

**Inappropriate preoperative and postoperative
charges for cataract surgery in a public hospital
(05HDC12122, 29 June 2007)**

*Ophthalmologist ~ Public hospital ~ District health board ~ Public cataract surgery
~ First specialist assessment ~ Waiting list ~ Charges for preoperative and
postoperative appointments ~ Financial exploitation ~ Conflict of interest ~ Rights 2,
4(2), 6(1)(b)*

An elderly patient underwent a private first specialist assessment (FSA) for cataract surgery then elected to be transferred directly onto the public hospital waiting list. The patient's cataract surgery was successful and without complication. However, she was charged by her ophthalmologist for preoperative and postoperative consultations in relation to her cataract surgery. The patient did not understand why she incurred these charges but was reluctant to clarify the matter with her ophthalmologist.

It was noted that the practice of referring private patients directly onto the public waiting list raised ethical issues, but is common practice. It was held that the patient had a reasonable expectation that her public surgery and any associated appointments would be free of charge. In the circumstances, the ophthalmologist failed to ensure that the patient understood that there would be additional costs associated with her public cataract surgery, and thereby breached Right 6(1)(b). It followed that the ophthalmologist did not comply with the relevant ethical standards, breaching Right 4(2), and financially exploited the patient, thereby breaching Right 2. There was no evidence to demonstrate that the public hospital was aware that the ophthalmologist was passing on the cost of preoperative and postoperative consultations to the patient.

The Commissioner requested that the National Ethics Advisory Committee advise the Minister of Health on the ethical issues raised by the current mixture of public and private treatment options in relation to elective services.