

## **General anaesthetic used without informed consent**

**20HDC02122**

A doctor has breached the Code of Health and Disability Services Consumers' Rights (the Code) after a woman was given a general anaesthetic without her informed consent.

The woman underwent a surgical procedure to remove a lesion from her left cheek. She repeatedly requested the procedure be performed under local anaesthetic and sedation, but the doctor carried out the procedure using general anaesthetic without taking appropriate steps to ensure the woman had provided informed consent. The doctor also operated on the woman's skin graft from a previous surgery without her consent.

Deborah James, Deputy Health and Disability Commissioner, said the doctor should have discussed the woman's anaesthetic preference with an anaesthetist, determined the appropriate options for proceeding, and communicated them clearly to the woman to allow her adequate time to consider her options and make an informed choice about whether to proceed.

Ms James considered that by failing to adequately advise the woman of her anaesthetic options, and the possibility that her recent skin graft would be involved in the surgery, the doctor breached Right 6(2) of the Code (which gives every consumer the right to have the information they need to make an informed choice or give informed consent).

In addition, by not providing the woman with sufficient time to consider her options, Ms James found the doctor did not communicate effectively with the woman and breached Right 5(1) of the Code (which gives every consumer the right to effective communication). The doctor was also found to have breached Right 7(1) of the Code by failing to obtain the woman's informed consent for her surgery.

"Providing this information just before her surgery was not appropriate." Ms James said. "The doctor's actions culminated in the woman being put in a situation where she felt that she had to proceed under general anaesthetic regardless of her wishes, as she was prepped and about to be taken to theatre."

Ms James recommended the doctor provide a written apology to the woman. The doctor has since retired from practice, but Ms James recommended the Medical Council of New Zealand consider her findings should the doctor apply to renew his practising certificate.

2 October 2023

ENDS

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

***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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