

Anthony Collins Solicitors concerned that out-of-hours care issues continue to cause deaths

In October 2008 Mrs Ena Dickinson, 94, died because of complications arising from a hip operation which went wrong. The operation, carried out in August 2008, was the first operation that Dr Werner Kolb, a German orthopaedic surgeon providing a six-week holiday cover at Grantham Hospital, had performed on his own.

During what should have been a routine procedure Dr Kolb made a number of severe errors and became so upset and agitated that he began speaking German and could not be understood by the attending nurses. A second surgeon was forced to step in to save Mrs Dickinson's life but unfortunately she was left bedbound. Shortly after she developed pneumonia and later died.

Anthony Collins Solicitors, experts in clinical negligence are concerned that this is yet another case involving issues that surround out-of-hours care and the use of doctors from the EU. Inez Brown, Associate Solicitor at the firm, commented; "Regrettably there are a number of parallels between this incident and the recent case of Mr David Gray who was killed unlawfully during an out-of-hours visit by German doctor, Dr Daniel Ubani. The underlying issues that are evident in both cases are still to be resolved and continue to put patients at risk."

Like Dr Ubani, who was working his first shift in the UK when he visited Mr Gray, Dr Kolb lacked the skills and experience needed for the role that he was covering. He had performed a relatively small number of hip operations during his career and had mainly been lecturing for the four years before the incident. He was woefully out of practice for the procedure he carried out on Mrs Dickinson.

Professor Graham Hale, who was commissioned by the Coroner to examine the evidence surrounding Mrs Dickinson's death, stated at the inquest; "The operation relied on basic anatomical knowledge, even at a junior level. I was horrified by what I saw."

In spite of the compelling evidence Dr Kolb and the NHS-approved agency Anthona Doctor Recruitment, which hired him both refused to co-operate with the investigation and have both denied any wrong doing. What is even more disturbing is that Dr Kolb was free to work in the UK for eight months after such a horrific blunder and it was not until the GMC were notified that Dr Kolb was suspended in June 2009.

Mr Gray died after Dr Daniel Ubani administered a lethal dose of 100mg of diamorphine (10 times the proper dose of a painkiller). Anthony Collins Solicitors represented the Gray family at the inquest at which the Coroner, Mr W.R. Morris said that this amounted to "gross negligence and manslaughter". Dr Ubani escaped a manslaughter prosecution in the UK after a German court convicted him of death by negligence with a 9 month suspended sentence.

The EU has implemented an 'open door' policy as checks to ensure European doctors are competent and able to communicate properly in English is currently banned under EU rules. Following the inquest of David Gray, the Coroner sent a report to the Secretary of Health making 11 recommendations.

He suggested that the Secretary of Health should undertake a review of the Operation of the Council Directive within the United Kingdom when considering specific training in medical practice and the variation in status of general medical practitioners across member states of the EU. In addition he recommended that guidance should be given to Primary Care Trusts to ensure that they are satisfied that practitioners have sufficient knowledge of English to be able to work as a doctor.

Inez Brown, who represented the Gray family concluded; "If safeguards are not put in place to ensure that foreign doctors have the necessary skills and training to do the job, speak proper English and are proficient with the NHS system the current situation could lead to an increase in fatal cases in the UK."

End

Further Information

Further information is available from the Anthony Collins Solicitors Press Office.

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Anthony Collins Solicitors

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Chambers UK, the leading guide to the legal industry, recently praised the firm across its broad range of practice areas, singling out an outstanding 20 leaders in their fields.

Its Clinical Negligence team has also been recognised by members of the legal profession. In particular, the Legal 500 and Chambers UK guides recommend Anthony Collins Solicitors as one of the leading law firms in clinical negligence in the West Midlands.

Inez Brown, Associate Solicitor, is the lead solicitor acting on behalf of the Gray family working alongside the team's two partners, Tony Hall and Rankeshwar Batta. Profiles for each of these individuals are available at <http://www.anthonycollins.com/who-we-are/our-people.aspx>.