



## **Radiologist breaches Code in failure to detect and report abnormal lymph nodes**

**23HDC00211**

The Deputy Health and Disability Commissioner has found a radiologist breached a woman's consumer rights when he failed to detect abnormal lymph nodes during a CT scan knowing she was at higher risk of developing metastatic cancer.

In a decision released today, Dr Vanessa Caldwell said the radiologist had breached the Code of Health and Disability Services Consumers' Rights by not providing services of an appropriate standard.

The woman had been receiving annual CT scan surveillance, which the radiologist reviewed, since a 2017 diagnosis of melanoma that had spread to her right thigh. She had been successfully treated for this with immunotherapy.

In a 2021 CT scan the radiologist reported no evidence of recurrence or metastases. The radiologist told HDC that because, in this case, the melanoma would have usually spread along the lymph nodes on the right side of the limb and into the abdomen, he was focused on that and did not notice the visible enlarged lymph nodes on the left.

In 2022 a routine mammogram detected a lump in her left breast. Further testing found metastatic breast cancer which was in her left lymph nodes and had spread to her liver. Unfortunately, the woman received a terminal diagnosis.

She raised concerns about how quickly the cancer had spread to her liver. She requested a review of the 2021 CT monitoring scan and a separate MRI scan for a shoulder injury reported on by a second radiologist, also in 2021. The reviews of the CT scan found that the abnormal lymph nodes were visible in 2021 and should have been reported. Dr Caldwell was critical of this noting, "Dr B has agreed that in hindsight the abnormal nodes are visible. He said he had inattentive blindness as he was looking for pathways associated with Ms A's previous melanoma which would be expected to traverse the right side of the body. This raises concerns that Dr B focused on the expected pathway of the disease at the expense of a thorough analysis of the rest of the scan."

Dr Caldwell formed the view that: "... whilst I accept that the radiologist was focused on the specific area of concern, there is a duty of care to note any other abnormalities that are visible and in this case, any reasonable radiologist exercising

reasonable care and skill, would have detected and reported on Ms A's abnormal lymph nodes.”

The review of the 2021 MRI scan also found that abnormalities in the left lymph nodes were visible and should have been reported. However, while she was critical there was a further missed opportunity to notice this, she noted that, given the radiologist was assessing only a shoulder injury, there were mitigating circumstances in not detecting the abnormalities.

Dr Caldwell made a range of recommendations including that both radiologists formally apologise to the woman. She recommended the radiologist who breached the woman's rights arrange for a clinical peer review of the accuracy of 10% of his reporting of CT scans. This is to be provided to HDC along with any actions he has taken to mitigate any issues found.

30 September 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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### **For more information contact:**

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