

**Failure to diagnose breast cancer in a timely manner  
(01HDC04864, 19 December 2002)**

*General practitioner ~ Standard of care ~ Breast cancer ~ Specialist referral  
~ Follow-up ~ Record-keeping ~ Rights 4(1), 4(2)*

A 52-year-old woman consulted her GP concerned about the “changing” nature of a swelling under her left arm, which had begun to spread into the side of her left breast, creating a “thickness”. She told the GP that her sister had just been diagnosed with breast cancer. The GP ordered a mammogram, which showed no evidence of malignancy, but did not order a needle biopsy. The woman re-presented later that month and again two months later, when the results of the mammogram were discussed. The GP offered no further treatment and reassured the woman that there were no problems.

The woman again consulted her GP two months later as the swelling had become considerably worse and was restricting her left arm movements. The GP sent a letter of referral to hospital requesting surgical review but, as there was nothing in the letter to denote urgency, the referral was accorded low priority, and the woman received an appointment for the following year.

Several months later the woman again consulted the GP because her breast was greatly out of shape. On examination, the breast was irregular to the feel and moderately oedematous, and the left nipple had retracted. The GP wrote to the hospital asking that the “appointment be expedited”. Two months later the woman consulted the GP once more because of further changes in her breast and aching. She still did not have a hospital appointment. At that consultation, the GP realised she had sent her referral letter to the wrong hospital, whereupon she sent a copy of the misdirected letter to the correct hospital, where it was received three weeks later.

By this time, having become increasingly concerned and scared, the woman contacted a private general surgeon, who provided a referral letter noting “clinical findings of advanced breast cancer”. The surgeon immediately took a core biopsy, which showed infiltrating lobular carcinoma. The woman underwent chemotherapy prior to a mastectomy and, subsequently, six weeks of radiotherapy treatment.

It was held that the GP breached Rights 4(1) and 4(2) in failing to diagnose the woman’s breast cancer in a timely manner, not managing her care with appropriate urgency, and not complying with professional standards of record-keeping.

GPs who refer patients to a specialist also need to take reasonable steps to follow up the referral (including telephoning to query the reason for delay), especially if the patient’s need for specialist assessment has become more urgent.