

Fight on to wipe false allegations from health record

Spiteful claims haunt woman

Margaret Wenham

A GOLD Coast grandmother, forced to undergo a mental health assessment after an estranged friend or relative made false allegations about her, is battling to get the malicious claims removed from her health records.

Nan Logie said it was distressing enough to find she had been the subject of a vexatious application for a justice examination order under the Mental Health Act, but Queensland Health's Freedom of Information section had told her she was not able to have the allegations wiped from her records even though she had a clean bill of mental health.

As well, because she was not allowed to know what the allegations were, she believed she regretted from making an application under FOI laws to have the application for the examination — a copy of which had been placed in her Gold Coast Health District medical file — labelled misleading.

"Where you are found not to have a mental illness, you should have the right of refutation," Mrs Logie said.

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Nan Logie

"You need to know what has been said about you and you need the right of response, so that also can be recorded.

"Apparently, anyone can do this to someone and once they do, they place that someone in a situation of jeopardy — I now have on my medical records a whole lot of garbage to which I cannot even respond and mud sticks, you know."

Mrs Logie said whatever had been alleged must have been "powerful stuff" for the examination order to be granted and for the mental health officers to arrive at her house within 24 hours of it issuing.

She said she believed she



UNJUST ... Nan Logie believes she knows who made a vexatious claim about her mental health that cannot be removed from her records.
Picture: Paul Riley

knew the person who had sought the order.

In 2006-07 out of nearly 790 applications for an examination order — which are made to either a Magistrate or a Justice of the Peace — only 248 were approved.

Of those about 230 resulted in an involuntary treatment order issued following a mental

assessment of the person.

Mental Health director Aaron Groves confirmed the destruction of records was not permitted under the FOI Act.

Instead, he said, a person could apply for information to be amended by explaining why they believed what was on file was "inaccurate, incomplete, out-of-date or misleading".

However, it was not clear how a person could do that if they were denied access to the allegations made about them.

Dr Groves said he could not comment on the prevalence of vexatious applications, but he said if a person had concerns a vexatious claim had been made then a complaint could be made to police.

Unjust result

SOMETHING is seriously wrong in the state of Queensland when a grandmother is forced to undergo a mental health assessment on the basis of malicious claims but can't get them expunged from her health records. Worse, in the past year two out of three applications for an examination on the basis of a third-party application were denied. The Mental Health Act provides penalties for providing false information but that's little comfort if the victim is denied access to allegations made about them. We can do better than that. No one should suffer the distress of having, suddenly, to interrupt their life in response to vexatious claims.

Responsibility for election comment is taken by David Fagan, 41 Campbell St, Bowen Hills, Qld 4006. Printed and published by Queensland Newspapers Pty. Ltd. (ACN 009 661 778) A full list of our editors, with contact details, is available at news.com.au/couriermail/ourstaff.

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4