
General Practitioner

Report on Opinion - Case 99HDC06449

Complaint The Commissioner received a complaint from a consumer. The complaint is that:

- *During a consultation in mid-February 1998 with the consumer, the provider, a General Practitioner, was rude and abrupt in his handling of the consumer's concerns regarding bleeding six weeks into her pregnancy. The GP stated that if she could not handle what was happening now she couldn't handle having a baby.*
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Investigation The complaint was received by the Commissioner on 28 September 1998 and an investigation was undertaken. Information was obtained from:

The Consumer
The Consumer's Mother
The Provider/General Practitioner
The Consumer's current General Practitioner

Outcome of Investigation The consumer first went to the General Practitioner in mid-February 1998 when she was approximately six weeks pregnant as she had started to bleed. The consumer was very upset as she thought she was going to lose her baby. She waited half an hour to see the GP.

The GP consulted with the consumer for a suspected miscarriage. At the commencement of the consultation, the consumer advised she was told by him to "*pull herself together and stop blubbing*". The GP refutes this, advising that "*this is not language I use at all, and I would agree with you that if I spoke to a patient in this manner it would be offensive*".

During this consultation, an examination was undertaken which indicated that the consumer's cervix was closed. She was informed that everything was all right. The GP advised her to go home, to put her feet up and not to worry about it.

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**Outcome of
Investigation,
*continued***

The GP advised the Commissioner that he believed he had listened to the consumer's concerns and had acknowledged her anxiety about miscarriage. The GP tried to allay the consumer's fears, but found this to be a difficult task. He gave the consumer explanations in an attempt to help as much as he could, though found that the consumer again repeated her anxieties and did not seem to be able to cope with the uncertainty of the situation.

The GP stated that a case of threatened miscarriage is a situation that is only going to be resolved with time. He seemed unable to resolve or help the consumer cope with her anxiety. He informed the consumer, "*she was wasting his time trying to talk with her, now settle down*". He told her that "*if she couldn't handle what was happening she couldn't handle having a baby.*" The consumer was shocked at the way the GP spoke to her. In his response to the provisional opinion, the GP, in reference to the consumer not being informed about her condition, stated, "*I would claim that I informed her as according to my normal practice, but I perceived that in spite of my informing her, [her] anxiety was such that she did not hear or understand what I had said.*"

The GP advised the consumer to take two days off work and documented that she was to see him again early the following week.

In his response to the complaint, the GP stated that his remarks about the handling of the situation "*were in all honesty not meant to be rude, but they were an attempt to get [the consumer] to focus on what was happening at the time and to try to stop her from becoming very anxious about what could not be predicted or resolved at that stage.*" The GP stated that he had drawn on what he considered his experience as a father of five children. He stated that he was sorry that the consumer took offence to what he said and that he regretted this.

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**Code of
Health and
Disability
Services
Consumers'
Rights**

The following Rights are applicable to this complaint.

RIGHT 5

Right to Effective Communication

- 2) *Every consumer has the right to an environment that enables both consumer and provider to communicate openly, honestly, and effectively.*

RIGHT 6

Right to be Fully Informed

- 1) *Every consumer has the right to the information that a reasonable consumer, in that consumer's circumstances, would expect to receive, including –*
- a) An explanation of his or her condition; and*
 - b) An explanation of the options available, including an assessment of the expected risks, side effects, benefits, and costs of each option...*

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Opinion: Right 5(2)**Breach**

In my opinion the GP breached Right 5(2) of the Code of Rights.

While the GP recognised the consumer's anxiety about the threatened miscarriage, he acknowledged he found dealing with her anxiety a very difficult task. In his response the GP regrets and was sorry if the consumer took offence to his remarks.

The GP accepts there was a communication breakdown between himself and the consumer. While I accept that the GP's remarks were open to ambiguous interpretation, rather than make statements which inflamed the situation the GP should have stated that he was unable to provide further information or reassurance. In addition he could have suggested that if the consumer remained anxious, she should obtain a second opinion from another practitioner.

Rights 6(1)(a) and (b)

In my opinion it was reasonable for the consumer to expect to be fully informed by the GP about her condition to allay her anxiety and increase her understanding of her health status. He did not advise the consumer to contact him if her symptoms persisted or refer her on to another health professional. He did not discuss the option of what an early bleed could be or of its implications for the consumer's pregnancy. The GP's failure to provide the consumer with an appropriate explanation of her condition is a breach of Rights 6(1)(a) and 6(1)(b) of the Code of Rights.

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Actions

I recommend that the GP takes the following actions:

- Apologises in writing to the consumer for breaching the Code. This apology should be sent to the Commissioner who will forward it to the consumer.
 - Familiarises himself with the Code of Health and Disability Services Consumers' Rights.
 - In future refers consumers on to another General Practitioner or seeks the assistance of his practice nurse in situations where communication is proving difficult.
 - Ensures that he clarifies information with consumers to reassure himself that effective communication has occurred.
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Other Actions

A copy of this opinion will be sent to the Medical Council of New Zealand.
