

**Failure to provide information  
and inappropriate diagnosis of stroke in baby  
(14HDC00614, 9 November 2015)**

*Osteopath ~ Cranial osteopathy ~ Intracranial bleed ~ Rights 6(1), 7(1), 4(1), 4(2)*

A mother took her baby, who had suffered colic and was very unsettled, to see an osteopath.

The osteopath initially diagnosed the baby with “reduced dural sac function” and treated the baby using cranial osteopathy techniques. Following treatment the baby appeared settled so the mother booked a further consultation with the osteopath.

During the second consultation the osteopath identified a new palpatory finding, which he said indicated an intracranial bleed. The osteopath proceeded with treating the baby and became reassured by the baby’s response that he had not in fact suffered an intracranial bleed, and did not require any further specialist assessment.

At the end of the treatment the osteopath told the baby’s mother and grandmother that during his assessment and treatment he had noted some findings that were consistent with a stroke, but that this was a differential diagnosis that could not be confirmed.

The mother was very upset by the time she left the consultation, and she went home immediately and looked on the internet and convinced herself that something was seriously wrong with her baby. The mother took her baby to his general practitioner, who advised that there was no evidence that the baby had suffered a stroke.

It was held that by failing to provide the baby’s mother with sufficient information about his initial assessment and proposed treatment the osteopath breached Right 6(1). As a consequence, the osteopath also breached Right 7(1) for providing services to the baby without informed consent.

It was also held that by failing to provide the baby’s mother with adequate information in relation to his assessment findings at the second consultation, the osteopath breached Right 6(1).

By forming a differential diagnosis based on flawed clinical reasoning, it was found that the osteopath failed to provide services with reasonable care and skill and breached Right 4(1).

By failing to refer the baby to a specialist, proceeding with his treatment during the second consultation, and for not documenting any discussions he had with the baby’s caregiver, nor the assessments he carried out, it was found that the osteopath failed to provide services that complied with the Osteopathic Council’s *Capabilities for Osteopathic Practice*, a relevant professional standard, and breached Right 4(2).

The company that owns the clinic where the osteopath operates from was not found to be vicariously liable for the osteopath’s breaches of the Code. However, concern was raised in relation to its lack of written policies and procedures.