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02 AUG 2007

HEALTH QUALITY AND COMPLAINTS  
COMMISSION SELECT COMMITTEE

Ms Leesa MacLeod

ESK,

31st July 2007

Research Director  
HQCC Select Committee  
Parliament House  
George Street  
BRISBANE Qld 4000

SUBMISSION

Acting on behalf of a complainant no longer exists! HQCC are now impartial fact gatherers for both sides; acting as a referee between the complainant and the doctor and/or hospital involved. Information relating to an investigation is no longer available to the complainant or freely given as before. The release of all information relating to the complaint has been tightened to the extent that the complainant is kept completely in the dark as to what is actually happening with the investigation. In my opinion the process has been made worse since the legislative changes of 2006.

My complaint made in early 2004 - following my mother's death in the ... in 2003 - has not been dealt with in a timely manner as it is now into it's 4th year! I would like to point out the toll this has taken on my life and health being the complainant. The investigation has taken so long it has greatly added to my grief and suffering over the death of my mother to the extent that my emotional, mental and physical health has been seriously affected, and it is deteriorating further the longer this investigation is dragged on. I have no quality of life, nor have I been able to grieve properly until this is over.

As my complaint not only involves my mother's death but also a substantial number of others that are currently being investigated by the Commission as a result of the same surgery performed by the same Doctor in the same Hospital. I am aware that the Doctor being investigated was stopped from performing this surgery at the ... in 2005 and then commenced at ... Private Hospital until stopped in late 2006, **not by the Commission**, but the hospitals involved.

During the time my complaint has been investigated by HQCC and the Medical Board, in 2006 the Queensland Government organised an Obesity Summit which resulted in legislative changes allowing this same surgery to be performed on children. **No age limits now apply; the child signs an informed consent!** The HQCC are conducting their own investigation into BPD surgery itself as it is a health quality issue, and I am seeking to have this surgery banned.

During this time I wrote to Jim O' Dempsey, Director of the Medical Board, regarding this and asking when had this legislation been enacted. I also contacted HQCC over this same issue who in turn contacted the Queensland Private Health Unit and the Premier's Department, but no one could/would tell me anything.

Consumer engagement?? ***THERE IS NONE!***

The monitoring of standards of medical providers and associated entities should be subject to regular checks on their medical capability, educational standards/ knowledge updates, patient general management and MORTALITY rates. The latter should be followed up after a longer period than 3 months as is currently the case, instead 2 years would be more appropriate for instance.

What independent and objective checks are made other than by a Hospital's Medical Advisory Board to ensure the information provided to them by a doctor is correct? It is too late once errors have been made resulting in numerous deaths for the HQCC to follow this up. There should be an additional independent system in place so a serious situation is not allowed to develop. In the case of my complaint there were numerous deaths involving the same doctor at the same hospital doing the same flawed surgery over many years both before and after my mother's death. This situation should never have been allowed to occur in the first place.

It is blatantly obvious the current functions and powers of the Commission ***must be*** changed which ***obviously*** will require changes to the ACT. It is also obvious to me that the Commission is grossly understaffed, grossly under-resourced and is not coping with its huge workload effectively, making it a toothless tiger.

HQCC and the Medical Board should be working together on serious complaints such as mine, that involve a substantial number of deaths due to the medical negligence of one doctor performing a flawed operation. Information is not freely passed between the two entities. i.e. They are/are not working together; do/do not disclose information to each other; they set a course of action and do not follow through; change courses of action when it suits.

In the case of my complaint, after years of excruciatingly protracted investigations by HQCC and the Medical Board it was decided at a formal meeting between the two that a medical expert would be briefed on my mother's case and a report compiled by a lawyer to formally be presented to the Medical Board Committee.

The same medical expert would be briefed on the same doctor's other patients who had died from the same operation and a report would be compiled by the Commission, then the Commission's report and the Board's report would formally go before the Medical Board Committee together. I have now been told the Board have told the Commission this will not be happening; that the Commission's report is separate to the Board's report. The Commission cannot understand this as it was not the agreed course of action to be taken, as the two reports are about the same doctor and the same surgery and it doesn't make sense not to collaborate.

I contacted the lawyer acting for the Medical Board and the HQCC over one month ago for an update. They both told me they couldn't give me any information, and both promised me a call within 2 weeks. I have still not heard back from either! This has been a common occurrence throughout the investigations. More often than not my phone calls are not returned!

Further information relating to my submission can be obtained from both the HQCC and The Medical Board of Qld. regarding my complaint of gross medical negligence against both *Dr. [illegible]*, who performed Biliary Pancreatic Diversion surgery, which resulted in the death of my mother, the late Ursula Dorothy MacLeod in October 2003.

Yours sincerely,

*Leesa MacLeod*

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