

Wollen Michelmore

SOLICITORS

The Cost of Delay in Diagnosis

Incorrect or delayed diagnosis of your condition, failure to refer, inappropriate treatment or failure to treat by your healthcare provider can have serious consequences for your health. At Wollen Michelmore we are seeing a worrying increase in the number of concerns being raised in relation to conduct across a range of healthcare providers including GPs, NHS and private hospitals and birthing centres, both locally and nationally.

One case recently settled for substantial compensation, but only after Court proceedings were issued and the Defendant, a GP, admitted that they had been negligent.

The NICE Guidelines (which are issued to GP's and the like to give guidance on how to deal with certain health conditions) require urgent referral to hospital for an appointment within 2 weeks. In this particular case, the GP failed to refer her for investigations after she presented with a lump in her left breast.

Mrs C was seen by her doctor complaining of a lump and skin puckering. She was examined but advised that it was a fibrous lump and that there was no need for concern, notwithstanding a family history of breast cancer.

However, the lump increased in size and the puckering worsened over the following 8 months and so she returned to her GP and was seen by another doctor who immediately referred her to hospital for investigation.

Mrs C underwent a mammogram, ultrasound and a biopsy as a result of which she was diagnosed with Grade 2 invasive breast cancer, some 10 months after first presenting to her GP. As a result of the delay in diagnosis a lumpectomy was no longer an appropriate treatment option and Mrs C had to undergo a full mastectomy and radiotherapy. When she felt strong enough, she later underwent reconstructive surgery in a further operation.

Expert medical evidence obtained in the course of Mrs C's legal claim was clear; namely, that the GP was in breach of the duty of care owed to Mrs C in failing to refer her for investigation and treatment in accordance with the NICE Guidelines. In addition to this, the medical experts agreed that this delay had caused a worse outcome as but for the delay in referral Mrs C would probably have had a lumpectomy and have avoided the need for a full mastectomy and a further operation to reconstruct her breast.

Although in the case of Mrs C the prognosis is thankfully good at this stage, Cancer Research UK estimates that 52,000 patients a year are having their odds of survival cut because the disease is not being caught quickly enough, which is very worrying indeed.

If you or someone you know have suffered as a result of these issues or other poor standards of care or treatment in a medical healthcare setting, Amanda Harvey, Elizabeth Lerner and Zoe Gask in the Clinical Negligence team at Wollen Michelmore are here to discuss your concerns and the way in which we can help you.

Please contact us in confidence by telephone on 01803-213251 or 01271-355901 or email Zoe.gask@wmlegal.co.uk