

SPSO decision report

Case: 201401952, Highland NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: not upheld, no recommendations

Summary

Ms C complained that the board had not managed her Individual Patient Treatment Request (IPTR) panel appropriately. She had been obliged to make an IPTR in order to obtain a drug which helped control the symptoms of her multiple sclerosis (MS) as the drug was not licensed for prescription in Scotland. Ms C had been prescribed a free trial of the drug and said her neurologist supported the prescription of it once the trial had finished.

She said there had been undue delay in arranging her hearings and that the board had not provided her with information about the panel's decisions appropriately. Ms C also complained that the panel had failed to consider the evidence she had presented appropriately. Ms C said this had caused her considerable distress and worsened her MS.

We took independent advice from one of our medical advisers who said he believed the panel had been conducted appropriately. He noted there were delays in the submission of the original IPTR request, and further delays caused by the departure from the board of Ms C's original neurologist. The board had acted to mitigate these delays, but were not responsible for them.

Our investigation found the board had arranged the IPTR process appropriately. Although Ms C had been successful on appeal, this was due to a change in Scottish Government guidance, rather than a reassessment or reinterpretation of the evidence by the IPTR Panel. The substantial delays in the IPTR process were due to the actions of Ms C's neurologists and the delays in submitting documents. We did not find the board failed to provide Ms C with information about the panel's decisions.