

CASE SUMMARY

Complaint against the Government Laboratory (Govt Lab) for taking unreasonably long time in producing a toxicological examination report, and the Department of Health (DH) for failing to inform the complainant on the progress of the said report and refusing to provide the telephone number of the Govt Lab.

The complainant, who was 80 years old and illiterate, had authorized a Mr. A to act on her behalf to obtain her deceased daughter's post-mortem examination report. On 16 November 1996, Mr. A was informed by a member of the staff of a public mortuary that the said report would be ready for collection in about a month's time. However, a month later, Mr. A, after making repeated enquiries with the mortuary, was told by a Mortuary Officer (MO) that the report was not yet ready as the case was still being studied by the Govt Lab.

2. Mr. A then requested the MO to give him the name of the Govt Lab's contact person and telephone number. But the MO hesitated in doing so. Mr. A attempted to check the telephone number of the Govt Lab by himself. However, he failed to get through to the right person. He was aggrieved for not being told right at the beginning that the Govt Lab was involved in the process. It was only when Mr A approached the MO again that he was provided with the necessary information.

Complaint against the Govt Lab

3. This Office observes that in 1995, the Govt Lab derived a system in order to prioritize the handling of post-mortem samples. A "Request for Toxicological Examination" form was designed to include two boxes, i.e. 'Urgent' for those that should be given priority treatment, and 'Routine' for the rest. The pathologists, when submitting samples to the Govt Lab, were requested to indicate their choices in the relevant boxes. However, the system was found to be inadequate within a year after its implementation. Thus, in addition to marking 'Urgent' on the request form, the Govt

Lab had insisted that pathologists had to give extra reason/markings or to call the Govt Lab personally to inform them appropriately before priority would be given. This Office notes that this extra requirement was not formally announced to the departments concerned nor had there been any revision made in the submission form to cater for such a change.

4. On 16 November 1996, the pathologist conducted an autopsy on the body of the complainant's daughter. He then issued a request to the Govt Lab for an analysis of the post-mortem samples by marking 'Urgent' on the request form. But the Govt Lab, because of what they perceived as a mutually understood norm, treated the request as a routine case and therefore did not give the request any priority. In the circumstances, there was a 20-day waiting time before the chemist to whom the case was assigned commenced work on it. The toxicological examination report was eventually completed on 28 February 1997.

5. This Office considers that had the Govt Lab taken steps to amend the existing unsatisfactory priority according system at an earlier stage, the said report could have taken less time for completion.

6. Based on the above considerations, The Ombudsman concludes that the complaint against the Govt Lab is substantiated.

Complaint against the DH

7. This Office opines that had the mortuary informed the complainant at an earlier stage about the involvement of the Govt Lab in the process and that there was little the mortuary could do to expedite the process as they had to wait for the Govt Lab to complete the tests, Mr. A would not have kept on calling the mortuary and thus felt frustrated.

8. As regards the allegation that the MO had failed at the first time to provide Mr A with the telephone number of the Govt Lab, this Office is unable to ascertain whether it was given to him in the first instance or only after Mr. A's second attempt. Nevertheless, the fact remains that the MO had given it to Mr. A.

9. Having considered all the relevant factors, The Ombudsman is of the view that the complaint against the DH should be partially substantiated.

CONCLUSION

10. Overall, this complaint is partially substantiated.

RECOMMENDATIONS

11 The Government Chemist (GC) is recommended to -

- (a) further improve the request form for toxicological examination so that the degree of urgency with reasons given for each case can be clearly indicated;
- (b) ensure that priority will be awarded to processing of those requests which have been marked as 'Urgent' in (a) above; and
- (c) train his staff the proper way to handle public enquiries and remind them of the need to be helpful to members of the public at all times.

12. The Director of Health (D of Health) is recommended to consider the feasibility of working out a performance pledge in relation to the services provided by the public mortuaries, in particular about the release of post-mortem examination reports.

COMMENTS FROM THE GC & D of Health

13. The GC disagrees with our conclusion and comments, amongst other things, that this case had been completed in the normal turnover time for such cases without any undue delay. The misconception that there had been a delay was created by the MO who told Mr. A that the case had been assigned as "urgent" . This might have raised

an expectation, albeit unfounded, on the part of Mr. A that the report might be made available very quickly. Moreover, the GC felt that there was no substantive evidence that the telephone manners or skills of his staff are anything but polite and helpful. He thus did not accept this Office' s recommendation in para. 11(c) above.

14. The D of Health accepts the findings of this Office. As regards the recommendation, she considers it difficult to work out a pledge about the release of a post-mortem examination report as it hinges on the input of other Government departments and the complexity of the case involved. Nevertheless, the D of Health proposes to revise the Leaflet "Information for Identifiers" , which are distributed to next-of-kin of the deceased, to better inform them about the procedures for the preparation and release of a post-mortem examination report.

FINAL REMARKS

15. This Office considers, in regard to the complaint against the Govt Lab, that it was substantiated on account of the faulty design of the Govt Lab' s forms, creating confusion over what is or is not an urgent request. In regard to the issue of handling of telephone enquiries, our recommendation was raised so that the Govt Lab might further improve its service to members of the public.

16. All points considered, The Ombudsman is of the view that there are no justifiable grounds to change the conclusion and recommendations of this report. He is also prepared to accept D of Health' s counter-proposal of revising the leaflet "Information for Identifiers" as an alternative means to address the matter.

Office of The Ombudsman

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