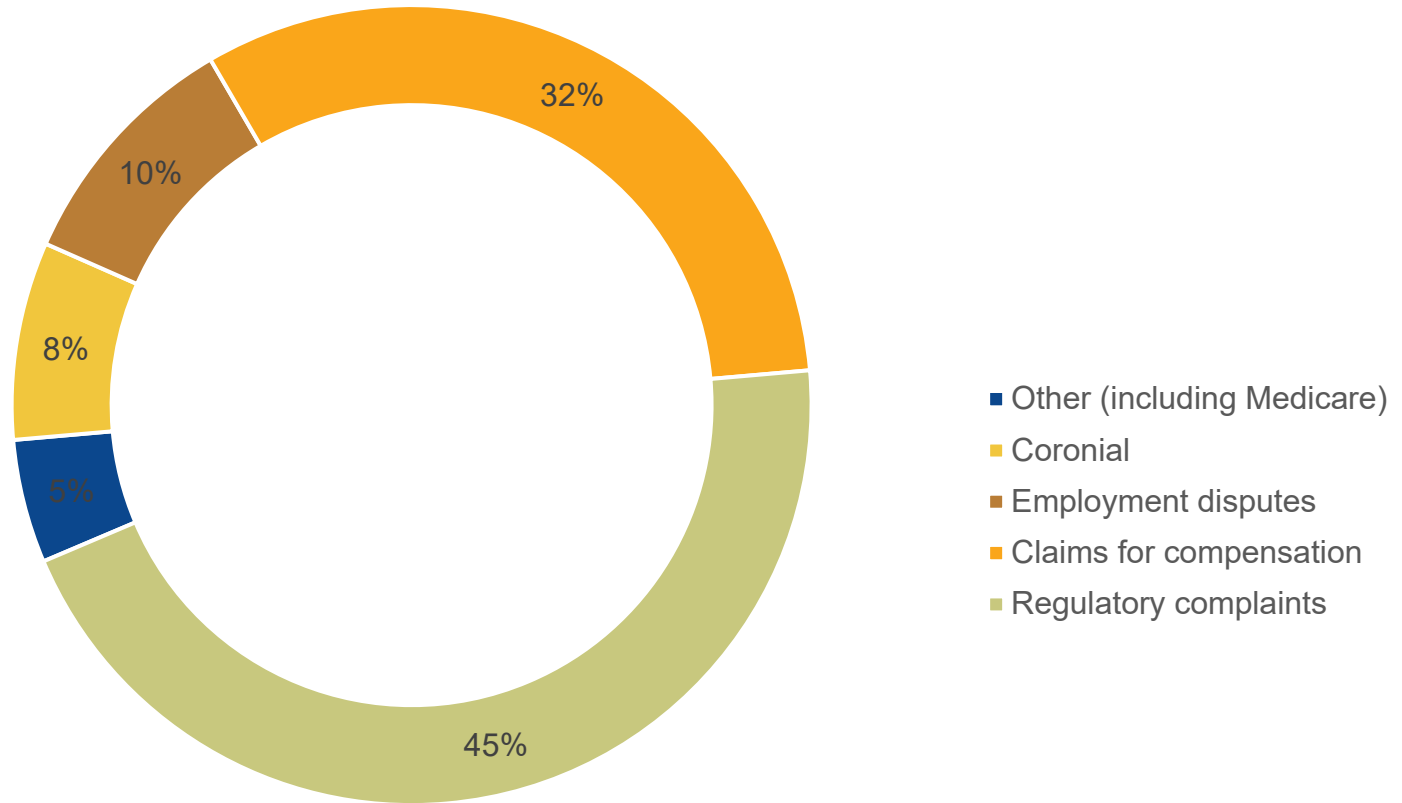




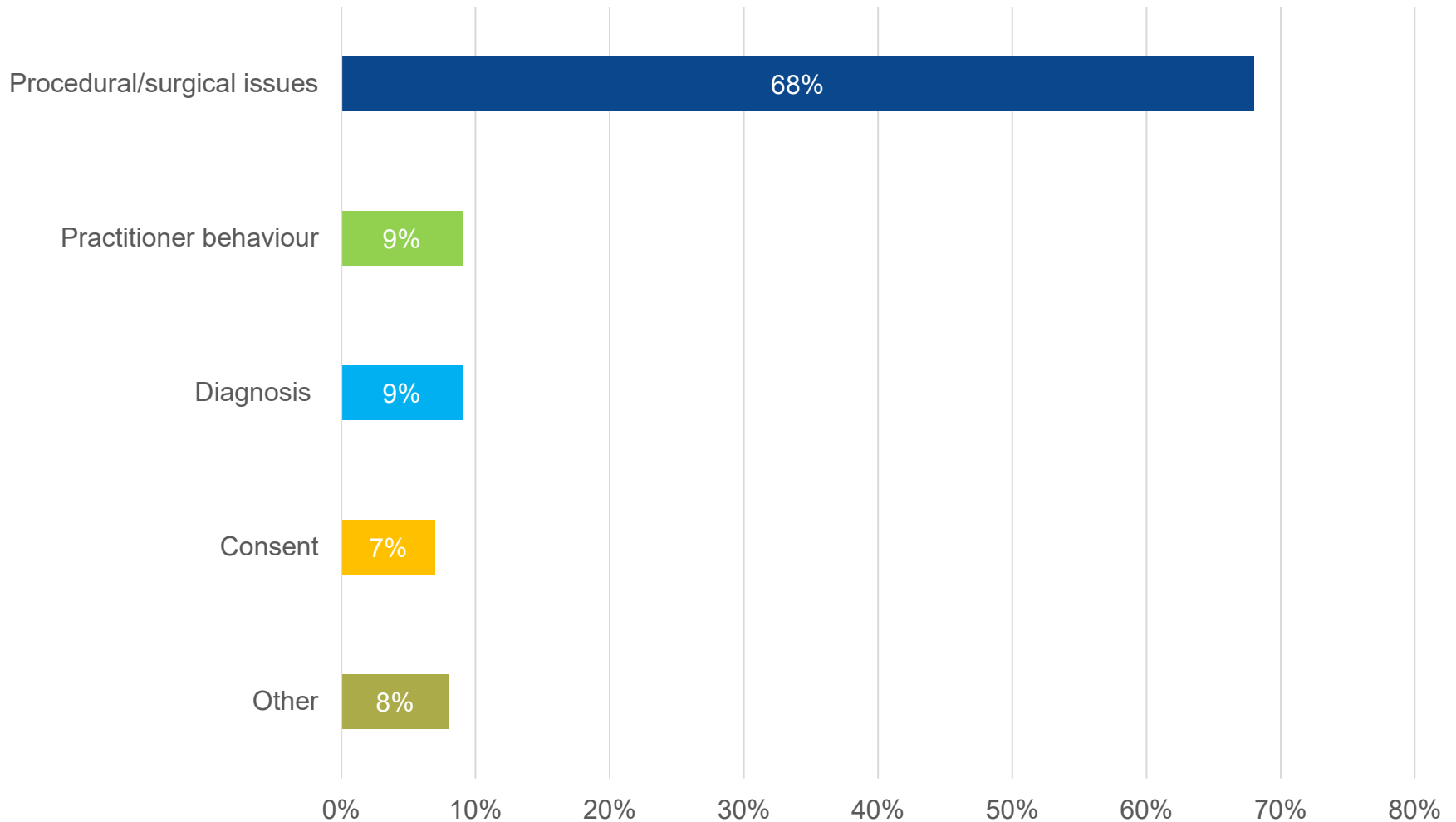
Risk Mitigation

Madhavi Ligam
Senior Associate, Avant Law

1 in 6 General Surgeons had a matter raised about their care



Regulatory complaints and compensation claims against general surgeons



The nature of procedures commonly seen in procedural/surgical matters



procedures on the digestive system
(excluding bariatric surgery) (51%)



laparoscopic surgery (24%)



bariatric surgery (21%)



hernia procedures (19%)

(% out of total procedural/surgical matters shown)

The stage of care during which procedural/surgical issues occurred

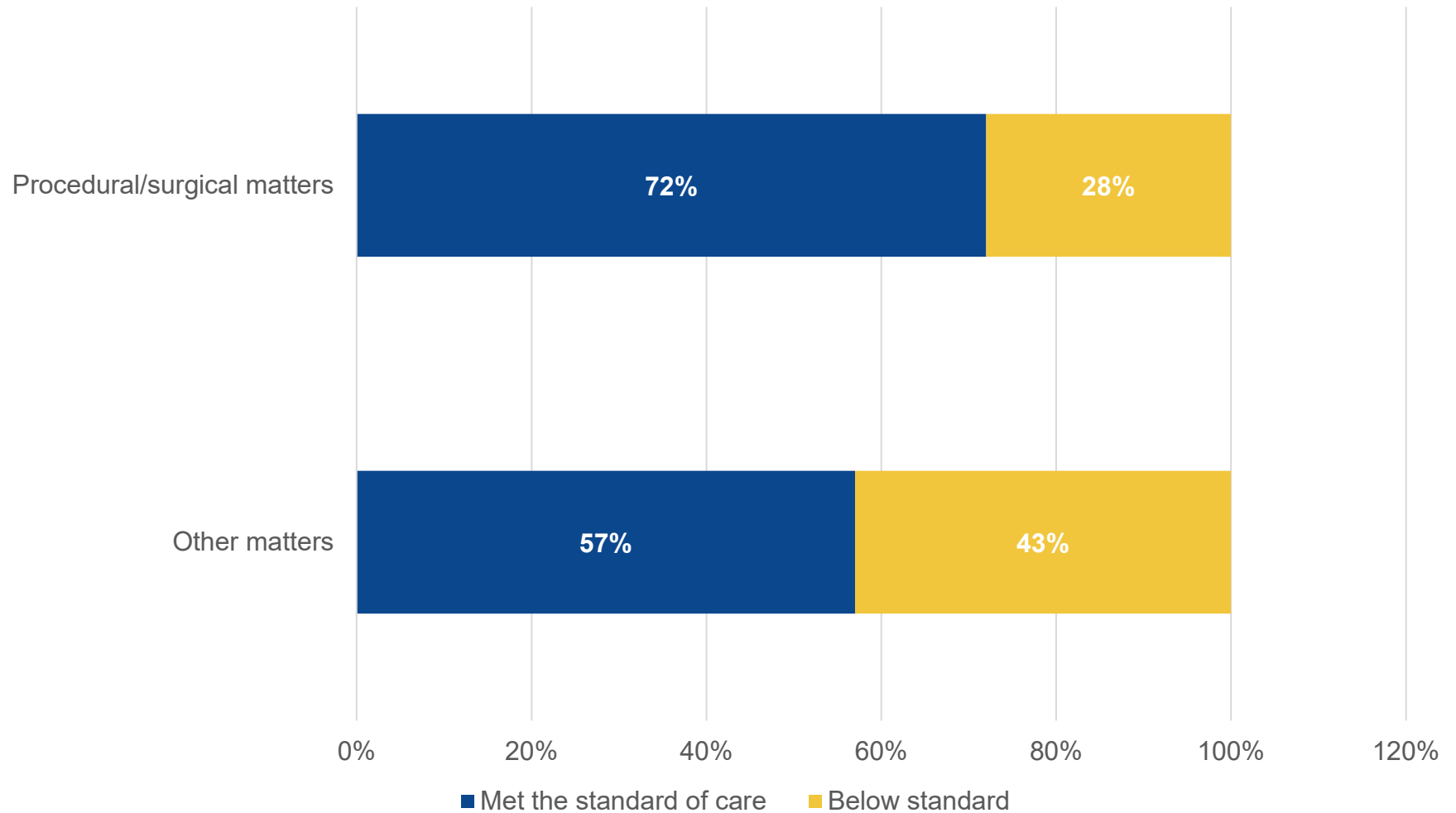
19% **Pre-operative**
(e.g. improper selection of surgical procedure)

60% **Intra-operative**
(e.g. poor surgical performance)

21% **Post-operative**
(e.g. poor post-operative performance; delay/
failure to diagnose complication)



Assessment of the care provided



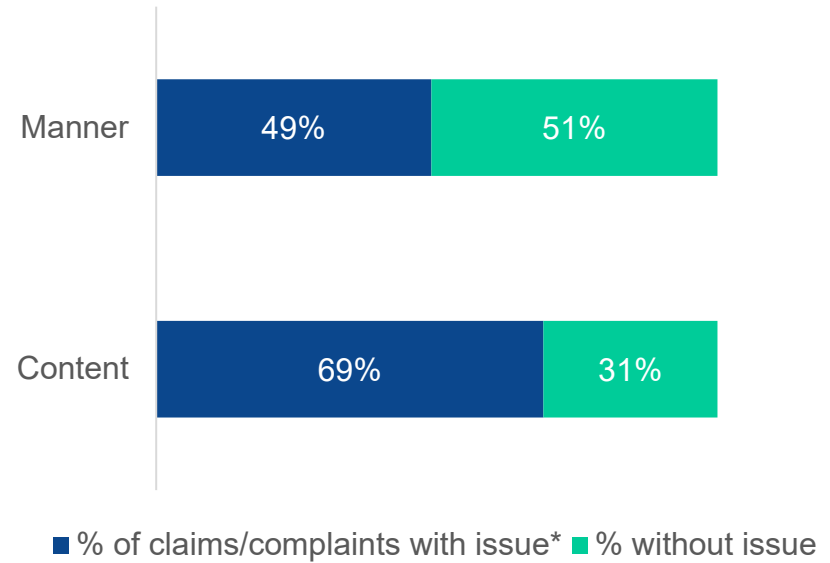
The data is from a retrospective review of routinely collected and coded data. The review is based on 336 regulatory complaints and compensation claims involving Avant members who are general surgeons across Australia. All matters were closed over the five-year period from July 2016 to June 2021 (FY2017-FY2021)

Communication



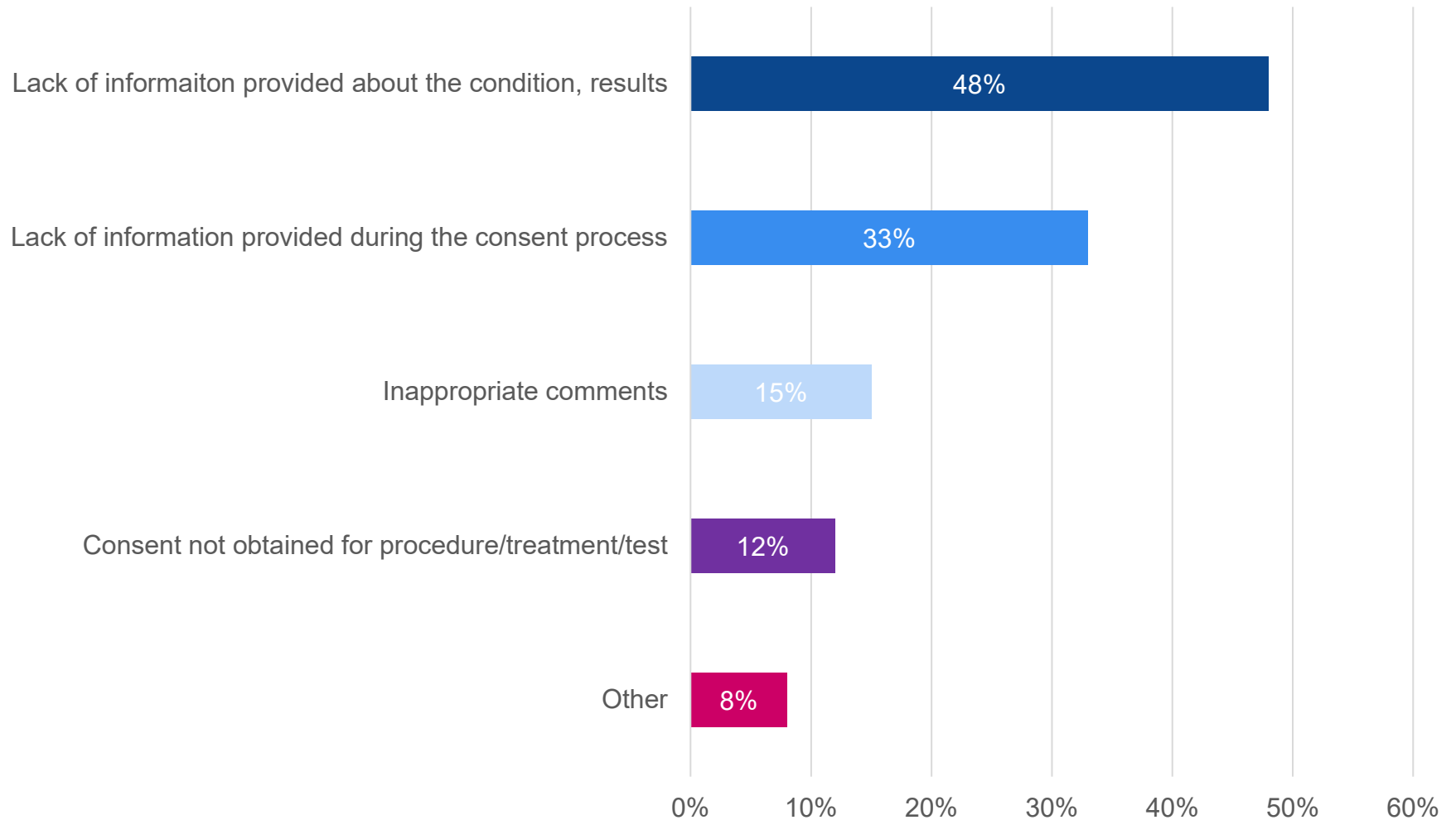
Doctor-patient communication

4 in 10 claims and complaints involved doctor-patient communication



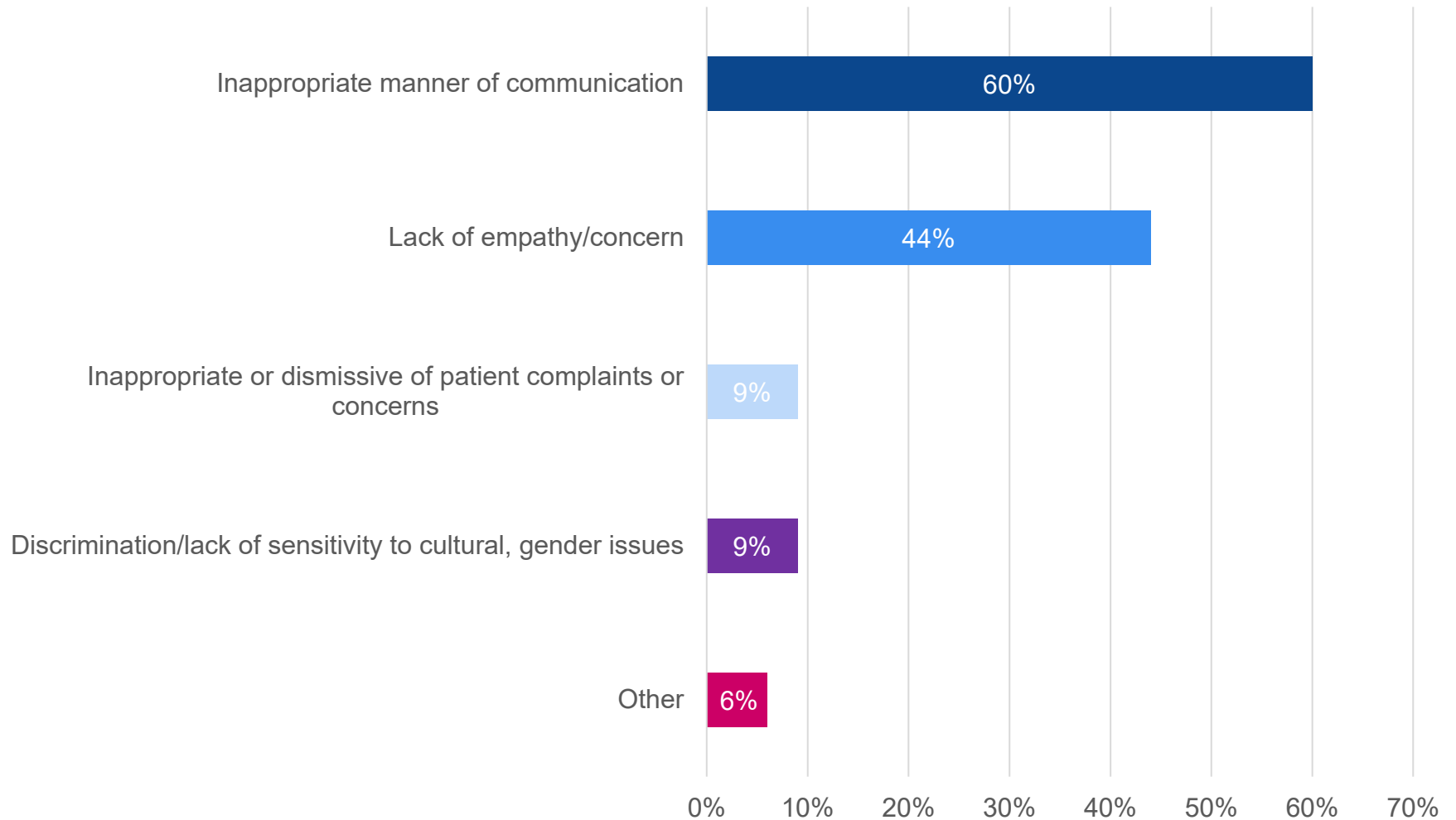


Content issues



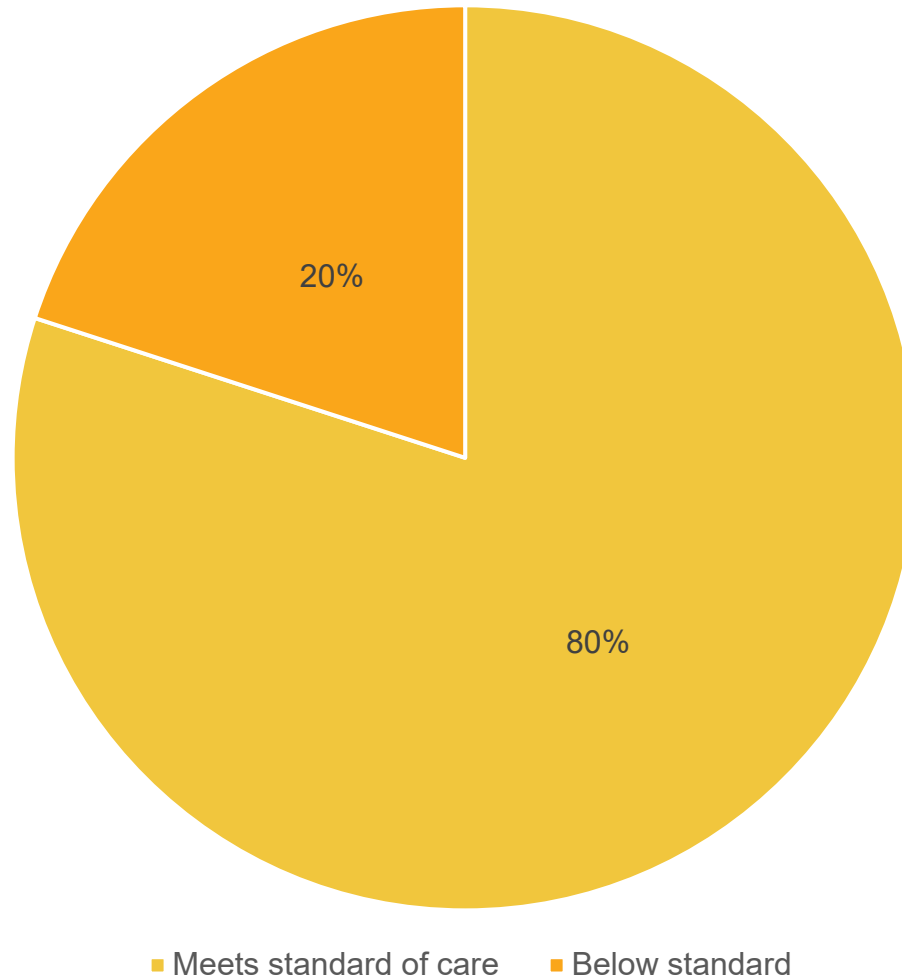


Manner Issues





Assessment of care provided



Consent



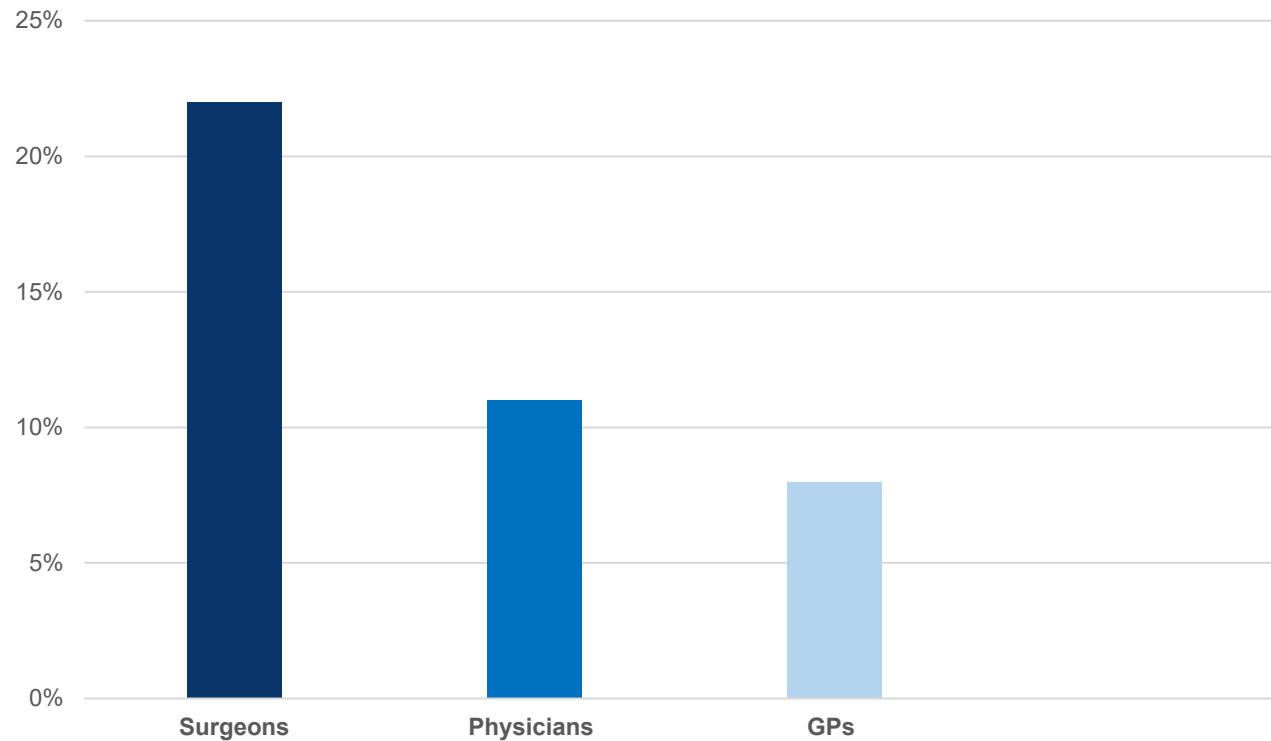
1 in 10 matters consent related



Source: Based on Avant's analysis of the main underlying theme in more than 5000 complaints to regulators and compensation claims closed between July 2016 and June 2018.



Consent related matters by specialty



Source: Based on Avant's analysis of the main underlying theme in more than 5000 complaints to regulators and compensation claims closed between July 2016 and June 2018.

“Informed consent is a person’s voluntary decision about medical care that is made with knowledge and understanding of the benefits and risks involved.” (Medical Board’s Code of Conduct)

Capacity

Disclosure

Scope of consent

Voluntariness



Responding to complaints



“Virtually every doctor knows the sickening feeling of making a bad mistake. You feel singled out and exposed – seized by the instinct to see if anyone has noticed. You agonise about what to do, whether to tell anyone, what to say. Later, the event replays itself in your mind. You question your competence but fear being discovered. You know you should confess, but dread the prospect of potential punishment and of the patient’s anger”.

Source: Wu AW. Medical error: the second victim. *BMJ* 2000;320:726–7.

Questions?



Important notices

General disclaimer

The information in this presentation is general information relating to legal and/or clinical issues within Australia (unless otherwise stated). It is not intended to be legal advice and should not be considered as a substitute for obtaining personal legal or other professional advice or proper clinical decision-making having regard to the particular circumstances of the situation.

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