



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Specialist breaches Code in care provided to woman to correct vaginal prolapse

19HDC01125

The Deputy Health and Disability Commissioner has found an obstetrician/gynaecologist breached the Code of Health and Disability Services Consumers' Rights (the Code) in the care he provided to a woman who had mesh surgery to correct a vaginal prolapse.

Rose Wall found the consultant breached Rights 6(1) (b), Right 7(1), and Right 4(1) of the Code. These concern, respectively, the right to information a reasonable consumer would expect to receive, the right to make an informed choice and give informed consent, and the right to have services provided with reasonable care and skill.

The breaches concern surgery performed by the consultant (Dr B) in April 2013 in a public hospital to correct a vaginal prolapse in a 55-year-old woman (Ms A), and subsequent treatments until July 2015. In the initial surgery, Mesh Type B was used. This was a new product which involved a different insertion technique.

A few months after the surgery, Ms A began experiencing lower pelvic pain, stinging in the vaginal wall and feelings of fullness. In 2015, she started experiencing further complications and her prolapse symptoms returned. Dr B examined her and could not find any clear explanation for Ms A's symptoms.

In 2017 she was seen by another consultant (Dr C). Dr C noted significant tenderness in the area and submitted an ACC injury claim. In 2019 an urologist (Dr D) removed the mesh. Dr D observed that it had been improperly placed and was extremely tight. Dr D believed the tension had caused the woman's pain and ongoing inflammatory response. Drs B and C disagreed with these observations.

The woman was concerned about the care provided to her by Drs B and C. She said she was not informed clearly about the risks of mesh, and when she raised concerns before the surgery, she was told the mesh type used was not causing issues. She also felt her concerns were discounted by Dr B in follow up visits. She said, "The risk factors of mesh erosion and mesh issues were not clearly represented", and she was not advised of alternative treatment options.

A consent form signed by Ms. A in 2013 stated Dr B had explained the risk of bleeding, infection and mesh erosion. It did not contain information about alternative treatment options. Nor was there clear documentation about Dr B's training, skills and experience using Mesh Type B.

Dr B told HDC he felt certain he would have explained to the woman that while this was the first time he had used Mesh Type B, he had performed other mesh surgeries in recent years. He apologised to the woman for not appreciating that the mesh could have caused her the longstanding problems she experienced, and that she had to undergo corrective surgery.

Ms Wall found neither Dr C or the Te Whatu Ora (previously DHB) breached the Code. She noted it was not possible for her to determine if the mesh had been inserted incorrectly.

Te Whatu Ora has advised Ms Wall that Mesh Type B is no longer used in the treatment of vaginal prolapse. It also advised her that the awareness of risks in the use of surgical mesh has changed significantly since Ms A had her surgery in 2013, as has current clinical practice at Te Whatu Ora around the consent process. It has adopted the Ministry of Health/Manatū Hauora's guidance to support patients during the consent process.

Dr B is no longer practising.

Editor's notes

The full report of this case will be available on HDC's [website](#). Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code, unless it would not be in the public interest, or would unfairly compromise the privacy interests of an individual provider or a consumer.

More information for the media, including HDC's naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendation.

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