

Cardiothoracic surgeons

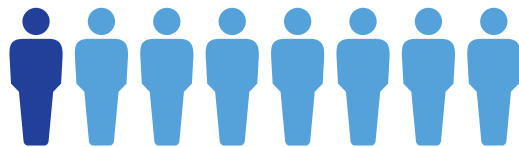
Overview

- Almost 60% of complaints and claims were related to the procedure or surgery.
- Alleged poor surgical performance, skill or competence resulting in injury and complications was the most common reason for claims.
- A poor consent process was another significant concern.
- Experts and/or regulators found that cardiothoracic surgeons met the standard of care in 60% of complaints and claims received.
- Most coronial cases were finalised without conducting an inquest.

Practice points

- Outcomes that don't meet patients' expectations are frequent reasons for claims.
- The consent process should include a discussion to ensure patients understand the potential outcomes, limitations, risks and any possible out-of-pocket costs before undergoing their procedure.
- Document your discussions and ensure you maintain detailed [medical records](#).
- Regularly review and update your surgical techniques to ensure they align with current best practice standards.
- Avant provides support for members involved in coronial investigations. Find out more [here](#).

Incidence and type of matters are based on all matters indemnified by Avant for cardiothoracic surgeons from FY 2020–24. Main issues and assessment of care are based on Avant complaints and claims closed from FY 2019–24. Coronal findings are based on coronial matters closed from FY2020–24.



1 in 8*

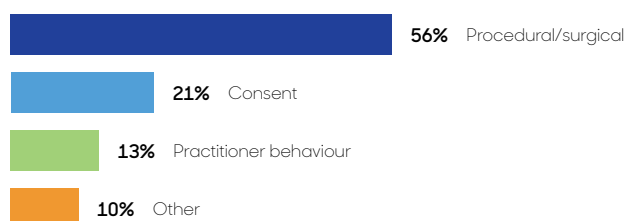
Avant cardiothoracic surgeon members per year were subject to one or more matters relating to their provision of health care.

*Five-year average

Types of medico-legal matters



Main issues in complaints and claims



Procedural/surgical issues

56% of claims relate to procedural/surgical issues. Of these, the most common allegations were:

- Poor surgical performance/skill/competence (e.g. phrenic nerve damage, other injury or complications associated with the procedure) (45%)
- Issues involving the selection or use of a medical device/prosthesis/fixation (e.g. device-related injury such as bleeding and nerve damage) (17%).

Of the procedures involved in these cases, 69% were cardiovascular (e.g. aortic valve replacement, coronary artery bypass) and 17% involved the lungs.

(% of total procedural/surgical issues)

Consent

In 21% of claims, the primary issue was a poor consent process. The most common concern was a lack of discussion about the risks associated with the procedure, treatment, or test.

Assessment of the care provided

Experts and/or regulators assessed the care provided in complaints and claims, with the following results:



(% of complaints/claims where the assessment of the expected standards on the main factor is known.)

Glossary

1. Matters include claims, complaints, coronial cases and other matters such as employment disputes and Medicare.
2. Claims refers to claims for money, compensation and civil claims.
3. Complaints relates to formal complaints to regulators including Ahpra, HCCC in NSW and OHO in Queensland.
4. Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.
5. Medicare matters include Medicare investigations and audits.

Coronial

Coronial cases* comprised 31% of overall matters. The most common diagnoses involved in these cases were heart diseases (40%), malignant neoplasm of the bronchus and lung (20%) and vascular diseases (16%).

Most coronial cases were finalised without an inquest.



*Coronial cases in this analysis were cases that were reported to the coroner/"reportable deaths" and had a solicitor appointed.

Medico-legal advice

If you receive a claim or complaint, contact us on 1800 128 268 for expert [medico-legal advice](#) on how to respond – available 24/7 in emergencies.

For any queries on this analysis, please contact us at research@avant.org.au



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IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published. © Avant Mutual Group Limited 2025. Insight-031 Published and current as of: 08/25 (DT-4547)