Notification of deaths arising after anaesthesia or sedation for operations or procedures

The Public Health Act 2010 and the Public Health Regulation 2012 commence on 1 September 2012. To support implementation of the Act and Regulation, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at www.health.nsw.gov.au/phact for more information on the Act and Regulation.

What are deaths arising after anaesthesia or sedation?
Under the Public Health Act 2010, deaths arising after anaesthesia or sedation refer to when:

.. a patient or former patient dies while under, or as a result of, or within 24 hours after, the administration of an anaesthetic or a sedative drug administered in the course of a medical, surgical or dental operation or procedure or other health operation or procedure (other than a local anaesthetic or sedative drug administered solely for the purpose of facilitating a procedure for resuscitation from apparent or impending death).

It is a requirement that such deaths be reported to the Director-General of the Ministry of Health.

Who should notify the death?
If the anaesthetic or sedative drug was administered at a hospital:

- The practitioner who was responsible for the administration of the anaesthetic or sedative drug must notify the chief executive officer (being the person responsible for the day to day administration of the hospital),
- The Chief Executive Officer must then notify the Director-General in writing of the death as soon as practicable.

If the anaesthetic or sedative drug was not administered at a hospital:

- The practitioner who was responsible for the administration of the anaesthetic or sedative drug must notify the Director-General as soon as practicable.

How is the death notified?
Health practitioners can notify the death by completing the State form (SMR010511): Report of death associated with anaesthesia/sedation.

This State form can be ordered from Salmat (Ph: 02 9311 9999 or www.salmat.com.au).


When the State form has been completed, it should be returned by mail to:

Director-General
C/o Special Committee Investigating Deaths Under Anaesthesia
Clinical Excellence Commission
Locked Bag A4062
SYDNEY SOUTH NSW 1235

The completed form can also be scanned and emailed to: scidua@cec.health.nsw.gov.au

An online notification application is being developed. Please check at: www.cec.health.nsw.gov.au/programs/scidua

Does the Director-General need to be notified if notification has already been given to the Coroner?
If the patient’s death occurred while under, or as a result of, or within 24 hours after, the administration of an anaesthetic or a sedative drug for an operation or procedure, the Director-General must be notified as soon as practicable.
Deaths occurring while under, or as a result of, or within 24 hours after, the administration of an anaesthetic or a sedative drug may also be notifiable to the Coroner under the Corners Act 2009. However, since 2010, the system for notification of deaths to the Coroner or Coroner’s Office is no longer connected to the system for notification of deaths arising after anaesthesia or sedation. As such, a single death may need to be reported to both the Director-General and the Coroner.

**What happens after a death is notified?**

The Special Committee Investigating Deaths under Anaesthesia (SCIDUA) will review your notification. The Committee will either classify the death based on the available information or send a questionnaire to you to request more information.

The Committee uses a system developed by the Australian National Anaesthetic Mortality Committee to classify death.

If you are asked to complete a questionnaire, the Committee will review your questionnaire when you have completed it and classify the death at their monthly meetings. Thereafter, you will receive a letter from the chairperson explaining the reasons behind the Committee’s views on the death that you have notified. The Committee reports annually to the Minister on the results of its deliberations. Triennially, the Committee also provides aggregate data to the National Committee on Anaesthetic Mortality.

**Who is the Special Committee Investigating Deaths Under Anaesthesia (SCIDUA)?**

The SCIDUA is an expert committee appointed by the Minister for Health. Its members include seven anaesthetists and a forensic pathologist. The Committee has been operating since 1960. Its terms of reference are:

> to subject all deaths occurring while under, as a result of, or within 24 hours after the administration of anaesthesia or sedation to peer review so as to identify any areas of clinical management where alternative methods could have led to a more favourable result.

SCIDUA has statutory privilege which imposes restrictions on the disclosure of information developed for or by the Committee under section 23 of the Health Administration Act 1982.

**Which part of the Act is related to the notification of deaths arising after anaesthesia or sedation?**

Public Health Act 2010 Part 5, Division 3, Section 84

You can view the Act and the Regulation online at:

www.legislation.nsw.gov.au

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**Where to go for further information**

If you will be affected by the commencement of the Public Health Act 2010 and the Public Health Regulation 2012, and you want further information, you can:

- Visit the SCIDUA website:
  

- Visit the webpage for the Public Health Act and the Public Health Regulation:
  