

**Removal of fallopian tube without informed consent**  
**15HDC01847, 12 March 2018**

*Gynaecologist ~Surgery ~Infection ~Salpingectomy ~  
Informed consent ~Rights 6(2), 7(1)*

A young woman consulted a gynaecologist for treatment of symptoms of endometriosis. The gynaecologist performed a diagnostic laparoscopy. There are differing accounts of what information was provided to the woman regarding the risks of surgery. During surgery, the gynaecologist found that the woman had stage four endometriosis and a “markedly thickened” left fallopian tube.

The woman became unwell and experienced pain following surgery. She re-presented to the gynaecologist, who arranged to perform further surgery the following day. The woman understood that her left fallopian tube might need to be removed. The consent form that the woman signed did not specify that both fallopian tubes might need to be removed, and the possibility of the right fallopian tube needing removal was not discussed with her.

The gynaecologist undertook the surgery. The left fallopian tube was grossly distorted because of infection, and was removed. The gynaecologist found that the right fallopian tube was also swollen and had free-draining pus. The gynaecologist stated that “a painstaking decision [was] made” to remove the right fallopian tube as well. The gynaecologist was concerned that, if left, the right fallopian tube would be a nidus for ongoing infection and sepsis, and the woman might require further surgery acutely in the following few days. Further, if the woman was septic, potentially she might need treatment in an intensive care unit.

**Findings**

The Commissioner considered that although the woman may have required further surgery or intensive care treatment in the near future, it was plainly unacceptable that the gynaecologist removed the right fallopian tube without the woman’s consent. The right to decide was the woman’s, and she was deprived of it.

It was found that prior to the second surgery, the gynaecologist failed to provide the woman with the information that a reasonable consumer would need in order to give informed consent. Accordingly, the gynaecologist breached Right 6(2). It follows that the woman was not in a position to give informed consent to the surgery. In addition, the gynaecologist removed the woman’s right fallopian tube without informed consent. Accordingly, the gynaecologist also breached Right 7(1).

Adverse comment was made that in removing both of the woman’s fallopian tubes, the gynaecologist did not take the least invasive treatment option available, and also that the gynaecologist did not take microbiological samples during the second surgery.

**Recommendations**

The Commissioner recommended that the gynaecologist undertake further training on informed consent, and provide a written apology to the woman.