

## LEGAL ISSUES IN ANAESTHESIA

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Since 1 July 1996, the Code of Health and Disability Services Consumers' Rights has given patients in New Zealand legally enforceable rights to receive full information, give (or withhold) consent, receive care of an appropriate standard, and make a complaint to an independent advocate or the Health and Disability Commissioner.

As Commissioner 2000-10, I had a unique perspective on patients' views when things go wrong in health care, and was able to develop the law in applying the Code in many areas, including anaesthesia. The past decade has also seen important developments in safety and quality in anaesthesia.

This presentation will discuss four key legal issues in anaesthesia –

1. Informed consent
2. Duty of care
3. Safety and quality in anaesthesia
4. Adverse events – incident reporting, open disclosure, and complaints

Case studies will be presented to illustrate how these concepts apply in practice, and to clarify the anaesthetist's ethical and legal responsibilities.

