

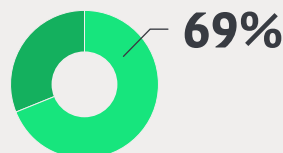
Anaesthetists in Focus

Insights & Claims Insights | 1 Jan 2023 — 31 Dec 2024

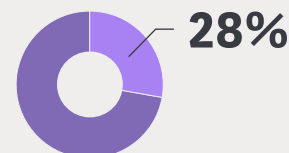


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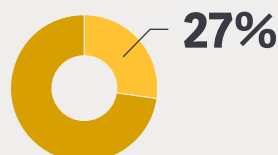
Anaesthetist Members notified MDA National of a medico-legal case in 2024, a shift from 1 in 15 in 2023.



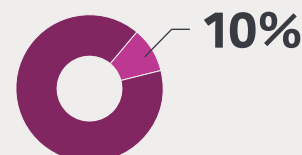
69% of primary incidents arose from the use of **anaesthesia**



28% of cases originated as **patient complaints**



27% of cases were specific to **dental injury**



10% of cases relate to **employment issues**

Key themes from MDA National case data



Dental damage

Alleged dental damage is the most common incident in procedural cases. These cases typically involve injuries such as chipped, broken, loose, or lost teeth, and result in the majority of all patient complaints.

The high volume of dental cases highlights the need for a higher level of diligence and preventative steps, including:

- Comprehensive patient assessments, including dental history and assessment of dentition
- Robust consent processes and explanation of risk



Procedural matters

These ranged from hospital readmission, ongoing symptoms (e.g. pain or dizziness), to loss of life. In many cases, Members were asked to provide statements or evidence about their involvement in the procedure.

Key proactive suggestions include

- Prioritise accurate and timely communication and documentation
- Ensure diligent follow-up care
- Maintain clear records and well-documented processes
- Quality documentation makes a significant difference when information is later required



Other considerations

- Employment matters account for 10% of cases, with the majority of these involving complaints about Members' alleged behaviour in the workplace.
- The high volume of patient complaints highlights the importance of having effective processes and policies in place to manage complaints appropriately

Case scenario

Patient X underwent anaesthesia for lower back surgery. One week later, our Member received a complaint from the patient regarding dental damage — specifically, a loose tooth.

A review of the patient's records confirmed that Patient X had signed a consent form acknowledging the risks associated with the procedure and disclosing the presence of fillings and a crown.

Our Member did not recall any intraoperative incident, and notably, the tooth in question was not one with a crown or filling.

MDA National provided our Member with several management options, including:

- Denying the allegation based on the documented consent and surgical record.
- Requesting the patient's dental records for further clarification.
- Considering a goodwill gesture such as waiving the gap fee or offering another form of reimbursement.

In this instance, our Member chose to waive the gap fee, and the matter was subsequently resolved without further action from the patient.

Key proactive considerations for dental-related incidents

When managing incidents involving alleged dental injuries, several factors are crucial:

- **Thorough pre-operative assessment** — including documentation of the patient's dentition and any pre-existing dental work.
- **Informed consent** — ensuring the patient has received and understood information regarding the procedure, associated risks (including dental risks), and financial considerations.
- **Comprehensive records** — maintaining accurate notes before, during, and after the procedure, including any incidents, will strengthen your position if a complaint arises.
- **Accessing prior dental records** — obtaining the patient's previous dental records may assist your case.

Looking for more info?

MDA National provides a variety of resources to support you in areas such as consent, medical documentation and complaints. Explore the links below for direct access.

Case studies & articles

- [A practical guide to managing dental damage](#)
- [Managing patient complaints](#)
- [Consent to Medical Treatment for the Mature Minor](#)
- [Workplace bullying and sexual harassment](#)
- [Consent for treatment](#)

Learning activities

- [Informed consent challenges](#)
- [Noteworthy: The how what where and why of medical documentation](#)
- [Ahpra complaints checklist](#)
- [Check MDA National LMS catalogue for workshops on 'Noteworthy - medical documentation'](#)

It is essential that MDA National is notified of any potential incidents or claims. Early notification ensures that tailored advice and support are available when needed and helps us prepare effectively should the matter progress.

For more information, please contact advice@mdanational.com.au or call us on 1800 011 255. Members can access our **Member Online Services, Support in Practice** or our **LMS** for information and education content.

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