

Health Practitioners Disciplinary Tribunal
The Director of Proceedings v Wilson – 7 September 2006

On 26 July 2006 Dr Johannes Wilson, a general practitioner, admitted before the Health Practitioners Disciplinary Tribunal (“the Tribunal”) two charges of professional misconduct in relation to vasectomies performed between March 2002 and November 2003 on two patients.

It was accepted that he failed to advise his patients before they had vasectomies that a vasectomy has not been successful until there has been a nil sperm count. When he severed the vas, he then failed to cauterise or ligate the severed ends, which increases the chance of re-canalisation. Further, his failure to resect the vas, (rather than simply severing it) and send the specimen to the laboratory for histological analysis is a departure from the accepted standard of care in New Zealand.

Following patient A’s first vasectomy, in March 2002, he underwent a series of sperm tests, which returned positive results. Dr Wilson admitted that he failed to tell patient A that he needed to use contraception until he had had two sperm tests showing a nil sperm count. He should also have explained to the patient following the first positive test result (125 million spermatozoa per ml with 40% motility) that the vasectomy had likely failed, and that following the second result, which showed 138 million spermatozoa with 90% motile sperm, that the vasectomy had failed.

In December 2002 patient A and his wife then had an unplanned pregnancy, resulting in the birth of their third child in August 2003.

Two further sperm tests in 2003 revealed that the vasectomy had failed, but Dr Wilson did not tell the patient that. Dr Wilson offered to perform a second vasectomy free of charge, and this occurred in November 2003. Again he failed to cauterise or ligate the severed ends of the vas, or to send the segment to the laboratory. As with the first procedure, Dr Wilson did not tell the patient following the sperm test that the vasectomy had likely failed.

In June 2004 Patient A’s wife discovered she was pregnant, and, notwithstanding their deeply-held beliefs opposing termination, they decided to have the pregnancy terminated. He later had a successful vasectomy performed by a urologist.

In the meantime, patient B consulted Dr Wilson regarding a vasectomy, which was performed in July 2003. Again, Dr Wilson admitted that he failed to advise patient B that a vasectomy has not been successful until there has been a nil sperm count; and that he failed to resect the vas or send the vas specimen

to the laboratory for independent histological analysis. Further, he failed to follow up and facilitate sperm testing following the procedure.

The Tribunal upheld the charge and Dr Wilson was censured, fined \$1000, ordered to pay costs of 25%. In imposing the monetary penalties, the Tribunal was mindful of Dr Wilson's commitment to ongoing payments to patient A in settlement of a civil claim. The Tribunal also imposed a condition on his practice that he not undertake any further vasectomies for three years and that prior to resumption, he is to undergo Medical Council competency assessment of that area of practice.