

**Paediatric audiology care  
(11HDC00846, 26 June 2013)**

*Audiologist ~ District health board ~ Audiology ~ Hearing loss ~ Inadequate testing and diagnostic services ~ Documentation ~ Vicarious liability ~ Rights 4(1), 4(2)*

A two-year-old boy was first seen by an audiologist at a public hospital in May 2000. The audiologist advised the boy's parents that he had normal hearing.

The audiologist saw the boy a further four times between 2003 and 2010. Each time the audiologist diagnosed the boy with hearing within the normal range but at the lower end of the scale.

In April 2011, when under the care of another audiologist, the boy was diagnosed with moderate to profound hearing loss.

In July 2011, the District Health Board arranged for an external review into its audiology services. The review identified issues with the audiology facilities and equipment, and with the credentials of its staff.

It was held that the audiologist failed to provide the boy with testing and diagnostic services of an appropriate standard and, accordingly, breached Right 4(1). The audiologist's documentation did not meet expected standards and, accordingly, he breached Right 4(2).

The District Health Board did not take reasonable steps to prevent the boy's rights being breached by failing to ensure that the audiologist was properly supervised, failing to provide peer support or checks on the audiologist's performance, and providing suboptimal facilities and equipment. Accordingly, the District Health Board was held vicariously liable for the audiologist's breach of Right 4(1).

The audiologist and the District Health Board were referred to the Director of Proceedings. The Director decided to issue HRRT proceedings against the both audiologist and the District Health Board. Proceedings are pending.