

Top doctor botched my hip replacement, says engineer suing for R9.5m

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A JOHANNESBURG engineer is suing one of the country's top surgeons for R9.5 million, saying a botched hip-replacement operation at the Sandton Medi-Clinic left him disabled, in pain and without an income for the past three years.

Michael Hosking, executive director of the Society for Professional Engineers, has slapped Professor Frans Weber of Sandton Medi-Clinic with a lawsuit for alleged negligence.

He wants R500 000 for past hospital expenses, R2m for estimated future medical bills, R6m for loss of income and R1m in general damages.

Hosking claims a law firm representing Weber sent "thugs" to his home warning him they would beat him up if he did not withdraw his complaint against the doctor before the Health Professionals Council of South Africa (HPCSA).

HPCSA spokeswoman Lize Nel said the preliminary inquiry into the Weber complaint was set for July/August.

Weber, who has done 10 000 hip replacements in a 35-year career, has also been accused of going to court to gag Hosking from talking about what went wrong, claiming he had himself been harassed.

Hosking said while he was in hospital he was served with a summons by the sheriff of the court on behalf of Sandton Medi-Clinic anaesthetist Dr ML Roberts for a bill that had already been paid and proof of payment supplied.

Hosking also claims in his affidavit that Weber's daughter, an anaesthetist, was allegedly involved in one of the operations on him, not Roberts.

The affidavit was served on Weber on May 2.

Hosking said establishing the truth had compounded his pain because of the silence of the sisters at the clinic and closing of ranks among medical staff.

"It is normal practice, whether a motor car accident, a mining disaster, an aircraft accident or an engineering failure, that an investigation to deter-

mine the root cause of the problem or accident takes place, firstly to correctly make decisions and lastly to effect closure," he said.

"As I have a constitutional right to know what took place with my body, a full investigation will now take place and all costs incurred will be recovered from Sandton Clinic and/or the doctors involved.

"If there is no reason found then the doors of Sandton Clinic should be closed.

"I have to travel with a pack of sanitary towels, as the wound needs to be cleaned three to four times a day.

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HE SAYS HE HAS
MEDICAL FRIENDS IN
HIGH PLACES AND
NO ONE WILL TESTIFY

"I have constant fluid/blood running down my leg.

"I have ruined all my clothes."

Hosking also claimed that medical experts who examined the removed prosthesis had asked questions about whether the device was new when it was fitted.

"Dr Weber has informed me a number of times that nobody would dare take him to the HPCSA, and in any event, he would not accept a HPCSA ruling.

"He has also said that he has medical friends in high places and that nobody would testify against him."

Weber has hit back at Hosking, accusing him of absconding from his check-ups following the operation.

"As a caring surgeon I regard any complication or adverse outcome as a personal tragedy.

"His case is an unfortunate

one, and instead of coming back for help he sued us for R2m," Weber said.

"He has been harassing me and I have had to seek the help of the court to stop this.

"I feel sorry about what has happened.

I have done 10 000 hip replacement operations and have an international reputation, but it is good that he is pursuing the matter and put in a claim for compensation.

"It is his right to do so, but he cannot get a doctor to say I was negligent.

"His operation was complicated, unfortunately. He is not handling it well. Only the HPCSA can decide whether I am negligent or not."

In a letter to Hosking via e-mail, Weber said he was extremely disappointed about the threats of litigation.

Hosking said he was medically fit before the hip operation in 2007 but his problems began afterwards when there was heavy swelling in his right knee and the wound did not heal properly.

He was sent home but returned to Sandton Medi-Clinic for three more operations under Weber to fix the problem.

Weber's son-in-law, Michael McDonald, with whom he runs a practice at Sandton Medi-Clinic, was also implicated for having treated Hosking's wound when Weber was away on his farm over a weekend without having experience to treat this ailment.

"Weber seemed unable to sort out the problem and I was handed over to a Dr Stein. I was admitted to Sandton Clinic for the fourth time and taken back to the theatre.

"I was not allowed out of bed for the next seven days and was connected to a special drainage system," said Hosking.

Sandton Medi-Clinic hospital manager Louise Sole said she would prefer not to comment as this was a "matter between the doctor and the patient".

Hosking said notwithstanding the poor treatment and botched operations, he had been continually harassed by medics at Sandton Medi-Clinic.