Complications following laparoscopic hernia repair
(09HDC01329, 18 May 2011)

General and laparoscopic surgeon ~ Hernia ~ Seroma ~ Mesh ~ Complications ~ Record-keeping ~ Private information ~ Breach rights 1(1), 4(1), 4(2)

Over a period of 16 years, a woman had a number of laparoscopic surgeries performed by a general and laparoscopic surgeon to repair herniae in her groin and lower abdomen. After later surgeries she complained of various complications and pain which was not relieved by the analgesia the surgeon prescribed. The woman sought a second opinion and later had corrective surgery performed by another specialist which immediately resolved her pain. The woman's sister complained on her behalf that the surgeon did not explore her symptoms adequately, did not accurately document her health problems and treated her with a lack of respect during his examinations.

Over the period in which the woman had her surgeries, there were enormous advances in laparoscopic techniques to repair herniae. Her experiences reflected the learning taking place over this time. It was held that the surgeon provided surgery with reasonable care and skill and did not breach Right 4(1).

However, it was held that the surgeon was dismissive of the woman's concerns and disregarded the extent of the pain caused by his examinations. In doing so he failed to treat the woman with respect and breached Right 1(1). His failure to verify information about her and make her aware of his intention to share the information before he disseminated it to others, and his failure to maintain appropriate professional medical records breached Right 4(2).

This case highlights the importance of treating patients with respect, communicating with them effectively, and recording consultations accurately and completely. It is also about the necessity, when a doctor transfers information about a patient to other doctors or agencies, that the information is correct, complete and accurate, that the patient knows the information being sent, and the intended recipient.