

**Witness Statement of Catherine Theresa Rosenbrock**

**Name:** Catherine Theresa Rosenbrock

**Address:** c/o Aged Care Quality and Safety Commission, Level 9, 111 Phillip Street, Parramatta NSW 2150

**Occupation:** Regional Director (Victoria and Tasmania), in the Quality Assessment and Monitoring Group, at the Aged Care Quality and Safety Commission

**Date:** 02 August 2019

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- 1 This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Aged Care Quality and Safety (**Royal Commission**).
- 2 This statement is true and correct to the best of my knowledge and belief. I provide this statement in response to a Notice to Give from the Royal Commission.
- 3 This is a supplementary statement made in connection with a statement I provided to the Royal Commission on 22 July 2019 in relation to Avondrust Lodge, operated by MiCare Ltd.
- 4 I make this witness statement based on matters within my own knowledge, the books and records of the Aged Care Quality and Safety Commission (**ACQSC**) that I reviewed and having made inquiries of officers and employees of the ACQSC.
- 5 This statement has been prepared with the assistance of lawyers in response to and in compliance with a notice to provide a statement. It is produced to the Royal Commission into Aged Care Quality and Safety on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that notice and on the basis that the statement will be treated as evidence which is subject to section 6DD of the *Royal Commissions Act 1902* (Cth).
- 6 The information provided in this statement relates to ongoing matters under active consideration by the ACQSC and planned regulatory action by the ACQSC. This information is not publicly available and is considered by the ACQSC to be sensitive.

**Recent Complaints**

- 7 On 24 April 2019, the ACQSC conducted an unannounced assessment contact of Avondrust Lodge (**April 2019 Assessment Contact**). A copy of the assessment contact report is at **Exhibit CTR2-1 [CTH.4007.1000.4900]**, and a copy of the assessment contact advice is at **Exhibit CTR2-2 [CTH.4007.1000.4845]**.
- 8 The assessment team assessed expected outcomes 2.7 (medication management) and 4.8 (catering, cleaning and laundry services) which the assessment recommended were (and ultimately found to be) met. Information was also reported against expected outcomes 1.6 (human resource management), 2.13 (behavioural management), 3.6 (privacy and dignity), and 4.4 (living environment).

- 9 Following the completion of the April 2019 Assessment Contact, a further unannounced assessment contact was initially tentatively scheduled to take place on 2 July 2019. This visit was subsequently rescheduled to take place between August 2019 and October 2019 (**New Assessment Contact**).
- 10 On 30 July 2019, I received a Type 1 Referral from the Complaints Resolution Group of the ACQSC in relation to the MiCare Avondrust Lodge (**July 2019 Referral**). The July 2019 Referral set out an anonymous complaint about the care and service being provided to residents at MiCare Avondrust Lodge (complaint number S20/000753). The complaint related to the service's organisational governance, personal and clinical care, service environment and support services for daily living, and identifies certain care recipients as specifically receiving poor wound care management.
- 11 The July 2019 Referral provides a summary of the complaint for further consideration by the Quality Assessment and Monitoring Group of the ACQSC, of which I am a Regional Director. A copy of the July 2019 Referral is at **Exhibit CTR2-3 [CTH.4000.0001.0010]**.
- 12 Following the receipt of the July 2019 Type 1 Referral, I brought forward the timing of the New Assessment Contact so that it took place on 2 August 2019. The July 2019 Type 1 Referral was provided to the assessment team who completed this assessment of Avondrust Lodge. The assessment team were directed to specifically take into account the matters raised in the July 2019 Referral during their assessment. This included a requirement that they assess the quality of care being received by the care recipients identified in the referral. The assessment team were also directed to assess Avondrust Lodge's compliance with the following requirements:
- (a) Standard 3(a): Each consumer gets safe and effective personal care, clinical care, or both personal care and clinical care, that:
    - (i) is best practice;
    - (ii) is tailored to their needs; and
    - (iii) optimises their health and well-being.
  - (b) Standard 7(a): The workforce is planned to enable, and the number and mix of members of the workforce deployed enables, the delivery and management of safe and quality care and services.
- 13 These Standards were selected because they align with the concerns raised in the July 2019 Referral. The recommendations of the assessment team from their on-site visit
- 14 I also note that the July 2019 Referral references an additional complaint that was lodged on 26 July 2019 on behalf of a care recipient (complaint number S20/001347) after the care recipient had been notified by the Complaints Resolution Group that they had been named in the earlier complaint. The complaint expressed concerns relating to the pressure management strategies in place for the care recipient, and the use of restraint. In correspondence with the ACQSC on 31 July 2019, the complainant indicated that they were satisfied that the concerns raised by the complainant had been resolved.

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- 15 On 2 August 2019, I received three further Type 1 Referrals concerning Avondrust Lodge in relation to the complaint on 26 July 2019, a complaint on 31 July 2019 (complaint number S20/001546), and a complaint on 1 August 2019 (complaint number S20/001606) respectively (see **Exhibit CTR2-4 [CTH.4000.0001.0034]** and **Exhibit CTR2-5 [CTH.4000.0001.0031]**).
- 16 The 31 July 2019 complaint is from [REDACTED]. The complaint raises concerns about the level of staffing at Avondrust Lodge, the quality of care being provided to recipients, the responsiveness and attentiveness of staff to issues within the facility, the food being provided to care recipients, and the use of agency staff.
- 17 The 1 August 2019 complaint was made on behalf of a care recipient. The complaint raises concerns about the quality of the care that is being received by the care recipient and the way in which the provider has responded to concerns being raised by the care recipient's family members.
- 18 These further Type 1 Referrals were provided to the assessment team conducting the New Assessment Contact to be considered as part of the New Assessment Contact in a similar manner to the July 2019 Referral.
- 19 The fact that these allegations have been made raises concerns as to whether the improved compliance by Avondrust Lodge observed by an assessment team most recently in April 2019 has been sustained. The issue of sustainability of improvements is of significant concern when a provider has had serious non-compliance and returned to compliance. The ACQSC's approach is to seek to test whether improvements are sustainable by regular monitoring through assessment contacts to reflect the increased risk of non-compliance. It is for this reason that an assessment contact had been scheduled to occur relatively soon after the assessment contact in April 2019.

Signature

[REDACTED]

Name

Catherine Rosenbrock

Date

2/8/19

Witness

[REDACTED]

Name

Ahmed Rizk

Date

2/8/19