

**Lack of timely notification of results indicating failed vasectomy
(02HDC18949, 29 July 2004)**

General practitioners ~ Vasectomy ~ Follow-up procedures ~ Reporting of test results ~ Right 6(1)(f)

A man complained that following a vasectomy a medical centre failed to advise him of the results of his sperm tests in a timely and appropriate manner.

Three sperm samples were taken. The first had a low but positive sperm count. The presence of sperm in a first sample can sometimes be the result of sperm stored in the vas and seminal vesicle prior to the vasectomy. The patient was not notified of the result, as standard practice at the centre at the time was not to send a letter about the first specimen. The result was not seen by the patient's GP, as he was on holiday. The GP who reviewed the result placed it in the patient's computerised file, and did not notify the other GPs at the centre.

The second specimen showed a negative sperm count. The patient was notified promptly and told that a further test was necessary. The third contained numerous live sperm. The medical centre attempted but failed to notify the patient by telephone, and a letter giving the results was not sent until some months later (in the meantime the patient had moved house and the letter had to be forwarded to the new address). The following month the patient's wife discovered she was pregnant.

It was held that patient's GP and the medical centre breached Right 6(1)(f) in not advising the patient of his first test results, and in failing to advise him of the results of the third test in a timely manner. The fact that the patient had signed a statement indicating he understood that he needed to receive confirmation of two consecutive negative sperm counts before abandoning other methods of contraception did not relieve the GP and the medical centre of the obligation to inform him of the first and third test results in a timely manner. However, as the patient was clearly informed of the need to continue with alternative contraception until he knew he was sterile, the GP and the medical centre cannot be held responsible for the unplanned pregnancy.

The medical centre subsequently reviewed its system for notification of post-vasectomy test results, and changed its procedures to ensure prompt notification in future.