

Bundaberg Hospital *Commission of Inquiry*

STATEMENT OF VICKI ELAINE LESTER

Vicki Elaine Lester makes oath and says as follows:

1. I reside in the Bundaberg district at an address I have provided to the Commission. I was born in Sydney on 11 November 1962, and I am a married housewife with two children.
2. I have kept a diary recording the matters set out hereinafter. Now produced and shown to me and marked "VEL1" is a true copy of excerpts of that diary.
3. In 1989 or 1990, a Doctor Tollis performed an operation on me at the Port Macquarie Hospital to remove adhesions. Before the operation he explained to me that adhesions are sheets of skin that grow inside the body and wrap around organs. He explained the operation was to dissect those adhesions into shreds in order to free up the organs. In 1994 or 1995, a Doctor Bland performed a hysterectomy.
4. In August 2003 Doctor Witjerane at the Bundaberg Base Hospital ("the Hospital") women's unit performed a laparoscopy on me. I had consulted with Doctor Witjerane on two or three occasions prior to that date because I was extremely unwell. I had lost a lot of weight and suffered from bowel problems, stomach contraction, vomiting, dehydration and pain. Consequently Doctor Witjerane arranged for the said procedure to discover a reason for my symptoms.
5. I have perused my medical records from the Hospital which I believe are

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Deponent

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accurate, except where they state that I have a history of boils and abscesses. I have no such history. Further, the records of my stay in the Hospital ward after the operation performed on me by Doctor Patel on 20 September 2003 state that I received daily changing of the packing in the three sites referred to hereinafter. That is inaccurate. In fact, I received no such changing of that packing during that stay. Now produced and shown to me and marked "VEL2" is a true copy of those records.

6. Dr Witjerane explained that the procedure would involve the making of one incision in my belly button, and one incision on each side of my pelvic region. A laparoscope would then be inserted through the incision in my belly button and through one of the pelvic region incisions. The other pelvic region incision would be made for the purpose of draining blood and other fluid ("the drainage site"). He told me he suspected endometriosis and the presence of adhesions which needed to be dissected. After the laparoscopy Dr Witjerane advised me that he did not find evidence of endometriosis, however he said my adhesions were really bad. He advised me that he had dissected adhesions in the pelvic region but that I would need further surgery to dissect the ones that were tangled around the bowel. He said he would prefer that further surgery be performed by a bowel specialist because he was afraid that, if he did it, he might perforate my bowel.
7. I stayed in the women's unit at the hospital overnight for observation. I was treated with a drainage bag, drip and pain relief. I was discharged the following

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day. The nurse who discharged me told me to remain in Bundaberg rather than return to home in case I needed to return to the Hospital. I was picked up from the Hospital by my parents and children and we all hired motel accommodation and remained in Bundaberg as advised by the hospital. Before I had even left the Hospital the drainage site in my wound soon became red and inflamed. Accordingly, I saw my general practitioner, Doctor Kenny Corbett who diagnosed me with MRAS Staph infection in the drainage site. He explained to me that MRAS Staph is a special type of infection that is resistant to most forms of antibiotics.

8. For days after my consultation with Doctor Corbett I felt very ill and was taking antibiotics that he had prescribed. I was in excruciating pain, often unable to function and crawling on my hands and knees. I lost a lot of weight. I developed abscesses every day around the labia, vagina and anal passage.
9. I visited Doctor Senanyake at the Sugarland Medical Centre. He examined me by taking a swab of the drainage site and the abscesses below it. He called me by telephone the following week and asked that I attend his surgery. During that conversation he advised that I had MRAS Staph. When I visited his surgery in accordance with his instructions he said that my abscesses had spread and he advised me to go to the Hospital immediately. I did not go there immediately because I already had an appointment with Doctor Corbett the next morning and I wanted to see him first.
10. I visited Doctor Corbett the next morning who diagnosed cellulitis which he said

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was an infection within my body and advised me to go to hospital immediately. My husband drove me to the Hospital on Saturday 20 September 2003. Doctor Patel operated on me later that day. I was told by the anaesthetist that I would have to have spinal block anaesthetic for the operation because he ~~was~~^{said} ~~worried about making me endure pain in the chest,~~ *my chest was a bit congested & v.v.* given I was already in terrible pain in the groin area. After he administered that anaesthetic, my entire body started shaking uncontrollably. He advised me that I had an allergic reaction to the anaesthetic. So he then administered a general anaesthetic.

11. I awoke later in the surgical ward. To that point no-one had explained to me what in fact Doctor Patel had done to me. I saw Doctor Patel was nearby and I repeatedly yelled out to him, "scuse me doctor". He was almost out of the door when he eventually turned around and came to me and said in a rude tone, "what do you want?" I asked him what it was he had done to me. He replied aggressively, "I already told you in recovery". I replied, "I was unconscious then." He then told me that he had removed a lot of puss out from the abscesses and inserted packings into my left labia, right labia and right anal passage ("the three sites"). He said that the packings would have to be removed before I left the hospital. During the time that I was in hospital, I removed two of the packings myself to relieve some pressure and pain. I managed to do this slowly. On the day of my discharge, my family arrived to pick me up and I went in search of Nurse Andrew who had been looking after me that morning. I found him on a coffee break and I asked him to help me

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take the remaining packing out of me. He replied: "You can take the packing out yourself at home over the next couple of days whilst having salt baths". I asked him if he was sure. I told him I could not see the packing. He replied with my family present: "Just take a hand mirror and as you can see the packing, pull it out."

12. Within the next day or so I had many attempts at retrieving the remaining packing myself but I could not. On a number of occasions I lay in salt baths. The packing was still inside my body and continuing to get sore. I went to Doctor Vito Villaluna who could not retrieve the packing with surgical tweezers. He said the site was too inflamed and too closed up for him to retrieve it now. He did say that the site was very clean. He sent me for an ultrasound which showed the foreign body inside me. I continued getting sicker and more abscesses appeared. Doctor Villaluna advised me that two fistulas had appeared on the right side of my labia and anal passage. Doctor Villaluna explained to me a fistula is a cavity shaped like a tunnel that develops in tissue and contains infection.

13. I saw Doctor Patel on two occasions in November and December 2003. On both of those occasions, he proceeded to tell me it was just my negative attitude. He said I was not sick and it did not matter that the packing had been left in as it was sorbisol and eventually it would break down itself. I asked him how long it would take. He said he had no idea. He said, "I am sorry on behalf of Nurse Andrew for not taking the packing out when you asked." He sent me

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over to the X-ray Department for an ultrasound the next morning. Dr Patel came into the X-ray room and asked if I would let him operate on me under local anaesthetic to retrieve the packing. I asked him if he was sure it could be done without a general anaesthetic. He said yes because if he did it under a general anaesthetic I would have to wait longer. He then asked me if I could return the next day.

14. When I returned the next day, he proceeded to put my legs in stirrups. He started inserting the local anaesthetic needle into the inflamed area around my genitals. Then after a short period of time which he told me was long enough to deaden the said area, he commenced the operation. I screamed which prompted him to insert more local anaesthetic which did nothing. I was screaming in agony while he was cutting into me, telling him that I could feel everything. The nurse told me to squeeze her arms to help me deal with the pain. Eventually, she said "break them if you have to", referring to her arms. He also said that if I kept moving he would cut me deeper. The nurse was laying, at my request, on me so that I would stay still. I was screaming in pain thrashing around and sobbing. He told me to scream as hard as I could and as loud as I wanted as no one could hear me. I begged the nurse to check the dish to see if he had retrieved the packing. She looked around for the doctor's tray and said: "Yes, you should not worry. We have got a few things in the tray."

15. He only pushed what remained of the packing further into the tract of the

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fistula. Afterwards, he apologised for putting me through the operation under a local anaesthetic and commented that it did not work because of the amount of scar tissue which was already there. I was discharged from the hospital. I was bleeding heavily that night and well in to the next day.

16. I continued experiencing pain and several more abscesses appeared. However, I refused to go back to Bundaberg after my experience with Dr Patel. On or about April 2004 I was referred to Dr McGregor at the Rockhampton Base Hospital by Doctor Vueti. After consulting Dr McGregor, he did an ultrasound which showed the fistulas and the foreign body still there, he decided to operate. He then signed a form for the subsidization of my travel and accommodation for the said operation. He gave me the form and told me that it had to be lodged at the Hospital.
17. I filled out and sent by post to the Hospital the form Doctor McGregor gave me. Now produced and shown to me and marked "VEL3" is a true copy of that form. I received a telephone call from someone who said they were from the travel section at the Hospital. That person said the Hospital would not subsidize my travel to Rockhampton. That person said that if I was not happy with the decision not to subsidize my travel then I should call the Director of Medical Services, Doctor Darren Keating. Accordingly, I called Dr Keating's telephone number and explained to his secretary that I needed to travel to the Rockhampton Base Hospital for further corrective surgery as my GP had referred me. I explained to her the treatment I had received from Doctor Patel

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to date and my terror at the prospect of being treated by Doctor Patel again. A week later a person named "Michael" advised me by telephone that, Doctor Keating had spoken to Patel and discussed my circumstances with him, and that they would not fund my travel to Rockhampton because even if I had a problem with Dr Patel, I could have the surgery at Bundaberg with a different surgeon. I was not told whether my allegations of mistreatment by Doctor Patel were being investigated or addressed.

18. I said I could not wait any longer for the surgery because I was so sick. Michael said I would have to pay for my travel and accommodation myself. Accordingly I went to the Rockhampton Base Hospital for the operation and paid for the travel and accommodation.
19. Now produced and shown to me and marked "VEL4" are true copies of my medical records from the Rockhampton Base Hospital. One thing that strikes me about my treatment at the Rockhampton Base Hospital is that I received daily changing of my packings and salt baths.
20. Since the operation at the Rockhampton Base Hospital, my condition has improved to the extent that the abscesses appear less frequently and my general health with the staph infection has improved. I am still having frequent problems with my bowel, including regular bouts of vomiting and diarrhoea. I can sometimes go two weeks without bowel movement and on those occasions I am so sick that I have to go to the casualty ward at the Hospital for assessment. I recently had to go there three times in one week.

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21. On 8 February 2005, I attended the Hospital thirty-five kilograms in weight, vomiting, dehydrated and in intense pain. I was taken to an ultrasound technician for an internal probe scan. The technician, Trevor said he wanted to accompany me back to casualty to discuss the scan with the surgeon. A number of doctors, including a Doctor Chan then came to my bedside in their theatre gown and said my bowel was blocked and I would have to have an operation but they would not be performing it that night. I would have to wait. After they left the nurse caring for me said she did not know what to do as they left no instructions on my chart and she could not phone them because they were in theatre. I was told I could go home. My parents picked me up and we remained in a hotel as I was too sick to travel back home. We visited the emergency department the next day (10 February 2005) and I was told by a female Doctor that I could return home. They said that they had checked with the surgeons and I would be sent a date for the operation in the post. My parents stayed with me in motel accommodation in Bundaberg until I was well enough to go home to Agnes Water.

22. On Saturday 12 February 2005, I was shopping in Bundaberg. I felt so sick that I went to a nearby motel to lay down. Shortly thereafter my parents arrived who called an ambulance which rushed me back to the Hospital. At the Hospital a Dr Habib told me he was from Doctor Patel's surgical team and discussed the ultrasound that was performed on me on 8 February 2005. He said, "I'll stake my reputation" on there being no blockage in my bowel. He told the casualty

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doctor, Christina, to discharge me. I was still throbbing in pain and dehydrated when she did so.

23. I lodged a complaint with the Health rights Commission by telephone on or about 15 February 2005. I spoke to Sue Macanany. I remember being very emotional and in tears. I conveyed to Ms Macanany, my fear that Doctor Patel would operate on me again, and my feeling that I had no-one to turn to. That same day Ms Macanany called me and told me that Doctor Keating had advised her that Doctor Patel had "suddenly gone on holidays" for two weeks. She said Doctor Keating said he could not discuss the matter with Doctor Patel until he had returned. She advised me to write a formal letter of complaint to Doctor Keating. I did that on 25 February 2005. Now produced and shown to me and marked "VEL5" is a true copy of that letter. I received a letter of acknowledgement of receipt of that letter from Doctor Keating dated 4 March 2005. Now produced and shown to me and marked "VEL6" is a true copy of that letter.

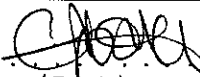
24. About two weeks after I sent the letter to Doctor Keating I received a telephone call from Ms Macanany who told me that she had given Doctor Keating 3 weeks to respond to my letter. She told me that he had said to her that he was "flat out" and had not had time to investigate my complaint fully. She also told me that because I am a public patient I cannot avoid being treated by Doctor Patel. However, she advised me that I should tell him verbally that I did not want him to treat me. She told me that that was all she or I could do.

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25. About two days after that conversation Ms Mananany called me again. By this time Doctor Patel was being featured in news reports. She advised me that, as of that day, my complaint had been referred to "assessment". She advised me not to expect from Doctor Keating a response to my initial letter of complaint to him. She ~~said that she had told him to direct any such response to the Health Rights Commission. She told me to gather up all my records immediately. She~~ ^{had said during the conversation referred to at paragraph 24 herein,} said, "I'll just tell you quietly, he's denying it". Now produced and shown to me and marked "VEL7" is a true copy of correspondence I have received from the Health rights Commission. v.l
26. I am having difficulties taking care of my children. My husband John has been on disability pension for six years. He used to be a house painter.
27. I have a feeling that the packing is still in there. I have lost all sensation in my right anal passage, where the last of my packing was left. I also believe the infection is still there. I have not had sexual relations for two years. I suffer pain when I sit down. I receive counselling in relation to the matters set out above. v.l
28. Now produced and shown to me and marked "VEL8" is a true copy of a handwritten note from my GP dated 29 June 2005 setting out my present state of health.
29. My parents have to come up from Sydney to help the family cope with daily chores. I have lost weight. At the worst point I weighed only thirty-five kilograms and now I have put on a bit more, and I am back up to forty kilograms.

Signed: . . . V. . . hester
Deponent

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Solicitor/Justice of the Peace

Affidavit sworn on 12/7/05

at BUNOBERG in the presence of:

V. hester

Deponent

[Signature]

Solicitor/Justice of the Peace

Signed:
Deponent

Taken by:
Solicitor/Justice of the Peace