurred.'
- 15.16.3. Mrs MACKENZIE continues 'It seems to me that she [Mrs RICHARDS] must have had considerable reserves of strength to enable her to survive from Monday until Friday, five days, when all she had was a diet of Diamorphine and no hydration whatsoever, apart from porridge, scrambled eggs and a drink, at the Royal Hospital Haslar, before transfer to the Gosport War Memorial Hospital.'

## Initial medical report for discussion only

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 29 of 35

## Appendix C

### GLOSSARY

**Acetabulum** is the name given to the two deep socket into which the head of the thigh bone (femur) fits at the hip joint.

**ADL [activities of daily living]** are those physical activities of daily life necessary for normal human functioning and include getting up, washing, dressing, preparing a simple meal, etc.

**Analgesia** is the relief of pain. This can be achieved by physical means including warmth and comfortable positioning as well as by the use of drugs. The aim is to keep patients pain free with minimal side effects from medication.

**Bronchopneumonia** is inflammation of the lung caused by bacteria. Appropriate antibiotic therapy, based on the clinical situation and on microbiological studies, will result in complete recovery in the majority of patients.

**Co-codamol** is a drug mixture consisting of paracetamol and codeine phosphate, which is used for the relief of mild to moderate pain.

**Cyclizine** is a drug used to prevent nausea and vomiting, vertigo, and motion sickness.

**Dementia** is the name given to a condition associated with the acquired loss of intellect, memory, and social functioning.

**Diamorphine**, also known as heroin, is a powerful opioid analgesic.

**Haematoma** is an accumulation of blood within the tissues, which clots to form a solid swelling.

**Haloperidol**, a drug used in the treatment of psychoses including schizophrenia and mania and also for the short-term management of agitation, excitement, and violent or dangerously impulsive behaviour. Dosage for all indications should be individually determined and it is best initiated and titrated under close clinical supervision. For patients who are elderly the normal starting dose should be halved, followed by a gradual titration to achieve optimal response. It is not licensed for subcutaneous administration (see **licensed** below).

**Hemiarthroplasty** is the surgical remodelling of a part of the hip joint whereby the bone end of the femur is replaced by a metal or plastic device to create a functioning joint.

**Hyoscine** is a drug used to reduce secretions and it also provides a degree of amnesia and sedation, and has an anti-vomiting effect. Its side effects include drowsiness.

**Lactulose** is a preparation taken by mouth to relieve constipation.

## Initial medical report for discussion only

Richards BL0911/ med rep 01/09 Nov 00  
Page 30 of 35

A **microgram** is one millionth of a gram and is not to be confused with a milligram dosage of a drug, which is one thousand times larger.

**Midazolam** is a sedative drug about which there have been reports of respiratory depression. It has to be used with caution in elderly people. It is used for intravenous sedative cover for minor surgical procedures. It is also used for sedation by intravenous injection in critically ill patients in intensive care. It can be given intramuscularly. In the management of overdose special attention should be paid to the respiratory and cardiovascular functions in intensive care. It is not licensed for subcutaneous administration (see **licensed** above).

**Morphine** is an opioid analgesic used to relieve severe pain.

**Oramorph** is a drug used in the treatment of chronic pain. It contains morphine and is in the form of a liquid. 10mls of Oramorph at a strength of 10mgs of morphine sulphate in 5mls of liquid is an appropriate first dose to give to a person in severe pain, which had not responded to other less potent, pain relieving drugs.

**Respiratory depression** is the impairment of breathing by drugs or mechanical means which leads to asphyxia and, if uncorrected, to death.

**Subcutaneous** means beneath the skin.

A **syringe driver** is a power driven device for pushing the plunger of a syringe forward at an accurately controlled rate. It is an aid to administering medicinal preparations in liquid form over much longer periods than could be achieved by injecting by hand. In this case the syringe driver used was a Sims Graseby MS 26 Daily rate syringe driver which operates over periods of 24-hours.

**Tradazone** is a drug used in the treatment of depressive illness, particularly when sedation is required.

**Unlicensed medicines.** In order to ensure that medicines are safe, effective and of suitable quality, they must have a product licence (now called a market authorisation) before being marketed in the United Kingdom. Unlicensed drugs are not licensed for use for any indication or age group. Licensing arrangements constrain pharmaceutical companies but not prescribers. The Medicines Act 1968 and European legislation make provision for doctors to use unlicensed medicines. Individual prescribers of unlicensed medicines, however, are always responsible for ensuring that there is adequate information to support the quality, efficacy, safety and intended use of a drug before using it.

A **Zimmer frame** is a lightweight, but sturdy, frame the patient can use for support to assist safe walking.

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 31 of 35**APPENDIX D**

10. Texts used for reference have included:
- 10.1. Adam J. ABC of palliative care: The last 48 hours. *British Medical Journal* 1997; 3 15: 1600-1603.
- 10.1.1. This paper is from the widely read, British Medical Journal which is published weekly and received by about 30,000 general practitioners and 45,000 hospital doctors in England and Wales. It records that treatment with opioids (viz. morphine and diamorphine) should be individually tailored, the effect reviewed, and the dose titrated accordingly.
- 10.2. *ABPI Compendium of data sheets and summaries of product characteristics 1998-99: with the code of practice for the Pharmaceutical Industry*. Datapharm Publications Limited, 12 Whitehall, London SW1A 2DY.
- 10.3. Breggin P R. *Toxic psychiatry. Drugs and electroconvulsive therapy: the truth and the better alternatives*. 1993. HarperCollins Publishers. London. pp. 578.
- 10.4. British Medical Association and the Royal Pharmaceutical Society of Great Britain. *British National Formulary*. Number 32 (September 1996). The Pharmaceutical Press. Oxford.
- 10.5. Letter from Clive Ward-Able (Medical and Healthcare Director) and Lee Neubauer BSc (Hons) (New Product Specialist), Roche Pharmaceuticals.
- 10.5.1. This letter is reproduced as a supplement to this appendix (**page S1**) and reports that the product licence does not cover the administration of Hypnovel® (midazolam) by subcutaneous injection.
- 10.5.2. Roche Pharmaceuticals. Hypnovel® [midazolam]. Summary of product characteristics.
- 10.6. Letter from Dr R J Donnelly, Medical Director of Janssen-Cilag Ltd.
- 10.6.1. This letter is reproduced as a supplement to this appendix (**page S2**) and reports that Haldol™ decanoate (haloperidol) is not licensed for subcutaneous use.
- 10.7. Letter from Miss Jo Medlock, Manager of Medical Information and Pharmacovigilance, Norton Pharmaceuticals.



**Initial medical report for discussion only**

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 32 of 35

- 10.7.1. This letter is reproduced as a supplement to this appendix (**page S3**) and reports that Serenace™ (haloperidol) ampoules are not licensed for subcutaneous administration.
- 10.8. MeReC. Pain control in palliative care. *MeReC Bulletin National Prescribing Centre*. 1996; 7 (7); 25-28.
- 10.8.1. MeReC is the abbreviation for the 'Medicines Resource Centre'. This bulletin is sent free to all general practitioners in England and Wales and also to NHS Hospital and Community Pharmacists. The list of those who receive this bulletin is updated every few weeks.
- 10.9. Sims Graseby Limited. *MS 16A Syringe Driver. MS 26 Syringe Driver: Instruction manual*. Sims Graseby Limited. 1998.

**Clive Ward-Able**  
Medical & Healthcare Director



page S1

Pharmaceuticals

Professor B. Livesley

**Code A**

Welwyn, April 19, 2000

Dear Professor Livesley

Thank you for your enquiry to Roche regarding Hypnovel® (midazolam).

As discussed the administration of Hypnovel via subcutaneous injection is not covered by the product licence; therefore this cannot be recommended or endorsed by Roche.  
For full prescribing information please refer to the Summary of Product Characteristics, copies of which are enclosed.

I hope you will find this information useful, if I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

**Code A**

Clive Ward-Able

**Code A**Lee Neubauer BSc (Hons)  
New Product Specialist**Roche Products Limited**40 Broadwater Road  
Welwyn Garden City  
Herts AL7 3AY  
Registered No: 100674 LondonMedical & Healthcare Dept  
Building 40Tel. 01707 367802  
Fax 01707 361000  
Clive.Ward-Able@roche.com



RJD/fac/1369/00

3<sup>rd</sup> November 2000

Professor Brian Livesley

**Code A**

Dear Professor Livesley,

**Re: The subcutaneous use of Haldol™ decanoate (haloperidol)**

I can confirm that Haldol™ decanoate (haloperidol) is not licensed for subcutaneous use.

Yours sincerely,

**Code A**

**Dr R J Donnelly**  
**Medical Director**



Subsidiary of **IVAX** Corporation

6<sup>th</sup> November 2000

Albert Basin, Royal Docks  
London E16 2QJ

Telephone 08705 02 03 04  
Fax 08705 32 33 34

Prof. B Livesley,

**Code A**

Dear Professor Livesley,

**Re: Serenace ampoules**

Thank you for your telephone call and subsequent faxed letter on Friday.

I can confirm that the Serenace (haloperidol) ampoules are licensed for intramuscular or intravenous injection only. We have no license to support subcutaneous administration.

If you require any further information please do not hesitate to contact me.

**Code A**

**J Medlock**

**Manager of Medical Information and Pharmacovigilance**

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 33 of 35**APPENDIX E**

I, Brian Livesley, qualified MB, ChB (Leeds) in 1960.

My principal additional qualifications are MD (London) 1979, and, FRCP (London) 1989.

From 1961-69, I held a series of clinical training and teaching posts through all hospital medical grades to senior medical registrar level at University and District Hospitals in Leeds, Manchester and Liverpool in which I gained a wide range of general medical expertise.

At the beginning of my medical career during 1961, I was also trained in the management of diabetic patients in Leeds by Professor (later Sir) Ronald Tunbridge. For five years (1963-67), I held a regular weekly diabetic out-patient clinic in Manchester (two diabetic clinics each week during 1963-65) being also responsible for the acute and follow-up management of newly presenting diabetic patients (including their food and fluid balance) as well as having a full range of general medical experience.

For four years (1969-72), I was Harvey Research Fellow in cardiology at King's College Hospital, London, where I developed original research in electrocardiographic, cardiac pacing, and metabolic techniques for the study of ischaemic heart disease. This also involved extensive follow-up studies over a period of more than six years. The several and separate aspects of this work were published in internationally reputable professional journals and now form part of the corpus of present day knowledge in cardiology. My continuing interest in this area led me to specialise in geriatric medicine with some emphasis on cardiology in elderly people.

I have been a consultant physician since 1973 and am entered in the General Medical Council's Principal List as a specialist in both General Medicine and Geriatric Medicine.

In 1987, I was appointed against open competition to a Foundation Chair as the University of London's Professor in the Care of the Elderly based at Charing Cross and Westminster Medical School (now the Imperial College School of Medicine) and as Honorary Consultant Physician.

I am in active clinical practice at the Chelsea & Westminster Hospital, London, where I head up a busy clinical department consisting of three consultant-led medical teams all routinely involved in the emergency medical admissions and follow-up management of adults of all ages including those with diabetes mellitus, cardiac, respiratory, and skeletal diseases. I have also had a great deal of experience in the management of dying patients.

Since 1969 I have taught not only undergraduate and postgraduate medical students, but also by invitation have lectured (throughout the United Kingdom, Europe, and elsewhere) to a wide range of other groups—professional and lay. I have also initiated and led courses teaching and appraising senior medical teachers. For fifteen years (1980-94), I served as a clinical examiner for the Final MB degree at the University of London—latterly (1990-94) as a senior clinical examiner. For six years (1987-93), I also examined in Medicine for the Worshipful Society of Apothecaries of London. For seven years (1986-93), I was Royal

Professor Brian Livesley

**Initial medical report for discussion only**Richards BL0911/ med rep 01/ 09 Nov 00  
Page 34 of 35

College of Physicians of London Examiner for the Diploma of Geriatric Medicine; and, for two years (1994-96) was an appointed Member of the United Examining Board for England and Scotland. In addition, I have examined externally for the degrees of BPharm and PhD. Currently (1998, 1999 & 2000), I am an invited external clinical examiner for the Final MB degree at the Royal Free and University College London Medical School.

In 1991, by invitation, I addressed a House of Lords group on issues relating to the clinical management of elderly people.

In 1992, I was one of a team at the Royal College of Physicians who contributed to the College's publication entitled, 'High quality long-term care for elderly people.'

In 1995-96, also by invitation, I headed up a comprehensive review of the care provided in a 150-bedded nursing home. All 16 recommendations in this 40,000-word report were accepted and acted upon by the commissioning Health Agency (1). Also in 1996, I gave invited evidence on this topic to a Health Committee in the House of Commons (2).

In 1999 and again in 2000, the King's Fund in London has identified the work in my clinical department as a national model for the care of elderly people.

In July 2000, I was the only clinician to give a presentation by invitation at a meeting on "Emerging Intermediate Care Strategy and 'Leading edge' Practice" organised for the NHS by the Harrogate Management Centre and held at the Royal College of Surgeons of England, London. This was well received and by invitation I repeated this presentation in October 2000.

I have established sections of my clinical department addressing issues in medical-orthopaedics (with particular reference to the management of elderly patients with fractured hips) and the palliative care of patients dying from non-cancer illnesses (including dementia, heart failure, respiratory disease etc.). In addition, I have chaired a medico-legal group within my NHS Hospital Trust and produced a report on 'Guidelines for the artificial nutrition of patients affected by strokes'. Currently I am working with the British Medical Association's Ethics department on the topics of 'dying as a diagnosis' and 'the appropriate care of the dying'.

My over 120 publications include several monographs, many peer-reviewed research investigations into clinical, scientific, social, historical, and educational problems of medicine in our ageing society, editorials and leading articles by invitation of professional journals, and, in addition by invitation, more than 100 standard and extended book reviews. My peer-reviewed publications also include those on the management of dying patients.

References as numbered above:

1. Livesley B, Ellington S. Report on the independent comprehensive review of the care of elderly people at St. Christopher's Nursing Home, Hatfield. East and North Hertfordshire Health Authority, 1996. (by invitation)

**Initial medical report for discussion only**

Richards BL0911/ med rep 01/ 09 Nov 00  
Page 35 of 35

2. Livesley B. Memorandum of recommendations and evidence submitted to the Health Committee on long-term care provision and funding. Volume II; pp. 114-22. London: HMSO, 1996. (by invitation)

<b>Code A</b>	..... <i>9/11/00</i> .....
Brian Livesley	Date