

## Inquest into the death of Ruth Capps

Ms Capps was 75 years old when she died from injuries she suffered in a motor vehicle collision. The coroner investigated Ms Capps' fitness to drive.

Coroner James McDougall delivered his findings of inquest on 21 December 2016.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

### **Recommendation 1**

#### **Review of processes and policies in place in relation to medical reporting by the Department of Transport and Main roads**

The proposed changes to processes and policies currently in place in relation to medical condition reporting, as identified and commenced by the Department of Transport and Main Roads, will assist to ensure that the current regime addresses the concerns raised by the death of Ruth Capps and the injuries suffered by Mr Sandeep Sing, Mr Allen Ricard Larder and Ms Rona Winifred Larder. I recommend the Department of Transport and Main Roads continue to prioritize the implementation of these changes, as well as the ongoing review of the current application process, particularly the content and scope of Form 3712 and Form 3195.

Response and action: the recommendation is implemented.

Responsible agency: Department of Transport and Main Roads.

On 26 February 2018 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads (TMR) reviewed the processes and policies relating to medical condition reporting, and a number of changes were implemented in August 2016.

TMR now accepts third party notifications where the person notifying TMR is not the applicant for a driver licence, or the driver licence holder, or the applicant's treating health professional. TMR is now in a position to take action when written advice is received about a person's medical fitness to drive from a third party, such as a relative or friend. If TMR considers enough evidence has been supplied and the person may have a medical condition which is likely to affect their ability to drive safely, TMR will commence show cause action to amend or cancel the person's driver licence. This change requires the person to be assessed by their treating health professional and obtain medical clearance to drive. Failure to do so will result in the person's driver licence being suspended, or cancelled.

Changes relating to TMR receiving incomplete or incorrect *Medical Certificates for Motor Vehicle Driver Form* (F3712) (medical certificates) have also been made. If TMR determines that a medical certificate does not comply with the national medical standards in the Austroads *Assessing fitness to drive for commercial and private vehicle drivers* publication, TMR must notify the person's treating health professional by telephone about the non-compliance, and seek their agreement on a suitable resolution. This change allows TMR to obtain real time advice from the person's treating health professional, which enables TMR to take immediate action if required to amend or suspend a person's driver licence, rather than referring the person back to their health professional.

Changes were also implemented if a person's medical certificate indicates they have been given a medical show cause notice. TMR must contact the person's treating health professional by telephone and confirm whether they were aware of the medical show cause action when they issued the medical certificate. If the person's treating health professional was not aware, they must confirm whether this information changes their recommendation regarding the person's medical fitness to drive, and whether the person requires further medical assessment. The person's treating health professional is also given the option to retract the current medical certificate issued to the person. This change allows TMR to take immediate action to amend or suspend the person's driver licence.

A comprehensive review of the medical certificate was also conducted in consultation with the Royal Australian College of General Practitioners (RAGCP) - Queensland. Substantial changes were made and implemented in December 2016. As a result, health professionals are now able to more easily identify whether a person's driver licence has previously been cancelled, or surrendered on medical grounds. Additional emphasis has also been placed on the thoroughness of the medical assessment if the health professional is not familiar with the person, and/or the person has only been treated at the practice for a short period of time. Additionally, health practitioners have been provided with more comprehensive information in the section where they provide TMR with a recommendation regarding the person's fitness to drive. As a result, health professionals will have a clearer understanding about what effect their recommendation will have on the person's driver licence, including the addition or removal of conditions or restrictions.

TMR also conducted a review of the Private and commercial vehicle driver's health assessment form (F3195) in consultation with the RACGP - Queensland. The RACGP had no changes to this form and the review was concluded in November 2016. TMR encourages health professionals to use this form as part of their medical assessment by providing information specifically for health professionals on the Queensland Government website, as well as providing a link to the form on the medical certificate so it may be downloaded.