



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

**Health professionals must take a holistic view of a patient's needs
20HDC00719**

Deputy Health and Disability Commissioner Dr Vanessa Caldwell has found an ear, nose and throat specialist (ENT specialist) in breach of the Code of Health and Disability Services Consumers' Rights (the Code) for discussing options for treatment with a patient while she was affected by sedation.

A woman was diagnosed with cancer in her thyroid gland. There was suspicion the cancer had spread to her lymph glands. She had a nodule in her chest, but the precise nature of it was unclear. The ENT specialist guided by the recommendation made at the multidisciplinary team meeting removed the woman's thyroid gland and performed a central neck dissection (removal of the lymph nodes).

Subsequently it was found that there was no cancer in the woman's lymph nodes, and she believes she underwent unnecessary surgery. She has had ongoing complications, particularly relating to her use of her voice.

"It is clear the woman's voice is of considerable importance to her, particularly her ability to participate in kapa haka, and she reports it has affected her mana. Her vocal difficulties have caused her significant distress. I express my sympathy to the woman for the effect this has had on her life," says Dr Caldwell.

In her decision Dr Caldwell concluded the ENT specialist discussed the woman's condition and her options for treatment at a time when effective communication was impaired by the woman's sedation.

Dr Caldwell was also critical of the ENT specialist's insufficient record-keeping during a specific consultation with the woman.

Dr Caldwell acknowledged that "the woman's case was complex, with her care involving various services and clinicians at the DHB".

Dr Caldwell made an educative comment in respect of the DHB. “I remind the treating team, including the multi-disciplinary team, of the importance of taking a holistic view of a patient’s needs in their deliberations. For the woman in this case, this involved taking into account the personal significance of the use of her voice”.

“The concerns were over the nature of possibly very advanced cancer, and appropriate attention was focused on achieving the best possible oncological outcome.”

Dr Caldwell recommended that Te Whatu Ora review the thyroid multi-disciplinary documentation with a view to including specific comments about an individual patient’s voice requirements, and audit a selection of the surgeon’s clinical records to assess compliance with the Medical Council of New Zealand guideline on maintaining patient records.

Dr Caldwell also recommended that Te Whatu Ora continue to engage with HDC’s Kaitohu Matamua Māori/Director Māori and the woman to bring closure to this complaint through a hohou te rongu restorative process. Dr Caldwell also encouraged the ENT specialist to participate in the hohou te rongu restorative process. She further encouraged that after conclusion of this process, if still requested by the woman, the ENT specialist to provide a written apology to the woman.

Following events of this case, the ENT specialist has undertaken a cultural competency course provided by Te Whatu Ora, and continues to develop his understanding of the ways in which partnership obligations under Te Tiriti o Waitangi inform treatment of Māori patients.

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21 November 2022

Editor’s notes

The full report of this case will be available on HDC’s [website](#). 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. The hospital has not been named as it was not found to be in breach of the Code.

More information for the media and HDC’s naming policy 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).