

**Submission  
No 4**

## **REVIEW OF INQUIRY INTO COMPLAINTS HANDLING IN NSW HEALTH**

Organisation:

Name: Ms Fiona Murphy

Telephone:

Date Received: 14/06/2006

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Subject:

Summary

**From:** "fibiray"  
**To:** <gpscno2@parliament.nsw.gov.au>  
**Date:** 14/06/2006 10:47 pm  
**Subject:** re:- review inquiry into complaint handling within nsw health

Dear Sir,

I am writing in reference to your review of inquiry into complaint handling in nsw health, in which i wish to make a submission. My situation goes back to 1990 when I was admitted into gosford district hospital to give birth to my son. After delivery I was left for seven hours with my afterbirth left in in which I had lost over three quarters of my entire blood capacity. I was taken to surgery for a curette but while under an anesthetic I believe that there had been multiple blood transfusions performed in which I had not signed any consent forms or told of this procedure. Unfortunately the blood supply at the time was contaminated with the hepatitis c virus and I believe that had I not turned up with the virus I would have never known about the blood transfusions.

I had contacted the health care complaints commission (HCCC) several times requesting that they investigate the matter but they claim I was out of time because it had passed the five year period. At the time of my diagnosis it takes five years for the virus to appear in a blood test so would have been out of time to start with. I had raised concerns that there were other people infected as the transfusion sheet that I have has indicated that this is the case. I had also raised concerns that despite screening and testing having been in place from February 1990 and I was admitted June 1990, the hospital had no screening and testing done. Furthermore the hospital cannot provide signed consent forms for any transfusion.

I believe that there had been a criminal offense committed through the vehicle of medical trespass. I know that I had a follow up consultation with the operating doctor (Dr Malcom Catt) on the 6th July 1990 and my Medicare file shows a claim for this date however it is registering my GP Dr Jagavkar. Either there has been Medicare fraud or the file has been falsified. The interesting thing about this claim is that it is registering Dr jagavkar's 1996 address and in 1996 I was living on the south coast. It was also in 1996 that my GP on the south coast Dr Barclay had contacted gosford district hospital to inform them that he had a patient turn up with hep c.

The HCCC has refused to investigate my claim or whether there has been any other persons infected although as I later found out that any investigation would be futile as it turns out that the dept of health was running the blood bank back in 1990.

The transfusion sheet that I have in my possession shows six units of blood next to my name, the date reads 22/6/90 when my son was born 24/6/90. Dr Jagavkar refuses to forward me my medical file and I have contacted him several times about this.

In 2000 I had sent out a series of letters around the central coast, newcastle, sydney and the south coast stating that I got hep c from gosford hospital. Rather than bring action against me for defamation I was called in for a meeting with the then CEO John Blackwell who blatantly admitted to negligence but denied the notion of a transfusion. I believe that there are many GP's on the central coast who have potentially hundreds of people of their book who are in the same position as myself. The hospital cannot provide signed consent forms and I believe that if they were wreckless enough to ignore screening and testing legislation then they have been wreckless enough to ignore criminal legislation. After all, their denial of such transfusions supports the notion that I was not informed of the procedure and therefore could not have signed for the procedure. I had also contacted the nsw ombudsman of the time in 1997/8 in relation to the discrepancies in my Medicare file in which my letter was sent back to me, envelope included. The letter had been opened and had their stamp on it.

In 2003 I had spoken with the health minister the Honorary Craig Knowles about this matter and when i asked him what would be done to locate those infected he blatantly said 'nothing.' I have told the HCCC that if a concerted effort is not made to compensate myself and others I will publish the transfusion sheet. Currently I have a book in progress.

On a personal note I have been living with the hep c virus for the past 16 years and my liver is cirrohsised. I suffer from extreme fatigue and nausea and have other medical problems stemming from the condition. Two years after being discharged from gosford hospital I suffered from a sore throat so severe that I couldn't swallow my own spit and I lived off custards and purees because they had grazed my throat when jamming a breathing apparetus down my neck while in surgery. I had also undergone a hysterectomy because my tubes got infected so badly they could not be cleared all because of the surgery back in 1990. I also had remained in a stunned and dazed condition for 6 years after discharge from gosford hospital which i suspect I may have been in post natal depression and had gone untreated because nobody told me exactly what had happened to me. I very nearly infected my baby through breastfeeding which I had done the first few days after having him, but thank god I changed to bottle feeding, and he is not infected. My husband was at risk because we had not been told, and any future treating doctors such as Dr Walton who had performed my hysterectomy was also at risk because he could not establish an adequate medical history because I had not been told what had happened. I have lost my right to adequate medical treatment, I have lost my right to childbirth, and I have lost my right to my health. Furthermore I am also left with the financial burden of treatments, doctors, specialists, prescriptions and Xrays and even though I am now on a disability support pension because of this condition, it only covers so much of the cost. My working life has been completely crippled because of the wreckless actions of the doctors and hospital.

I do not think it unreasonable of me to expect some form of compensation and for criminal charges to be laid against the operators of the blood transfusions. I believe that the handling of all medical files should be under tighter scrutiny and doctors should be made more accountable, particularly when a patient is under an anasethic. This was childbirth, a very pre-meditation medical procedure not like a car accident where a patient is brought in off the streets. I can supply the relevant documentation if required, some of it is with my solicitor Bill Cortese of Koffels solicitors and barristers, in market st, sydney, while other documentation is currently with me should it be required. Furthermore, I also have a witness who was a woman in the next bed to me at the hospital at the time who can testify that I was in surgery for between 2-3 hours, it does not take 2-3 hours to do a curette.

I hope that for the sake of not only myself but for anyone else that the relevant people are brought to justice and I thank you for the opportunity to make this submission to your enquiry.

Regards

Fiona Murphy