NWT Obstetrician Apologizes for Unprofessional Conduct

In March, 2023, an NWT Medical Board of Inquiry found me guilty of unprofessional conduct for removing the left Fallopian tube of a patient without her consent. The Board of Inquiry’s report is public, and additional details were made public in a civil lawsuit in 2022. However, there is confusion regarding what happened, and some context will hopefully help with understanding.

The patient was 37 years old and had three children. She gave consent for removal of her right tube and ovary to treat pelvic pain, but I did not have written consent to remove her left tube. The Board of Inquiry found that exceeding consent without an intra-operative emergency constituted unprofessional conduct and a serious error in judgement on my part. I accept this and apologize for it.

The Board of Inquiry accepted that I was acting in what I thought was the patient’s best interest: “First, he believed that the Patient was not planning to have further children based on his opinions gleaned from the pre-operative consultations. Second, he was of the opinion of the clinical benefit that removal of the (left) tube would reduce the Patient’s lifetime risk of cancer. Finally, according to his ... surgical training and experience as a(n) Obstetrician and Gynecologist, he felt this would improve the Patient’s chances of reducing her presenting complaint of pelvic pain... The Panel accepts that Dr. Kotaska believed in good faith that the Patient and her spouse had indicated that they did not intend to have more children... It is accepted as medical fact that high-quality literature ... demonstrates a reduction in lifetime risk of gynaecological cancer in patients who have had (both tubes removed).”

“From Dr. Kotaska’s clinical record and (the) medical student’s (statement), there is documentation that suggests the Patient and her spouse did not think they would have more children. At the very least, the evidence suggests that there was some basis for Dr. Kotaska to have understood, broadly speaking, that there was no intention of having additional children. The Panel acknowledges that this finding is not consistent with the testimony provided by the Patient or her spouse, and to the extent that the evidence differs on this point, the Panel prefers the evidence of Dr. Kotaska..."

I am very sorry that in this case my actions caused distress for the patient and her family. I have spent my professional life working in rural areas and supporting women’s autonomy, and I have written a number of papers including one on the importance of respecting women’s choices: Informed consent and refusal in obstetrics: A practical ethical guide - Kotaska - 2017 - Birth.

The College of Physicians and Surgeons of Alberta states: “Disciplinary hearings are rare, but represent another learning opportunity, not only for the physician involved, but also for the entire profession. We share discipline information publicly and hope all physicians see it as an opportunity to learn and grow their own medical practice.” The Board’s sanctions were a 5-month license suspension, payment of a portion of costs of the Inquiry, and a professional ethics course. These have been completed.

I recognize that my action in this case caused suffering for my patient and has eroded my contribution to Women’s Health. I have learned and grown through this experience, and I hope to continue working with humility to empower women to obtain care in keeping with their values, as close to home as possible.

Andrew Kotaska MD FRCSC