

SPSO decision report

Case: 201301337, Tayside NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mr C complained that the board failed to appropriately investigate the cause of his severe back pain following his admission to Perth Royal Infirmary. He said the board failed to carry out an MRI scan (used to diagnose health conditions that affect organs, tissue and bone) to allow an accurate diagnosis to be reached at an earlier date, and that he had to arrange for this to be done privately.

We obtained independent medical advice on Mr C's case from one of our medical advisers, a consultant in orthopaedic and trauma surgery. Our adviser explained that Mr C's clinical picture after he was admitted should have guided the board's management of his condition. He explained that this could only be properly ascertained after taking an adequate history and clinical investigations. It appeared that the consultant orthopaedic surgeon did not fully examine Mr C, and relied on a junior doctor's examination, but this was reasonable as long as the junior doctor's assessment was thorough. However, as the board were unable to provide a copy of Mr C's medical notes for his time in hospital, we could not say whether he was properly examined. On the MRI scan, our adviser said that Mr C was not displaying 'red flag' (warning sign) symptoms but that, in view of his condition, the benefits of arranging an MRI scan outweighed the risks. He said that an MRI scan could have been arranged either as an in-patient or after Mr C's discharge, but this did not happen.

Having considered the matter carefully, we were unable to say that Mr C's symptoms were appropriately investigated while he was in hospital to find the cause of his pain. If an MRI scan had been arranged when Mr C was an in-patient, he would not have had to arrange one himself, and if one had been arranged for him as an out-patient, then it was unlikely he would have arranged his own scan. We, therefore, considered it reasonable for the board to reimburse Mr C the cost of his private MRI. We were also very critical of their management of Mr C's medical records and that they were unable to provide us with these for his hospital stay.

Recommendations

We recommended that the board:

- feed back our decision on this case to the staff involved to ensure that a similar situation does not happen in future;
- reimburse Mr C the cost of his private MRI scan;
- review their practice on the storage of patients' medical records to prevent a recurrence of the failure to store Mr C's medical records securely; and
- provide Mr C with a written apology for the failings identified.