

CASE NOTE 01HDC11477: Delay in excision of rare malignant melanoma of the lip

Right to services of an appropriate standard – Reasonable care and skill – General practitioner – Cancer – Melanoma – Missed diagnosis – Referral – Record keeping – ACC – Medical error – Ministry of Health Elective Services Guidelines – New Zealand Guidelines for the management of malignant melanoma – Right 4(1)

A complaint was made by a woman about the services provided to her by a GP. The complaint was on the basis that over a period of two and a half years the GP did not provide the patient with services of an appropriate standard in that she (1) was cursory in the examination of the patient's facial mole and so did not properly assess and monitor it; (2) did not appreciate the significance of changes in the patient's mole; and (3) did not refer the patient for specialist advice.

The Commissioner reasoned, after receiving independent expert advice from a GP, that:

- (1) it is not unusual for GPs not to record measurements or specific sites of moles unless they have a particular concern;
- (2) while the GP's clinical notes were brief and did not record the site, measurement or change in any of the moles, in the absence of specific concern the documentation was adequate;
- (3) having been informed that the mole had been removed by another GP, the patient's GP had no need to follow through with her planned referral; and
- (4) although earlier excision of the melanoma would have been preferable, there was no evidence to suggest that the delay in diagnosis could be attributed to inappropriate monitoring and management by the GP.

The Commissioner held that the GP did not breach Right 4(1) of the Code because there was nothing to substantiate the allegation that (a) the examination of the mole was cursory; or that (b) there was a failure to appreciate the significance of a change in the patient's mole; or that (c) there was a failure to refer the patient for specialist advice.