



Man's rights under the Code breached by GP 22HDC00826

A report released today by Deputy Health and Disability Commissioner Deborah James has found that a man's rights under the Code of Health and Disability Services Consumers' Rights (the Code) were breached by a GP.

The man was seen by his GP, and two of his GP's colleagues, on multiple occasions over a year for lower urinary tract symptoms. No prostate-specific antigen (PSA)¹ testing was discussed or completed during this time. Around a year after his first appointment, the man was diagnosed with metastatic prostate cancer after being seen by a rheumatologist who ordered PSA testing (which showed elevated PSA levels).

Ms James found the GP breached the Code for failing to provide services with reasonable care and skill. The breach covered several shortcomings.

Ms James was critical that the GP failed to discuss or undertake appropriate testing (including PSA testing and/or urine testing) in his investigations of the man's lower urinary tract symptoms, and that he also failed to conduct an abdominal examination at a later appointment, despite the man displaying symptoms of obstruction.

Finally, Ms James was critical that the GP retrospectively documented his clinical findings from a digital rectal examination (DRE).

Ms James could not determine retrospectively whether if the man had been offered the option of PSA testing earlier, and consented to it, his cancer could have been detected earlier or different treatment options offered.

"Nevertheless, I consider that by not discussing PSA testing at an earlier stage, the GP did not provide care of an appropriate standard and did not demonstrate 'suitable and prompt' actions as a general practitioner in the circumstances," said Ms James.

She also made a comment about the GP not recording the man's family history of prostate cancer in any of the clinical notes from the consultations. She said that, in absence of further evidence, she was unable to determine what communication occurred regarding relevant family history.

"For [the] avoidance of doubt, I would be concerned if the GP did not enquire as to any relevant family history or failed to document it if it was disclosed."

¹ PSA is a protein in the blood that is produced by normal, as well as malignant, cells of the prostate gland. Higher than normal PSA levels may indicate prostate cancer.

Ms James also commented on the continuity of care within the medical clinic, expressing her concern that there was insufficient information sharing between providers and that the man's clinical notes were not reviewed thoroughly.

"Extra care should be taken when providers are reviewing each other's patients for the first time, to ensure that the patient's care is managed appropriately and comprehensively," she said.

Ms James noted her concern about an absence of policy at the medical clinic for follow up tests.

She also made an educational comment about the care given by one of the other GPs at the medical centre, stating that further abdominal examinations could have been carried out. She noted that blood tests requested by the GP were not followed through, despite two text reminders.

"I consider that this GP could have been more proactive in ensuring that the requested blood tests and ultrasound were completed by his patient by calling and confirming with him. Following up regarding the tests at that stage may have resulted in discovery of the elevated PSA levels at an earlier stage."

The report outlines the changes made by the GPs since the events and further recommendations made by Ms James.

7 October 2024

Editor's notes

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC's website - see HDC's '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name group providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC's naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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