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### **Neary patient 'too old' for redress scheme takes case**

By Catherine Shanahan

A WOMAN three years too old to qualify for a state scheme set up to compensate victims of disgraced obstetrician Dr Michael Neary has been forced to pursue compensation in the courts.

The woman, represented by Louth law firm Branigan Berkery, had both ovaries removed by Dr Neary, as well as an abdominal hysterectomy, after she complained of heavy pre-menstrual bleeding.

A subsequent examination of her medical files by an expert in obstetrics and gynaecology concluded the removal of both ovaries was unnecessary.

The medical expert said the removal of one ovary in the woman's case was "acceptable management" of her condition at the time (1992) but she should have had the option of having her right ovary conserved. The woman was 43.

Her solicitor, Donal O'Riordan, said proceedings have been lodged against the Health Service Executive (HSE) and Dr Neary.

The woman is one of a number of former Neary patients who, despite having undergone unnecessary medical procedures, are excluded from redress, mainly by virtue of their age.

Branigan Berkery are currently looking at a second Neary victim case.

Thornton and Co solicitors, with offices in Cavan and Meath, are also representing a number of Neary victims excluded from redress, including a woman who underwent an unnecessary procedure three days after her 40th birthday, and a woman whose unnecessary surgery was recommended by Dr Neary but is deprived of compensation because another surgeon carried out the work.

This is despite the fact that, according to expert opinion, Dr Neary "was the sole agent for this operation being performed".

Patient Focus, the group representing Neary victims, has asked Health Minister Mary Harney to extend the scheme to all victims of unwarranted medical procedures by Dr Neary.

Patient Focus spokesperson Cathriona Molloy said yesterday, they expected a decision from the minister in the coming weeks.

The scheme is currently restricted to women who were under the age of 40 at the time and who, in the opinion of a medical expert, had their womb or ovaries or single functioning ovary needlessly removed, and those who underwent unplanned obstetric hysterectomies and whose medical records have gone missing.

It is also open to women whose wombs were removed unnecessarily following miscarriage or who suffered the immediate onset of menopause after the removal of ovaries. The age 40 cutoff point to qualify for redress has never been explained.

Dr Neary worked at Our Lady of Lourdes Hospital in Drogheda, between 1974 and 1998, during which time the Caesarean hysterectomy rate at the hospital was almost 10 times the rate of other hospitals.