

CASE NOTE 02HDC08299: GP's failure to detect breast lump during breast examination

Right to services of an appropriate standard – Reasonable care and skill – General Practitioner – Breast examination – Mammogram – Cancer – Breast – Mastectomy – Right 4(1)

A complaint was made by a woman about the services she received from a General Practitioner at a private medical centre. The complaint was on the basis that the GP failed to respond appropriately when she raised concerns about a lump she had found in her left breast.

The Commissioner reasoned, after receiving independent expert advice from a general practitioner, that (1) the breast examination conducted by the GP appeared thorough and that the patient's tumour was aggressive and rapidly growing. There is an outside chance that it might have been missed in a routine breast examination because of its ill-defined edge or deep position in the breast. However, given the patient's clear indication of the position of the lump and the size of the tumour just over three months after the consultation, the GP should have been able to detect it. At the time of the consultation it was highly likely that the lump was palpable; and (2) given the level of concern, that the patient was willing to pay for an early mammogram, and that both the patient and her husband claimed to have felt the lump, it would have been prudent for the GP to have facilitated an early mammogram even in the face of apparently negative clinical findings.

The Commissioner held that the General Practitioner breached Right 4(1) of the Code because of the failure to detect the patient's breast lump, and the failure to respond appropriately to the patient's concerns about her breast.