Bundaberg Hospital Commission of Inquiry

Statement of Gerard FitzGerald

Attachment GF19

P53

26 MAY 2003
21/5/23
21/5/23

Mr Peter Lecke District Health Manager Dear Sir,

1

It has taken me some time to be able to write this letter as I needed time to collect my thoughts and to regain some semblance of emotional / stability. I don't know how much of the general day to day problems hit your office before the complaints do but you may already know about me.

On Thursday 10th April I entered theatre late in the afternoon for the insertion of a Permacath as temporary access for dialysis. I woke in intensive care with the news that they mistakenly inserted it into my carotid artery and I was then flown to Brisbane for repair and new catheter.

Apart from the obvious medical problems this may have caused there are numerous emotional demons I have been fighting ever since. To begin with this occurred the day before we were due to leave for a holiday with our only daughter near Mackay. I also kept thinking of how close she came to losing me and never seeing each other again. I still have many tearful hours when I think of it.

My 2nd cause for complaint is that my husband found out when he came to visit ne in the ward and was told I was in intensive care. No phones in

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intensive care?

Thirdly where do you find some of your anaesthetists? That afternoon the gentleman, and i use that word advisedly, must have been in a foul mood and chose to take it out on me. I was in tears before I entered theatre. I am aware that my veins are less than ideal....medical experts have whinged about me for years.....but he was insufferable, he threw his hands up several times and made complaints about how difficult it would be so the whole procedure was doomed from the start.

I have now been home over 5 weeks and it amazes me that everyone walks around me as though I'm surrounded by eggshells. One Renal sister arranged for me to see the social worker but noone else has asked me how I feel, how I'm coping or even mentioned it at all I realise that you all have to protect your own but you can't pretend it didn't happen and that my life was put in danger. I know the names of the doctor and anaesthetist and I have X-ray evidence to back my claims. Brisbane Royal surgeons are also well aware of the incompetence involved.

I have no idea what I intend to do from here as i am still an emotional wreck and need more time to get some normality back in my life. I would love to sleep at night but as soon as all is quiet it all floods back and I lay awake for hours. Several renal patients have died in the past 12 months

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and I can't help feeling you have me lined up as next so there are more vacancies.

The next step will be a complaint to the Health Rights commission but I will await your response before acting further.

Yours Faithfully

P53

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QHB.0003.0002.00070 BE:01 S002.884"Si__ Patients on chronic hemodialysis have difficult iv access because of previous multiple accesses for the dialysis. Having multiple attempts to start a drip is a very common problem

Patient also had a neck incision from the previous dialysis access making identification of Internal Jugular difficult from the scar tissue. It is quite apparent that after surgically identifying the vein there was no blood return, indicating the vein was thrombosed, also a common problem with previous multiple accesses. This required further manipulation and accidental entry into the Carotid artery which is lying next to the vein. Accidental injuries to the surrounding structures including the artery, thorcic duct, pleura, lungs, etc is well known complications of the procedure. Unfortunately, this was not well documented in the chart or the consent form. The complication was identified immediately and was taken care of appropriately without any long term complications, even though it required transfer to Brisbane. Heparin was being continuously infused during her transfer to Brisbane and this had prevented the thrombosis of the artery.

Some of the issues with the complaints would have been prevented if we would have fixed the problem locally without transferring her to Brisbane. It always looks right if we do the procedures where we also are capable of dealing with the complications

J. Patel.

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FILE COPY



Queensland Health

BUNDABERG HEALTH SERVICE DISTRICT EXECUTIVE SERVICES

Enquiries to: Telephone: Facsimile Our Ref Peter Leck, District Manager

4150 2020 4150 2029

P53

BUNDABERG OLD 4670

Dear P53

Thank-you for your letter received on 27 May 2003 detailing your concerns about your hospital admission to Bundaberg Base Hospital in April 2003.

Upon reading your letter, I rapidly appreciated that the whole episode was very upsetting and daunting leading to significant distress for your family and yourself. Please allow me to apologise on behalf of Bundaberg Base Hospital for this incident and I sincerely hope that your recovery will continue

An investigation of this incident was undertaken by senior staff at Bundaberg Base Hospital in order to gain increased understanding of the context in which this incident happened and to reduce the likelihood of it happening again. I provide the following information in relation to the concerns that you noted in your letter. The ansesthetist who attended you on 10 April has been spoken to and counselled about the lack of empathy that he displayed prior to your anaesthetic. He is aware that his manner heightened your anxiety and apologises for this event.

Unfortunately your husband was not informed prior to his arrival at Bundaberg Base Hospital of your admission to the Intensive Care Unit. The staff's major focus was related to providing a high standard of care to you and organising your transfer to Brisbane, while continuing to care for the other patients in the unit. Where possible, staff will contact the next-of-kin as soon as possible to inform them of any major changes in the condition of a patient.

As you will remember, you required venous access to continue haemodialysis and allow you to take your holiday, after your fistula clotted and the operation to open it up was not successful. The qualified surgeon performed the procedure as per accepted technique. He noted that previous surgery in your neck had created scar tissue making the procedure more difficult to perform. The appropriate vein was identified however during the insertion of the catheter, it accidentally entered the carotid artery. This complication was immediately identified and the appropriate care undertaken, including seeking further specialist advice, the infusion of heparin (a blood thinning agent) and transfer to Brisbane. Accidental injury to surrounding tissues, when undertaking this procedure is a well-known complication, although relatively infrequent. Rarely are these complications life threatening, especially when recognised early as happened in your case.

Office
Queensland Health
Bundaberg Health Service District
Beurbong Street
BUNDABERG 4670

Postal PO Box 34 BUNDABERG 4670

Phone 4150 2020 Fax 4150 2029

EXECULIVE SERVICES

QHB.0003 D002 00073 26:81 S882'888'51 Unfortunately, this complication occurred to you leading significant distress on your behalf. Please be aware that there are a number of medical procedures, which intentionally enter major arteries with little risk to the patient.

The medical staff and I remain available to discuss this matter with you at a meeting at a time of your convenience, should you wish. I understand that you declined an initial offer to such, in a telephone call with Dr Keating, Director of Medical Services at Bundaberg Base Hospital, but the offer remains. We would be willing to arrange counselling with a psychologist, should you wish to help you recover from this incident.

I have spoken to the staff of the Renal Dialysis Unit to ensure that you are treated in a similar manner to other patients in the unit, so as to reduce the feeling of isolation and apparent tack of concern displayed by the staff. This unit aims to provide continuing high quality treatment to those patients attending for dialysis.

I hope that this information is of assistance to you and should you wish to discuss this matter further, I can be contacted on 07 4150 2020.

Yours sincerely

Peter Leck

District Manager

18/06/2003

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The C.E.O.
Bundaberg Base Hospital
01.06.03

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Dear Sir / Madam

I write to advise the performing of an operation for which I did not give written consent,

In April this year I had a consultation with Dr Patel for the removal of cancer on the inside upper section of my ear above the ear lobe. This had been excised by my local G.P. twice to no avail.

Dr Patel was shown the position by myself & had notes to work from He agreed at the time that the ear had "rolled" at the edge & this had

hidden the cancer from view even though scar tissue & a scab was visible at the time of my visit.

I subsequently was attended by the same Dr Patel on the morning of Tuesday the 20 th of May this year to remove such cancer.

When after the operation I was able to see in the mirror (outside of the hospital) I was not amused to find that the Dr had in fact cut tissue from behind the face of the ear which appeared to me to be completely wrong. I was given an appointment on Tuesday the 27 th of may for advisement of results and the removal of stitches.

The Dr who removed these (a female) advised "there was no cancer found". When I pointed out to her that the operation was from behind the car & on closer examination was in fact some distance above the previous operation, she agreed this was the reason "NO" cancer showed up in the report. In fact the wrong area had been operated on.

Now,..... Have you ever had your ear operated on? more than once? Let!

alone in the wrong place altogether?

To say it is painful would be an understatement indeed.

This not just at the time, but even now it is still very sore at times.

I now have to consider having the operation again because what I gave written consent to have done has as yet not been done. The cancer is still there. The professional advise I have received is that I should sue for incorrect procedure, is I'm sure is not what you would want to hear and I respectfully await your reply.

Yours Sincerely -

P151

U.R. No 121526

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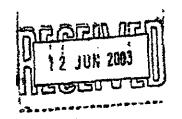
Bundaberg Health Service District COMPLAINT REGISTRATION FORM

This form is to be completed the staff member who is registering the complaint

Complete Marking 10 104.03.								
Complaint Identifier: 0 104.03.								
Type of Complaint: Written X Verbal Telephone								
Name of person handling complaint: Dr Darren Keating Ness and Desputes of for handling the complaint								
Facility:	☑ Bundaherg	Childers	Gin Gin	Mit. Perry				
Source of Complaint	* Patient/Client	O Relative/Cares	O Friend	/Advocate				
	☐ Staff Member	□ Volunteer	[] Anony	mona				
	O Other - Please specif	·						
Complainant Details	Name: P131							
	Name: P 5 Election Status:	#	UR: 0284	56				
	Gender: F	DOB:	ussion Status: Post Code	A 6770				
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Complaint Handling								
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Service Type	Location of Incident:							
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C.E.O.
Bundaberg Base Hospital
Bourbong Street
11.06.03

Dear Sir,

Further to my last advice and subsequent appearance (at your direction) to attend a clinic with Dr Patel on the 10.06.03 I advise as follows.

I met with a different Dr who advised (correctly) that, yes the procedure had been done in the wrong place on the ear, and yes that's why the report came back "no cancer". At that point I was offered another appointment to go through the process again in late July 2003, to have this excision done correctly.

The above being the case. Where does that leave the Hospital and its Staff in relation to my action against the Base Hospital as previously advised?

Only that the above Dr (not Patel I note) has agreed the previous operation was incorrect contrary to your advise to me over the phone.

There is a simple solution. (This at no cost.) If you wish to contact me by phone so that I do not proceed further then feel free to do so. Obviously for me time is important.

Yours truly

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Bundaberg 11,06.03 Ph Ph

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Bundaberg Health Service District NOTIFICATION OF COMPLAINT

This form is to be completed by either a staff member or the person lodging the complaint.

Date: 2 July 2004	HALL ROCKER IS NO SE			
Name of Facility:		Childers	Time: 1:15 p	Mt. Perry
Complainant:		☐ Visitor	Other (please	-
Name: 9131			UR Number:	
Address:				
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Details of Complaint (s	ntzch additional m	formation if neces	sary):	
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in Dr Pa	ne f	è note	cd a	1917.

Signature: Kristeen Baggetto

CA SIEL

Date: 02/07/04

Designation: AO grant montes

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EXECUTIVE SERVICES 1 25/25/29

SERVICES TO EXECUTIVE SERVICES



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Bundaberg Health Service District NOTIFICATION OF COMPLAINT

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nature: Kri ma mamani	steen Bi	pretto Data	: 02/07/04	tangias C E SEBAICES	OA :noi	0HB 0003 0002.00

66 year old female was seen in clinic on 1 July, 2003 following a referral from Breast screening. She presented with Itchy area on the right nipple of several years duration. On Examination she was noticed to have an eczematous area on the tip of the right nipple. Her areolar skin was normal and she had no palpable breast mass. She had a normal mammogram.

Based on these findings differential diagnosis of Eczema vs Paget's disease was entertained. She was started on Cortisone cream to see the response of the skin lesion and was given review appointment in three months. If there was no improvement in three months biopsy would have been an obvious choice. This was all discussed with the patient.

Paget's disease of nipple and Eczema are very hard to differentiate on clinical exam. Since Paget's disease is essentially a sub-arcolar ductal carcinoma in situ; large number of patients will have sub-arcolar micro-calcification. In the view of several years of history, normal mammogram and findings of the examination it was quite reasonable to try conservative management first. Unfortunately it was indeed a ductal carcinoma in situ which is now completely cured with a simple mastectomy.

She did not return for her review appointment on 23 Sep. 2003. She presented to the clinic on 27 October, 2003 with haemorrhoidal problems. Breast problem was reviewed and she was advised to return for review again in three months. At this stage, biopsy probably should have been entertained depending on the examination findings.

Opinion: Her initial treatment for nipple problem was adequate. The diagnosis could have been confirmed at her second visit in October if the biopsy was performed at that stage. However, she is adequately treated and cured with no long term consequences. Incidentally, she demanded bilateral mastectomies and received them.

J. Patel 15-7-04



Ougensiand Health

Executive Services Bundaburg Health Service District Enquines to: Telephone:

Or Darren Keating

Facsimile: Our Ref:

4150 2210 4150 2029 **DK:law**

2nd August 2004

P131

1

BUNDABERG OLD 4670

Dear Mrs Roach

Thank you for your telephone call of 2 July 2004 concerning your treatment by Dr Patel In relation to your breast cancer.

I have reviewed your medical records plus discussed your care and associated concerns with Dr Patel. On behalf of Bundaberg Health Service District and Dr Patel, I wish to apologise for the distress and associated anxiety that you have suffered in relation to your treatment.

When you initially presented to Dr Patel in July 2003 after your normal mammogram at BreastScreen, he diagnosed the Itchy area around your right nipple as eczema and prescribed a simple sterbid cream. A follow-up appointment was booked in September 2003 which unfortunately you were unable to attend, although you attended an appointment in October 2003 at which time an operation for your haemorrhoids was booked and your breast complaint was reviewed by Dr Gaffield. He recommended a further review in three months.

Eczema and Paget's Disease (early canoer) can be very hard to differentiate and based upon your normal breast examination and mammogram, conservative treatment was begun with a review due in three months. This course of management was appropriate: unfortunately a lack of thoroughness at initial review appointment prolonged the time until definitive diagnosis and treatment in 2004.

../2

Office Bundaberg Health Service Durrict Bourbong Street **BUNDABERG 4670**

Portel POB0x34 **BUNDABERG 4670** Phone 4150 2210 Fax 4150 2829

EXECUTIVE SERVICES

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EXECUTIVE SERVICES

Thereafter Dr Towsey reviewed you and arranged for further mammograms and biopsies to determine your final diagnosis. All the treating surgical team were very surprised when the biopsy showed evidence of early cancer in your breast. As you will remember all treatment options were discussed with you at length and your recent double mastectomy will have definitively cured you of this cancer.

Thank you for your feedback which helps to inform all staff involved in your care about areas of improvement, in order that all patients attending Bundaberg Base Hospital receive the highest quality of care possible.

I hope this information is of assistance.

Yours sincerely

Dr Darren Keating Director of Medical Services

QHB.0003.0002.00067

Bundaberg Hospital Commission of Inquiry

Statement of Gerard FitzGerald

Attachment GF20

JAYANI (JAY) PATEL MD, FACS

Address

 C/O Bundaberg Base Hospital 267 Bourbong Street Bundaberg QLD 4670 Phone Mobile

Fducation

- MB,BS 1973
 M P Shah Medical College and Irwin Group of Hospitals Saurashtra University, India June 1967 to December 1972
- MS (General Surgery) 1976
 M P Shah Medical College and Irwin Group of Hospitals
 Saurashtra University, India
 January 1973 to December 1973 House man in Surgery
 January 1974 to December 1975 Registrar in Surgery
 January 1976 to December 1976 Semor Registrar in Surgery
- Diplomat of American Board of Surgery 1988 Recentified 1996
- Surgery Residency 1978-1984
 University of Rochester, Rochester, N Y 7/79 to 12/81
 SUNY at Buffalo, Buffalo, N Y 7/82 to 6/84

Positions Held

Director of Surgery
Bundaberg base Hospital
Bundaberg, QLD Australia
April 1, 2003 – present

Associate Professor in Suegery, School of Medicine Rural Chinical Division- Central Queensland Region Academic Co-ordinator Surgery January 1 2004 - present

- Staff Surgeon
 Karser Permanente, Portland Oregon
 October 1989 to September 2002
- Chinical Associate Professor
 Department of Surgery
 Oregon Health Science University
 1992 to present
- Surgery Residency Program Director Kaiser Permanente, Portland, Oregon July 1990 to April 1998
- Surgery Residency Program Director Limanuel Hospital/Bess Kaiser Integrated Surgery Program Portland, Oregon June 1992 to June 1996

Clinical Assistant Professor of Surgery				
State University of New York at Buffalo				
1984 to 1989				

Director of Surgical Education
Millard Fillmore Hospital, Buffalo, New York
July 1984 to August 1989

Professional Organization & Committee Membership

- American College of Surgeons (Fellow) FACS
- I. ducational Club of American College of Surgeons
- Association of Program Directors is Surgery
- Portland Surgical Society
- Surgery Education Committee Emanuel Hospital & Health Center 1992-1996
- Graduate Medical Education Committee Legacy Portland Hospitals 1992-1996
- Residency Review Committee
 Oregon Health Science University
- CQI Project Team, OHSU/KP Trauma Project
- CQI Project Co-leader, Fmanuel/KP Trauma Project
- Providence Health System/KP Transition Team for GME and CMI
- Medical Staff Committee, Doembecher Children's Hospital
- Critical Care Committee, Bess Karser Hospital 1991-1996
- Pharmacy & therapeutic Committee, Bess Kaiser Hospital 1990-1991

Awards:

- 5/81 Pennwalt Award Rochester Academy of Medicine
- 6/81 House Staff Competition Award Rochester General Hospital
- 6/83 House Staff Competition Award Line County
 Medical Center
- 6/91 Feacher of the Year. Emanuel/Kaiser Surgery
 Program

- 6/92 Teacher of the Year Emanuel/Kaiser Surgery
 Program
- 11/92 Excellence in Quality Management Kasier Permanente
- 11/95 Distinguished Physician Award Kaiser Permanente

QUALIFICATIONS.

- Educational Actively involved in Surgery Resident and Medical Student Education.
 - Member of Educational Club of American College of Surgeons
 - Recipient of the Teacher of the Year Award Given by the surgery residents 1991 & 1992
- Academic Academic appointments at the University since Completing the residency training
 - Examiner for the Certifying examination given By the American College of Surgeons 1996
 - Several publications in peer review journals and Book chapters
 - Several presentations at local, national and International meetings
- Administrative. Surgery Residency Program Director
 Achieved an ACGMF accreditation without
 Citation of Emanuel/Bess Kaiser Integrated
 Residency program which was on Probationary Accreditation
 - Invited to give a presentation at Association of Program
 Directors in Surgery meeting on "I ffect of Managed Health
 Care on Surgery Education"
 - CQI Facilitator Training
 - Award of Excellence in Quality Management, 1992

Publications

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- 2 Jayant M Patel, James S Williams, John O Naim, J. Raymond Hinshaw Protection Against Pneumococcal Sepsis in Splenectomized Rats by Autotransplantation of Splenic Tissue into an Omental Pouch Current Surgery 38 323-325, 1981.
- Jayant M Patel, James S Williams, Boris Shmigel, J Raymond Hinshaw. Preservation of Spleme Function by Autotransplantation of Traumatized Spleen in Man. Surgery. 90-683-688, 1981.
- 4 Jayant M Patel, James S Williams, J Raymond Hinshaw Preservation of Splenic Function By Autotransplantation of Splenic Tissue in Human World Journal of Surgery 5 426, 1981
- 5 Jayant M Patel, James S Williams, John O Naim, J Raymond Hinshaw Protection Against Pneumococcal Sepsis in Splenectomized Rats by Implantation of Splenic Tissue into an Omental Pouch Surgery 91 638-641, 1982
- Jayant M. Patel, Ermino Rizzolo, J. Raymond Hinshaw. Spontaneous Subcapsular Splenic Hematomia as the Only Manifestation of Infectious Mononucleosis. JAMA 247 3243-3244, 1982 (English). JAMA 23 111-113, 1983 (Japanese).
- 7 James S Williams, Jayant M Patel, J Raymond Hinshaw Omental Pouch Technique for Reimplatation of Spleen Surg Gynecol Obstetr 155 730-731, 1982
- J M Patel R.J Lanzafame, J S Williams, B Mullen, J R Hinshaw The Effect of Bupivacaine on Pulmonary Tunctions, Atelectasis and Narcotic Need Following Cholecystectomy World Journal of surgery 6 656,1982
- 9 Jayant M Patel, Raymond J. Lanzafame, James S. Williams, Beth V Mullen, J Raymond Hinshaw. The Effect of Bupivacame on Pulmonary Lunctions, Atelectasis and Natcotic Need Following Cholecystectomy. Surg Gynecol Obstetr. 157:3380340, 1983.
- 10 Jayant M Patel, David P Rigan, Camille Rataczak, James S Cosgriff, John R Border, James S Williams, Experience with Splenic Salvage in a Large Community. J Trauma 24 676, 1984.
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- 13 Gennaro Salvidio, Jayant M Patel, Neal Niesen, Jan Brentjens, Guiseppe Andres, Felix Milgrom Giomerulonephritis in Parental Kidney Graft During Chronic GVH in F1 Mice Transplantation 47 1083-1085, 1989

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Chapters

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Bundaberg Hospital Commission of Inquiry

Statement of Gerard FitzGerald

Attachment GF21





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1030450	raiei,	Special Purpose - Section 135	Current	No	Ν̈́ο	No	c/- Bundaberg Base Hospital Bourbong Street BUNDABER(QLD 4670

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Medical Practitioners Register Registrant Details

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Name: Dr Jayant Patel

Registrant Number: 1030450

Gender: M

Registration Category: Special Purpose - Section 135

Registration Status: Current Registration From: 1/04/2004 Registration To: 31/03/2005

Special Purpose Activity: To fill an area of need at Bundaberg Base Hospital, or any other public hospital authorised by the Medical Superintendent on a temporary basis.

Address

c/- Bundaberg Base Hospital Bourbong Street BUNDABERG OLD 4670

Qualifications

Qualification
MB BS SAURASHTRA

Institute

Saurashtra University

Year

Country

1973 India

Conditions imposed on this registration

There are no conditions imposed on this registrant

QHB.0003.0002.00235

http://www.healthregboards.qld.gov.au/PublicAccess/Details.asp?Reg_No=1030450

4/02/2005