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# Patient awarded \$200k over GP's failure to refer

20 July 2016



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A GP has been ordered to pay \$206,000 to a patient for failing to properly assess his hand injury and failing to refer him to an emergency department or hand surgeon.

The index and middle fingers on Gulab Khan's left hand were slashed in October 2011 as he defended himself from a knife-wielding man who was trying to rob his petrol station in the

inner-west Sydney suburb of Five Dock.

According to a paramedic report, he suffered 1 cm lacerations to the fingers but no sensory loss.

The following day he visited Dr Matthew Rathjen at Five Dock Medical Centre, who treated the wounds with glue after concluding that they were superficial. Mr Khan returned a week later for review.

He continued to experience pain and was unable to type, and a year after the attack a hand surgeon concluded that the profundus tendons and the superficialis tendon had been either partially or fully severed.

Defending himself in court, Dr Rathjen testified that he had individually tested the tendons to evaluate their function.

Judge Phillip Mahony rejected that claim, finding that Dr Rathjen had breached his duty of care by failing to properly assess the injuries or to refer Mr Khan.

This was compounded when he again failed to make a referral at the follow-up appointment.

Judge Mahony awarded \$206,000 damages to Mr Khan, saying much of his suffering, including chronic pain and ongoing depression, could have been spared had Dr Rathjen diagnosed the injury and referred him on.

"If the plaintiff had received appropriate treatment, he would have undergone surgery for repair of the tendons, which would have given him a substantial reinstatement of the functional use of his hand without pain," he said.

- *Read the full judgement [here \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWDC/2016/139.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWDC/2016/139.html).*

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