

Warydoctors pass the buck

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DOCTORS fearful of being sued are increasingly leaving complicated decisions to their patients. Researchers warn that the trend could endanger patients who don't understand the risks and benefits of many common surgical procedures.

Vinay Rane, a researcher from the Victorian Office of the Health Services Commissioner, reviewed 100 complaints against surgeons since December last year and interviewed the doctors involved.

He said surgeons were becoming reluctant to strongly recommend surgical procedures, preferring that patients decide the best form of treatment.

"The pendulum has swung way away from paternalism, where doctors told patients what to do, and now it's probably too far on the side of patient autonomy," Dr Rane told *The Australian* yesterday.

"We will get to the stage where doctors will be asking patients what type of operation they want, rather than making the decision on clinical grounds. "I think it's very dangerous when doctors start thinking about their liability and whether they might get sued instead of treating a patient's conditions and symptoms directly."

Michael Fearnside, deputy chairman of the Royal Australasian College of Surgeons' medico-legal executive, said patients who were so afraid of having surgery that they would always choose non-surgical treatments posed a challenge for doctors.

Kathryn Booth, head of legal firm Maurice Blackburn Cashman's medical negligence department, said doctors were now careful to give patients written information rather than relying on verbal advice.

However, Paul Nisselle, a senior risk management adviser for the Medical Defence Association of Victoria, said doctors could overload patients with information they did not understand.

"We're moving away from the paternalistic model of medicine where doctors tell patients what to do and give them orders," Dr Nisselle said. "But the other side is that the patients are bamboozled with a lot of information and the doctors say it's not up to them to recommend what the patient should do."

He said doctors were increasingly taking steps to avoid litigation: "In fact, doctors are likely to suggest patients get a second opinion before they even ask." Dr Rane said many surgeons were devastated when patients made a complaint against them. "They often overreact and talk about quitting over a single complaint," he said.