



Health NZ Waikato and surgeon breach Code in care of woman who developed metastatic cancer

20HDC01217

In a report released today, the Deputy Health and Disability Commissioner has found Health New Zealand Waikato and a surgeon breached the Code of Health and Disability Services Consumers' Rights (the Code) after the surgeon failed to perform a physical examination on a woman when it was indicated, and Health NZ did not adhere to guidelines when it advised the woman of the wait times for a colonoscopy.

The woman had a family history of colorectal cancer and was experiencing rectal bleeding and changed bowel habits. A consultant general and colorectal surgeon performed a sigmoidoscopy (examination of lower third of intestine) at Thames Hospital which was reported as normal and referred her back to her GP.

The bleeding continued, so the woman was referred back to the same surgeon who referred her to Waikato Hospital, triaging the referral to be seen within five-six months because of the normal earlier results.

Four months later, the woman was seen by a second general and colorectal surgeon. He did not physically examine her, or perform a proctoscopy or sigmoidoscopy, telling HDC this decision was probably because there was a possible diagnosis of inflammatory bowel disease and she had a previous normal colonoscopy. He referred her back to Thames Hospital for a colonoscopy to be undertaken within six weeks.

The hospital, however, advised her she could expect to wait four months so she undertook a private colonoscopy which found a malignant lesion. The lesion was removed five months later, but seven months later she was advised the cancer had spread to her lungs.

Of the surgeon, Dr Vanessa Caldwell said, "The Code provides that every consumer has the right to have services provided with reasonable care and skill. I consider the surgeons rationale for not conducting a physical examination to be insufficient in the circumstances, and I am concerned that he did not document the reasons for not undertaking a physical examination, particularly as this comprises part of his usual practice."

Dr Caldwell was critical of Health NZ for advising the woman that she was likely to wait four months. "The Ministry of Health guidelines indicate a priority 3 referral should mean a wait of six weeks and Health NZ Waikato failed to adhere to these guidelines".

The Deputy Commissioner recommended that Health NZ Waikato and the second surgeon apologise to the woman. She also recommended the surgeon undertake an audit of clinical appointments for investigation of rectal bleeding to check physical examinations took place and were documented.

She also recommended Health NZ Waikato develop guidelines for timeframes for clinic correspondence, and audit colonoscopy referrals over a period to check they were completed within Ministry guidelines. All actions of recommendations are to be reported back to HDC.

12 August 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 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.

[Read our latest Annual Report 2023](#)

Learn more: [Education Publications](#)

For more information contact:

Communications team, Health and Disability Commissioner

Email: communications@hdc.org.nz, Mobile: +64 (0)27 432 6709