(174)

Bundaberg Hospital Commission of Inquiry

STATEMENT OF GEOFFREY SMITH

I, GEOFFREY SMITH, make oath and say as follows:-

- I reside in the Bundaberg district at and address I have provided my address to the Commission.
- 2. I have had bad experiences with local anaesthetic. Once when I was a young boy I chopped my finger with a tomahawk. When I was treated for that injury chloroform was administered to me to anaesthetise me. During the procedure I was in so much pain I had to be held down. On a couple of occasions I had been treated for minor sporting injuries, during which I was anaesthetised locally. During those procedures I could feel everything. I have also had a vasectomy, during which I was anaesthetised locally. I could feel everything during that procedure and suffered enormous pain. The Doctor who performed that procedure advised me afterwards that if he had of known I had a high resistance to local anaesthetic he would have used a general.
- 3. I visited my general practitioner to investigate a melanoma on my right shoulder and nose.
- 4. I was advised that it needed to be surgically removed. I saw Dr Patel at Bundaberg Base Hospital ("the hospital"). He advised me and that he would excise the melanoma on my shoulder using a local anaesthetic and it would be

Signed.

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a simple procedure. He did not mention the melanoma on my nose.

- 5. I told Dr Patel about, and gave details of, my prior bad experiences with local anaesthetic and that I was reluctant to undergo a surgical procedure using same. Dr Patel did not take the trouble to ask me about the details of these experiences he simply replied: "You are not a baby, you can have a local".
- 6. My immediate reaction was that I wanted a referral to another hospital. I requested that Dr Patel perform a different procedure, asking him if there was any way to do it other than with a local. When he responded no I asked if I could go to another hospital. He responded, "no, I'm the surgeon here, you've been referred to me. I'm doing it." Dr Patel gave me no explanation or warnings but I still signed a consent form. I suppose I thought after his comments that I may have been over reacting. I asked Dr Patel how long I would be out of work for. He told may a few days.

7. I received by letter from the hospital about fourteen days' notice for the surgery confirming Dr Patel would be my surgeon. I told my employer that I would have the surgery on Thursday 13 danuary 2004 and I would be back at work on the following Monday.

8. I saw Dr Patel on the day of the surgery and he explained to the interns in my presence what he was going to do. I did not want to hear this. Before the surgery, my blood pressure was not taken nor was my temperature. No hair on my arm was shaved and the area was not cleaned. I was immediately concerned about the surgery to be undertaken.

Signed...

Deponent

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- 9. As Dr Patel started cutting into me, it was immediately apparent that the anaesthetic was not working. I could feel everything.
- 10. I swore because of the pain and told Dr Patel that I could feel him cutting into me. It was extremely clear that the anaesthetic was not working. After I continued to swear, Dr Patel said to me, "You leave your dirty language at home".
- 11. I continued to yell out and complain and eventually Dr Patel threw a towel over my head with a comment along the lines "This will keep him quiet".
- 12. I was biting down on my thumb to avoid screaming from the pain.
- 13. I heard Dr Patel say: "He probably can see that big hunk of flesh I took that is what is making him upset!"
- 14. By this stage, I was in a state of panic and angry. I felt each stitch going in. My body was shaking in response to the pain and I kept on saying out loud that I could feel everything. I could also feel ongoing local injections. Dr Patel then said: "Get up." I replied that I could not. He repeated several times: "Get up." Eventually I had to get up. I had a burning sensation in my shoulder. I felt nauseous and battered. Consequently, I fell down and the nurse assisting, who had a very concerned look on her face, helped me back up.
- 15. I had no follow-up advice or treatment. Dr Patel just told me to come back in two weeks to get the stitches out. I received no advice on how to keep the wound clean. Dr Patel offered to treat my nose, however I refused to allow him. He prescribed me "tramadol" which he explained was a mild sedative.

Signed.

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- 16. Immediately following the surgery, I told my wife who was waiting at the hospital to take me home, that I was having real problems with a burning feeling in my shoulder over and under the wound.
- 17. I went back to the ward and I told the receptionist that I was not feeling very well. A nurse then came out and said to sit for five minutes and she came back after ten minutes and told me to wait another ten to fifteen minutes. Another patient sitting opposite me got up and left when I told the nurse who had done my surgery.
- The burning sensation diminished somewhat the next day. I visited outpatients the next day. I was "hopping" almost like I was convulsing. I said I wanted to see someone about the shoulder surgery. I saw Doctor Barnes who organised day dressings and a certificate off work. The staff there verbally observed that the stitching in my shoulder was too tight and accordingly the cut a portion thereof to reduce that tightness. I never saw Dr Patel again.
- 19. I have ongoing pain and discomfort where I had the surgery. I also have residual weakness and loss of strength and mobility in the shoulder. No one has ever explained to me what my on-going problems are or what the cause of the problems is.
- 20. I contacted by telephone the Medical Board of Queensland shortly after April 2004 and complained about Dr Patel and the treatment I had received at the Bundaberg Hospital. I had been advised to call the Medical Board by the secretary to my local member, Nita-Cunningham. The person I spoke to at the ROB MX651874123.

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Medical Board told me that if I had private health cover I could have had a Doctor of my own choice and none of the above would have happened to me. I was staggered at this response. I asked her if I could take my complaint to a higher authority and she said that she was as far as I could go with it. I asked if she reported to anyone else and she replied, "the Minister of Health". She said the nature of my complaint was confined to the manner of treatment I had received and if I had a problem with that then I should have private health cover.

- 21. My ongoing symptoms since the surgery are a burning sensation and pain under and over the wound when I extend my arm, when I lie in bed on my shoulder and when I close doors. I cannot lift my arm above my shoulder. When I ride a bike for fifteen minutes or more or engage in other activity that involves the use of my arm I suffer a "corked" feeling. It causes me great discomfort when working. It feels like a drip inside my arm. My sleep is disturbed. I have flashbacks of Dr Patel and the pain I was experienced during the surgery.
- I complained to a person I thought was the District Health Manager, Peter Leck, about the treatment I had received. In fact it was the District Director of Medical Services, Doctor Darren Keating. I now know it was Doctor Keating as I recognise his face from newspaper reports. I cannot recall the specific date I met with Doctor Keating. I had an appointment to see him on 10 March 2004. When I met him he did not introduce himself. From the outset, I found him to be

Signed.....

Deponent

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hostile and defensive. He said, "you've got a complaint". I replied, "yes I have" and told him the full background of same. I remember him saying words to the effect, "what do you want from us?! Do you want money?! Come on, come on, tell us! Do you want money?!" At that point the interview became somewhat heated and somewhat aggressive. I told him that it was not my intention at that time to seek compensation. I said all I wanted was that what had happened to me to be avoided in the future.

- 23. He also said to me, "you didn't have to have Patel. You could have had another Doctor." I replied, "I didn't know this." He said, "its there." I replied, "I didn't know this." I then told him that I had sought alternative treatment, including treatment at another hospital.
- 24. I left the interview with Doctor Keating with the distinct impression that nothing would be done about my complaints.
- 25. I received a written apology from Doctor Keating dated 10 March 2004. In that apology Doctor Keating stated, "In order to reduce the likelihood of a similar experience in the future, a review of what anaesthetic information and how it is provided in Pre Admission Clinic will occur. Your medical record will carry an alert regarding local anaesthetics and the Day Surgery Unit will review its processes for patients who experience some difficulty during minor operations. Finally I have discussed your concerns with Dr Patel, who has given an undertaking to review his interactions with patients in such circumstances." Now produced and shown to me and marked "GS1" is a true copy of that letter.

Signed...

Deponent

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26. Earlier this year a representative of the hospital stated at a patients support group meeting that patients would receive their medical records within twenty-one days of request of same. Accordingly, I requested my records from the

Consequently my wife put in a further request for them. Eventually, I attended the patient liaison office where my records were produced and copied immediately.

Hospital. Fwenty-one days after this request I had not received those records

- 27. I noticed that correspondence regarding my complaint and the alert referred to in Doctor Keating's letter was missing from my file. I called the hospital and told them about the missing documents. The person I spoke to said, "leave it with me, we'll get back to you". A lady by the name of Carol called me back later that day. She said, "how can I help you". I said, "there's stuff missing from my files". She said, "what's missing from your files?" I told her what was missing. She told me to come up to the hospital.
- When I attended the hospital I spoke to Carol. She told me the alert was on the front cover of my file. She showed me the front cover and I took a copy thereof. Now produced and shown to me and marked "GS2" is a true copy of that document. I asked her where the documents missing from my file were. She said they were kept in another part of the hospital. She did not say where and did not give a description of the file they were allegedly on. She then showed me a copy of the document now shown to me and marked "GS3". She told me that document had been on my file for one year and sixty-six days.

Signed......Taken

Deponent

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- 29. Now shown to me and marked "GS4" is a true copy of my medical records provided to me by my solicitors, Carter Capner Lawyers which are true and correct to the best of my knowledge, except:
 - a) There is no mention of nose cancer and removal thereof on my procedural consent form dated 13 January 2004;
 - b) The letter 10 March 2004 Boyd to Doctor Kerswill states, "wounds have healed reasonably well. In fact I had at that time a substantial discharge from my wound which lasted for about three weeks, requiring daily dressing; and
 - c) There is a reference to a nose biopsy on 26 February 2004. That biopsy was in fact not done.

Affidavit sworn on MONDAY 11TH

At BUNDAZKAG in the presence of:

Deponent

Solicitor/Justice of the Peace

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Queensland Health

BUNDABERG HEALTH SERVICE DISTRICT MEDICAL SERVICES

Enquiries to:

Darren Keating

Telephone: Facsimile: File Ref: 41502210 41502029 DK:jaw

10th March 2004

Mr Geoffrey Smith

Dear Mr Smith

Thank you for your visits of 27th February and 8th March 2004 concerning your recent hospital admission under Dr Patel.

On behalf of Bundaberg Health Service District, I wish to apologise for any distress and unhappiness you experienced in relation to this admission. This district aims to ensure that a high quality of care is provided to each and every patient, who accesses our services. It is always concerning when negative feedback is received. Nevertheless, the organisation and its staff will use this feedback in their efforts to improve the delivery of its services.

As you will remember, you were initially seen in an Outpatient Clinic on 13th January 2004, where you signed a consent form for this operation, which included details about the anaesthetic. Thereafter you were admitted on 26th February 2004 for removal of a skin cancer on your right shoulder. This cancer was removed with a special procedure performed to minimise scar size. After recovery, you were discharged home, before returning next day for review and a medical certificate. It would appear that you suffered from a number of symptoms after the operation that may be related to the large amount of local anaesthetic used during the procedure.

It is very evident that you were fearful of local anaesthetic and attempted on several occasions to discuss this matter with Dr Patel, prior to the operation. Unfortunately your concerns were not heard with the resultant situation in the theatre and recovery area that you described. In order to reduce the likelihood of a similar experience in the future, a review of what anaesthetic information and how it is provided in Pre Admission Clinic will occur. Your medical record will carry an alert regarding local anaesthetics and the Day Surgery Unit will review its processes for patients who experience some difficulty during minor operations. Finally I have discussed your concerns with Dr Patel, who has given an undertaking to review his interactions with patients in such circumstances.

Thank you for bringing this matter to my attention and I hope this information is of assistance.

Yours sincerely

Dr Darren Keating.

Director of Medical Services

Office

Queensland Health

Bundaberg Health Service

District

Medical Services

Postal PO Box 34 BUNDABERG Q 4670 Phone 41502210

Fax 41502029

GIVEN NAMES SURNAME U3

UNIT RECORD NUMBER

Medical Records may not be removed from CONFIDENTIAL



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ALERTS AND ALLERGIES REGISTRATION 850 LOGON-BE 01 Patient Number [061177] SMITH, GEOFF Age 53 Sex M Bed Doctor PAT DR PATEL - Not in Unit SURG Ward MOPS 02 Item [1] [1] 03 Alert Code [OTHER]
04 Onset Date [10 MAR 2004] 05 Date Entered [11 MAR 04] Duration of Alert: 1 Yrs 66 Days 06 Item [] [] 07 Allergy Code [08 Onset Date [Duration of Allergy: Yrs Days 09 Date Entered [] 10 Item [1] [1] 11 Comments [LOCAL ANAESTHETIC INEFFECTIVE-USE ALTERNATIVE PAIN REL]

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Waterfront Place 1 Eagle Street Brisbane QLD 4000 GPO Box 9925 QLD 4001 Tel (07) 3228 9333 Fax (07) 3228 9444 www.corrs.com.au



Sydney Melbourne Brisbane Perth Canberra Gold Coast

18 May 2005

Carter Capner Lawyers GPO Box 1860 BRISBANE QLD 4001 Partner Julie Cameron (07) 3228 9461 Email: julie.cameron@corrs.com.au

Dear Sir/Madam

Geoffrey Smith

We attach a copy of Bundaberg Health Service District patient file for Geoffrey Smith.

Yours faithfully

Corrs Chambers Westgarth

Júlie Cameron

Partner

attachments

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DUNDADERG DISTRICT HEALTH SERVICT

BUNDABERG HOSPITAL SMITH

SEX M UR NO 061177

GEOFF

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D SMITH GEOFF

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SPECIALIST OUTPATIENT NOTES

QUEENSLAND HEALTH PATHOLOGY AND SCIENTIFIC SERVICES

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Red: Officer	Dr Ionas Popa	Given	Name	Geoff	Sex	М	
10 T T 15	Bundaberg Base Hosp	DOB		10-Sep-1951			/ears
Dox 3	Bourbong St	Patien	t/Addres	S	-3-		, , .
OHPS-Bundaba P.O.Box 34 Bundaberg, O.F. 101 ph Or-415 fax Or-415	Bundaberg Qld 4670			5,000 6,000			
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Dr N Buxton Director of Pathology Tel. 07-49207301

Dr H Krause Staff Pathologist Tel. 07-49207303 Please discard any previous HAEMATOLOGY ROUTINE report of the same page number printed before: 03:30, 15 Apr. 2003

Page

QUEENSLAND HEALTH PATHOLOGY AND SCIENTIFIC SERVICES

Patient Location: Emergency Department (BNH) 4870 UR No BN061177 OHPS-Bundaberg Hospital P.O.Box 34 Bundaberg, QLD, QLD 4870 ph 07-41502530 fax 07-41512339 IS Consultant Keil, Naldo E (BNH) NON Name SMITH Dr Ionas Popa Reg: Officer Given Name Geoff Bundaberg Base Hosp Sex M DOB. 10-Sep-1951 Age 51 years **Bourbong St** Patient Address Bundaberg Qld 4670

Time Collected Date Collected Time Registered Date Registered Year Lab No	03:00 		Units	Ref/Range
Potassium Chloride Bicarbonate Anion Gap Osmolality (Calculated) Glucose	139 4.0 105 22 12 282 6.3		mmol/L mmol/L mmol/L mmol/L mmol/L mmol/kg mmol/L	(135 - 145) (3.2 - 4.5) (100 - 110) (22 - 33) (4 - 13) (270 - 290) (3.0 - 7.8)
Urea Creatinine Urea/Creat Urate Protein (Total)	8.2 0.10 81 0.54		(Fasting mmol/L mmol/L mmol/L	(3.0 - 7.8) ,3.0 - 6.0) (3.0 - 8.0) (0.07 - 0.12) (40 - 100) (0.15 - 0.50)
Albumin Globulin Billrubin (Total) Alkaline Phosphatase Gamma-GT Alanine Transaminase Aspartate Transaminase	65 41 24 6 70 50 32 26	S	g/L g/L g/L umol/L U/L U/L U/L U/L	(62 - 83) (33 - 47) (25 - 45) (< 20) (40 - 110) (< 50) (< 45) (< 40)
Lactate Dehydrogenase Calcium	159		U/L	(110 - 250)
Calcium Calcium (Alb. Corr.) Phosphate Lipase	2.22 2.20 1.36 164		mmol/L mmol/L mmol/L U/L	(2.15 - 2.60) (2.15 - 2.60) (0.70 - 1.40) (< 70)

GEN

E

Dr N Buxton Director of Pathology Tel. 07-49207301

Dr H Krause Staff Pathologist Tel. 07-48207303

Please discard any previous CHEMICAL PATHOLOGY GENERAL report of the same page number printed before: 03:48 15 Apr 2003

Page



BUNDABERG BASE HOSPITAL Department of Medical Imaging - Patient Report

Patient Name: SMITH GEOFF

UR Number: 061177 DOB: 10 SEP 51

Series Number: 1 Sex: M

Attend.Date: 15 APR 03 Current Date: 28 APR 2003

Examinations: Abdomen - Plain

Referred: DR I POPA

Location: ED

CLINICAL HISTORY: ABDOMINAL PAINS 10/10

ABDOMEN

Single supine abdominal view transmitted faecal loading in the right side of Bowel gas pattern otherwise appears nor is no radio-opaque calculis in the I renal tract or in the biliary area.

DS:2827

DR R(

July

MED CAL

QUEENSLAND HEALTH PATHOLOGY AND SCIENTIFIC SERVICES

Patient Location Staff Specialists (BNH)
Consultant Patel, Jayant (BNH Name SMITH
Beg Officer Dr Heike Kath
Bundaberg Hospital
Bourbong St Bundaberg Qld 4670
Patient Address

BN061177 IS 4
SMITH
Geoff Sex M
10-Sep-1951 Age 52 years

Collected

??:?? 26-Feb-04

Lab No

16129-4574

Histopathology Report

Biopsy No:

HISTORY

Lesion right arm.

MACROSCOPIC

Right deltoid area: A disc of skin 40 x 38 x 15 mm with a depressed white area measuring 25 x 23 mm. Focal crusting is seen on the lesion. No orientation suture is present. 4P, 3B, RP. (Dr N Buxton:ck 1 March 2004)

MICROSCOPIC

The sections show an extensive multifocal superficial basal cell carcinoma of the skin. Excision is complete.

SUMMARY

Skin (right deltoid area): BCC.

Dr N Buxton/ck QHPS Rockhampton Reported: 2 March 2004

T-01000 M-80903

PATHOLO

Dr N Buxton Director of Pathology Tel. 07-49207301 Dr H Krause Staff Pathologist Tel. 07-49207303 Please discard any previous ANATOMICAL PATHOLOGY report of the same page number printed before; 12:03 02 Mar 2004

Page 1 of 1

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BUN	DABERG HOSE	HTAL -	PATHOLOGY REPOR	r
NAME	U.R. NUMBER	SEX		
SMITH	0061177	M	·nano	AN02 Page 1 Anatomical Path
	D.O.B.	AGE		REPORT PRINTED
Geoff	10Sep 1951	45Y	B BERG HOSP	7Jan 1997 0334h

SURGICAL PATHOLOGY

15Jan 1997

978000614

Date received

15Jan 1997

HISTORY

Abdo pain. Reflux moderate.

MACROSCOPIC

1. R. oesophagus: A piece of pale coloured tissue that meas. 3mm.

Bl.i.t. (A).

2. Pyloric biopsy: A piece of pale coloured tissue that meas. 3mm.

Bl.i.t. (B).

MB:GP

MICROSCOPIC

- 1. R OESOPHAGUS: The biopsy is from the oesophago-gastric junction. The oesophageal epithelium shows low-grade inflammatory changes consistent with reflux oesophagitis, and the gastric mucosa is also mildly inflamed. There is no evidence of malignancy.
- 2. PYLORIC BIOPSY: The antral biopsy shows ectasia and congestion of sub-lumenal vessels, together with evidence of acute interstitial haemorrhage and epithelial disruption. There is no evidence of dysplasia or malignancy, and no Helicobacter-like organisms are visible.

PIAGNOSIS

(1) Mild reflux oesophagitis.

(2) Non-specific, superficial antral gastritis.

Reported: 16.1.97

Reported by

Clin. Prof. J.W. Searle

SNOMED CODING T62000 M41000

Discard any ANO2 page 1 printed between 15Jan 1997 and this report. 97S000614 A011

BBH DEPT EMERGENCY MEDICINE (ROLH N

15-Apr-2003 02:33:16

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REQUEST FOR R	ELEASE OF INFORMATION
Patient Name Gooff	Smith
UR Number 06117	7 D.O.B. 1019151
Request from pt. Sen	d to Dr Kerswill
Organisation Burrul	n St M/C
Address	
Telephone	
Facsimile	
Specific Information requi	
Urgency?	
Transmission method:	Fax Mail Collection Please circle appropriate method above
Request accepted by:	Cail C
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Request completed by:	
Date: / /	Time:

Med Recs ROI-FORM

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MEDICAL CERTIFICAT

QH 24

Department of Medical Services Bundaberg Health Service District Bundaberg Base Hospital PO Box 34 BUNDABERG QLD 4670

Telephone No: 41 521222 Fax No: 41 502219



JB/sh

Surgical Clinic

10 March 2004

Dr Gary Kerswill Burrum Medical Centre PO Box 1676 BUNDABERG QLD 4670

Dear Dr Kerswill

RE: GEOFF SMITH

DOB: 10.09.51

UR: 061177

Geoff was seen today in the Surgical Outpatients Clinic. He had a right shoulder lesion excised on 26 February 2004 with a local flap rotation. The histopathology has shown this to be superficial BCC with complete excision.

His wounds have healed reasonably well, although there is a bit erythematous response around the sutures sites and at the end of the flap, there is a small amount of discharge.

I think this should all heal with time and nothing further would need doing. At this stage, we have just organised further dressings and advised him to return should there be any problems.

Kind regards

Dr James Boyd PHO- Surgery

BUNDABERG HOSPITAL SEX UR NO SMITH M 061177 GEOFF

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BURRUM ST. MEDICAL

Dr. Gary Kerswill Provider No. 0317925W

16 December, 2003.



BY:____

Appointments Surgical Outpatients Specialist Outpatients Clinic PO Box 34 BUNDABERG 4670

Dear Doctor,

Geoffrey SMITH, D.O.B. 10.09.51 re:

Could you kindly see Geoffrey in relation to the basal cell skin cancer on his right deltoid area. I recently biopsied this and a copy of the report is enclosed dated the 9 December, 2003.

I feel the lesion is probably too large for primary elliptical excision and think some further surgical technique such as skin grafting will be required to remove it. Could you kindly see Geoffrey and treat further.

Yours sincerely,

10/09/1951 Requested N2/15/1900 DOB Patlent SMITH Geoffrey L 05/12/2003 52 Yrs Sex M Collected Age Address . 09/12/2003 06:17 hi 342827017 Ur Gary H Kerswill Reflby Histopathology Report: - Ref No: R67255-256

Clinical Notes: Lesion - left forearm and biopsy - right shoulder.

Macroscopic:

(1) Left forearm: The specimen consists of a skin ellipse and subjacent tissues measuring 21x11x3mm. Examination of the skin surface reveals a pale indurated area measuring 7x6mm.

(2) Right shoulder: The specimen consists of a cylindrical portion of skin measuring 3mm in diameter and 2mm in length. らしつりつ

Microscopic:

Both lesions are multifocal superficial basal cell carcinoma. The excision appears complete in specimen 1.

Summary: BASAL CELL CARCINOMAS (X 2). THE ONE EXCISION IS COMPLETE.

Reported by Dr David Weedon (Direct line (07) 3377 8776)

CERTS **DINORMAL** GENOMETRIE APPOINT GOTEAN DR. CHOTES PACINE REBULTO CHETAPPARTAGE CONTROL OF CONTROL

Report Tesla

Histopathology Collected 05/12/2003 Completed: Histopathology. To follow: none Your rel SMITGEOFBA859

Page 1

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