

**Open disclosure following a surgical complication  
(08HDC08586, 23 November 2009)**

*Obstetrician and gynaecologist ~ Private hospital ~ Complication ~ Laparoscopic surgery ~  
Open disclosure ~ Documentation ~ Rights 4(2), 6(1)*

A 37-year-old woman complained about the services provided by an obstetrician and gynaecologist (the gynaecologist), who performed a laparoscopic operation to treat a gynaecological condition and prevent future pregnancy. A complication occurred when the left iliac fossa port went through one of the woman's arteries. The gynaecologist recognised the complication immediately, controlled the bleeding, and continued the operation as planned. Soon after the operation, the gynaecologist told the woman that there had been a complication, but she did not tell her that she had injured an artery. The gynaecologist also gave the woman a copy of her operation record in which she described the injured vessel as an "arteriole".

Postoperatively, the woman did not recover as expected. She consulted her general practitioner a number of times, attended follow-up appointments with the gynaecologist, and underwent three ultrasound scans. Three months after the operation, a pseudoaneurysm in the region of the woman's left iliac fossa was diagnosed. The most likely cause of the pseudoaneurysm was the injury to the artery during her operation. However, the gynaecologist suggested that the pseudoaneurysm was equally or more likely to be pre-existing and spontaneous, rather than a consequence of the surgical complication. The vascular surgeon repaired the pseudoaneurysm, and the woman's recovery from this operation was uneventful.

It was held that the gynaecologist breached Right 6(1) by failing to give information that a reasonable patient, in these circumstances, would expect to receive. The gynaecologist was required to provide this information according to her duty of open disclosure, and the professional and ethical standard set out in the Medical Council statement "Disclosure of harm 'Good medical practice'" (October 2004).

It was also held that the gynaecologist failed to adequately record in the operation note the details of the operation and the nature of the harm experienced by the woman. This was a departure from professional and ethical standards for documentation, and a breach of Right 4(2).