



# Surgeon who lost 48 patients can't be named

**Andrea Mayes**

THE head of Western Australia's Health Department has admitted he is powerless to identify a surgeon who recorded 48 patient deaths over two years.

Neale Fong told *The Weekend Australian* he did not know the identity of the surgeon who refused to cooperate with the recently released 2004 WA Audit of Surgical Mortality.

The surgeon's identity is also a mystery to Health Minister Jim McGinty, audit chairman James Aitken, the Royal College of Surgeons, the state Medical Board and the Australian Medical Association.

The only person who knows the surgeon's name is the audit's data manager, who is prevented by privacy legislation from naming the doctor who refused to provide details of any of his patients' deaths for the audit.

Releasing the results last month, Mr Fong said the department would examine the surgeon's case, but he has now told *The Weekend Australian* it is unnecessary to identify the surgeon.



Neale Fong

out rogue surgical activity, we would know about it."

Mortality committees at all public hospitals recorded surgical deaths, and this data was provided to the department, he said. Private hospitals also had reporting requirements.

But Mr Aitken said the department's reporting systems did not include an analysis of surgical deaths.

"The department will know if there has been a significantly large number of deaths, but not if those deaths are appropriate or not," he said. "The data is just not analysed in that sort of detail."

Mr Fong said the surgeon was probably in a high-risk area such as neurosurgery or cardiothoracic, which would explain why so many of his patients died between 2002 and 2004.

Surgeons in these areas had to satisfy stringent reporting

"I don't need to identify him," Mr Fong said. "I have ensured all the other mechanisms are in place so that if there was a person carrying

requirements for every operation, he said.

There was no possibility the surgeon was another Dr Death — the name given to Jayant Patel who fled the country after being linked to a number of deaths and negligence cases at Queensland's Bundaberg Base Hospital. "I'm satisfied there is no Dr Patel in our system," Mr Fong said.

Mr Aitken said the audit's data manager had confirmed the surgeon worked in a high-risk area, but the absence of information from the surgeon about the deaths meant there was no guarantee he was not trying to cover something up.

Federal Health Minister Tony Abbott said it was up to the state Government to deal with the situation.

But Health Consumers Council director Michele Kosky was critical of the department's reliance on hospital mortality committees to identify problems.

"That's the problem with a self-regulating sector like medicine — it's lacking in transparency, which can lead to a loss of public confidence," Ms Kosky said.