



Inadequate informed consent discussions prior to surgery 19HDC01255

The Deputy Health and Disability Commissioner has found an obstetrician/gynaecologist breached the Code of Health and Disability Services Consumers' Rights (the Code) over inadequate informed consent discussions with a patient prior to surgery.

The woman, in her forties, had surgery at a private hospital to remove a pelvic mass. The surgery included a bilateral oophorectomy (surgical removal of her ovaries). The removal of her ovaries affected the woman's physical and mental health and severely impacted the quality of her life.

Rose Wall expressed concerns about the adequacy and appropriateness of the obstetrician/gynaecologist's informed consent discussions. He did not give the woman sufficient information about her options, the clinical rationale for the proposed surgery and the risks or possible side effects associated with it. These should have occurred before she signed the consent form.

Ms Wall found the obstetrician/gynaecologist breached Right 6(1) of the Code for "failing to provide his patient with information that a consumer in her particular circumstances would expect to receive."

The doctor also breached Right 7(1) of the Code, which stipulates that services may be provided only if the consumer makes an informed choice and gives informed consent.

Ms Wall considered that, due to the obstetrician and gynaecologist's omissions, the woman was not in a position to make an informed choice about the proposed surgery.

Ms Wall recommended that the doctor provide a written apology to his patient.

27 March 2023

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).