



## Delayed or Misdiagnosis

**Has your treatment been delayed or your condition misdiagnosed?**

**Medical professionals can** often either miss or **misdiagnose your medical condition.**

**Common examples include:**

- Failing to read or report on an 'X' Ray
- Reading an 'X' Ray, but failing to spot a fracture
- Failing to respond to test results
- Failing to refer for treatment at an early stage
- Failing to prescribe medication at an early stage

Misdiagnosis claims are varied and can cover a wide range of medical conditions.

**Common areas of delayed or misdiagnosis includes:**

- orthopaedics
- cancer, and
- misdiagnosis by a GP setting over a long period, or

- misdiagnosis in A & E when treatment may be time critical

**What do I need to prove?**

In each instance as with any clinical/medical negligence claim it is necessary to prove that:

- there has been a **breach of the duty of care** to the patient
- the **breach** has been the **cause** of the **damage complained of** – known as "causation"



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## Orthopaedic example

- Following traumatic injury eg a fall or injuries sustained in a road traffic accident:
  - **failing to pick up on a fracture** and respond accordingly with a narrow window of opportunity of days - may result in a successful claim
- You must show that the outcome from the **original injury has been made worse** by either delayed treatment or indeed that further damage may have been caused in the interim



## Acute conditions

- **Failure to diagnose an acute condition** eg meningitis or other rapidly advancing conditions can have devastating consequences - and if a diagnosis could

and should have been made earlier then this may give rise to a claim

- However, these types of cases are often complex as it can be difficult to show that "but for" the delay the outcome would have been any different

## Chronic illnesses

- **Treatable conditions may be rendered untreatable** by a delay
- Common complaints arise in the context of the diagnosis and treatment of cancer
- It is not possible to give firm guidance as each case turns on its own merits, but if there has been any element of delay in referral, obtaining test results or seeing a Consultant then it may be worth investigating a claim
- Short delays are unlikely to be actionable, but protracted delays might be. Equally if test results have been incorrectly interpreted this may give rise to a claim
- Conversely, it may be that the condition would in any event have progressed with the same consequences

If you or your loved ones have been affected by any of the issues raised please call us directly on 0870 855 1600.

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