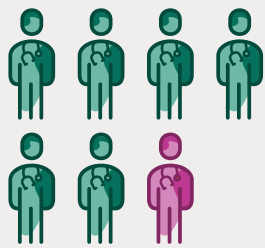


Surgeons in Focus

This report brings together key data and practical case studies to provide insight into the risks, trends and opportunities shaping your field today. It is designed to help you benchmark your experience, strengthen decision-making and highlight actionable ideas that support safer, more confident practice.

For the purpose of this report, we have combined all of our Surgeon member groups.

Incidents & Claims Insights | 1 July 2023 – 30 June 2025

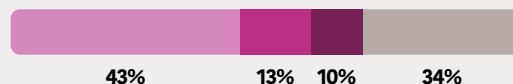


1 in 7

Surgeon Members notified MDA National of a medico-legal case in 2025.

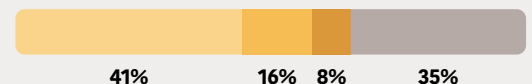
This is up from 1 in 9 in 2024.

Top 3 Incident Types



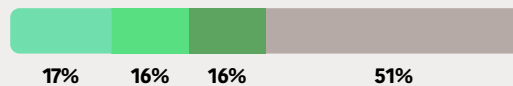
- Post-operative Complications
- General Duty of Care Issues
- Diagnosis
- Other

Top 3 Injury Types



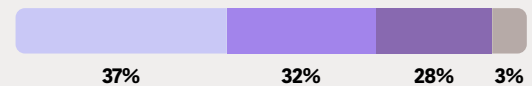
- Musculoskeletal System & Connective Tissues
- Digestive System
- Cardiovascular System
- Other

Top 3 Claim Types



- Solicitors Letter of Inquiry
- Writ
- Medical Board Inquiry
- Other

Top 3 Case Types



- Investigation
- Incident
- Claim
- Other

Key themes from MDA National case data

Post-operative complications

Highlighted areas in post operative complications included: patients reporting a lack of care or follow-up post-surgery, a lack of progress or poor/ unexpected outcomes, and ongoing pain, swelling or infection.

In some cases, further procedures were undertaken to address the problems, while in others additional care was provided.

Key considerations to mitigate complications can include:

- Providing clear information to patients that outlines the risks pre and post-procedure.
- Clarifying patient expectations and time frames for recovery.
- Ensuring patient understands the procedure with a thorough and well-documented consent process.
- Maintaining records that outline all communication as well as clinical care provided.
- Understanding the open disclosure process, to assist in the relationship with patients and carers.

MDA National has experience and expertise with a wide range of incidents, so you can contact us as soon as you recognise the potential for a medico-legal matter to emerge.

Request for records

66% of Writs/solicitors letters of enquiry were related to complications either during or post-procedure. This highlights the potential for medico-legal issue when things don't go as planned. A request for records may progress to legal action. If you recognise a complication during surgery, or potential post-operative complication, you can support Medico-legal defence by:

- Prioritising accurate and timely documentation.
- Ensuring diligent follow-up care.
- Maintaining clear records and well-documented processes.

Quality documentation makes a significant difference when information is later required.

Case Scenario 1*

An MDA National Member performed a colonoscopy on a patient. The following day, the patient presented to an Emergency Department where they underwent an emergency laparotomy and splenectomy due to damage from the colonoscopy.

The patient complained to the Medical Board that the MDA Member was dismissive, evasive and lacked sufficient duty of care.

- We assisted our Member in their response to the notification and obtained internal clinical input as part of this process.
- The Medical Board determined that our Member performed the procedure at the standard required, responded appropriately and engaged appropriately in open disclosure process.
- The Medical Board took no further action putting an end to the matter.

Case Scenario 2*

Our Member performed successful surgery. The patient developed a post-operative infection. They claimed that the MDA Member did not conduct adequate post-operative care and neglected their GPs request for review.

The patient made a complaint to the Healthcare Complaints Commission (HCCC). The HCCC referred the matter to the Medical Council.

- The Member responded to HCCC request without first contacting MDA National.
- Only when the HCCC referred matter to the Medical Council did the Member get in touch with MDA.
- We assisted our Member by reviewing their response, and provided suggestions on wording as well as obtaining internal clinical input.
- Contacting MDA National prior to submitting anything to a regulator may ensure an appropriate response and could prevent a matter from escalating unnecessarily.

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

- [Handing Over the Medical Record - What You Need to Know](#)
- [Creating and keeping medical records](#)
- [Subpoenas for Medical Records](#)
- [Recalls and reminders: Closing the loop](#)
- [Managing patient complaints](#)
- [How should I respond to a subpoena for my patient's medical records?](#)
- [Dealing with the stress of litigation and complaints](#)
- [Patient claims involving hospital doctors](#)
- [Is it okay to say sorry](#)

Learning Activities

- [Noteworthy: The how, what, where and why of medical documentation](#)
- [AI scribe tools in record management](#)
- [Introduction to Open Disclosure](#)
- [The challenging emotions of difficult news](#)
- [Informed consent challenges](#)
- [Surgeons' risk self-assessment – Privacy in private practice](#)
- [Medico-legal CPD Quiz 1](#)
- Check [MDA National LMS Catalogue](#) for more online and face to face workshops dates and times

Early notification ensures that tailored advice and support are available when you need it most. It also helps us prepare effectively should the matter progress.

Members have access to individualised advice and support and Member benefits. Non-members have limited access to our library of resources and education content.

Please contact advice@mdanational.com.au or call us on 1800 011 255 for more information. Members can access our [Member Online Services](#), [Support in Practice](#) or our [LMS](#) for information and education content.

Want more tailored information?

Scan QR code or visit mdanational.com.au/specialist/surgeons

