

**Failure to provide information and
obtain informed consent for anaesthesia
(05HDC07699, 31 August 2006)**

Anaesthetist ~ Public hospital ~ Knee surgery ~ Informed consent ~ Response to patient concerns ~ Documentation ~ Professional standards ~ Rights 1, 4(2), 6(2), 7(1)

A 76-year-old woman complained about the care she received from an anaesthetist in relation to her knee replacement surgery at a public hospital. At the preoperative assessment for her elective knee replacement, she stated to the duty anaesthetist that she could not have morphine because of an allergy. This anaesthetist noted the patient's allergies on the pre-assessment documentation, and said that prior to her surgery other options would be discussed with the anaesthetist attending the surgery. The allergy was also recorded in the patient's medical notes.

On the day of surgery the patient and the anaesthetist, meeting for the first time, discussed the anaesthesia to be used for the surgery, and the patient's concerns regarding her allergy to morphine. This took place outside the theatre suite. The woman suffered adverse symptoms postoperatively necessitating her admission to ICU, and prolonging her recovery.

It was held that it was not appropriate for such a detailed and important discussion to take place at that time, as the patient was naturally concerned about her allergy, and in a vulnerable position immediately prior to the surgery. By not providing adequate systems and time for anaesthetists to carry out consent discussions in an environment that enabled effective communication, adequate information disclosure, and informed choice of anaesthesia by patients, the hospital breached Right 1.

It was also held that the anaesthetist failed to provide the patient with sufficient information about her condition, alternative anaesthetic options, and her right to refuse treatment. Without full information on her options the patient could not make an informed choice and give valid consent. In these circumstances he breached Rights 6(2) and 7(1). The anaesthetist failed to record the information he gave to the patient, or whether she had consented to the use of morphine, and therefore breached Right 4(2).