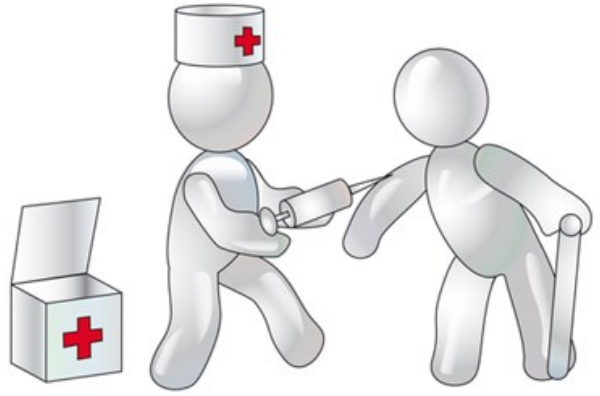




ANDERSONS
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LawTalk Blog



Should I shop around for a doctor?

Date: Thursday August 29, 2013

If I had known there was a chance of being injured I would have sought a more experienced doctor?

A common reaction by patients who have been treated or operated on where things have gone wrong, is to make enquiries as to the experience of the treating doctor or medical practitioner. Upon finding out that a treating doctor was potentially not the most experienced doctor in his field, patients often say that if they had known, they would have sought treatment elsewhere.

After the medical mishap, friends and family members wanting to be helpful, sometimes come forward and provide the name of a doctor who is said to be "the best in his field".

Some questions about medical negligence or medical mishaps may be:

1. Is the failure by a doctor to declare his experience (especially if not asked), a negligent act or omission?
2. Can junior doctors make mistakes and if not, how do they ever gain sufficient experience and training?
3. Is it acceptable, especially when accessing public hospitals, that patients attend a clinic which is headed up by a very senior doctor however on the day of surgery are treated by a more junior doctor?
4. Who should be responsible for the mistakes that a junior doctor may make?

A doctor has a duty to advise a patient of matters that the patient would be likely to attach significance to, in deciding whether or not to undergo treatment.

A patient in a public hospital typically consents to surgery knowing that an alternate surgeon may be assigned by the hospital and that trainees may be involved and that in those circumstances the risks may be greater, or do they?

Public hospitals do and can assign alternative doctors to take over a patient's care. Hospitals are however required to provide adequate supervision for junior doctors. Patients should be reviewed by a senior doctor before discharge and at other critical times.

In cases involving junior doctors, deficiencies in supervision must be identified in order to bring a claim for compensation when things go wrong. Long gone are the days where doctors can simply learn by trial and error.

The law has set reasonable standards of care to prevent injury. Because of the lack of experience by some doctors, this lack of experience itself could pose a risk to patients. If a doctor doesn't declare his level of experience then patients should ask; especially if the answer is critical in a patient's decision whether or not to have treatment carried.

It may be of course, that the procedure your are about to undergo is minor with very little consequence if things don't go exactly as planned. In those cases it may well not matter, however it is best to be informed prior to consenting to treatment than being wise in hindsight.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.