

Bonallack & Bishop Solicitors

Press Release

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COLONOSCOPY MISDIAGNOSES AT NHS TREATMENT CENTRE, SHEPTON MALLET

Bonallack and Bishop have recently been instructed to act for victims of potential medical accidents caused by the misinterpretation of colonoscopies performed by a doctor operating from the UKSH NHS Treatment Centre at Shepton Mallet.

A surgeon who performed 1,828 colonoscopies at this clinic between October 2005 and March 2008 used poor diagnostic techniques, resulting in probable missed diagnoses of up to 580 patients. 100 patients have been recalled for urgent review; 480 have been referred for a follow-up colonoscopy and 755 have been advised to contact their GP. The clinic is privately owned but sells its services to the NHS in an aim to reduce NHS waiting times. The doctor was initially suspended and later resigned from the centre.

A colonoscopy is a technique used to diagnose lower bowel problems by inserting a camera into the bowel. Commonly the diagnoses are bowel cancer, diverticulitis and Crohn's disease.



Denise Broomfield, a solicitor and clinical negligence specialist at Bonallack and Bishop, says, "Situations such as this are of the utmost severity for the people concerned. A colonoscopy is always performed as a result of a patient's GP being concerned about the health of a patient's bowel. The most common concern is that the patient has bowel cancer but the technique is also used to diagnose Crohn's disease and diverticulitis which although not life-threatening can have serious consequences for a person's day to day health. Obviously patients are thrown into a complete state of panic if they realise that they had been given the all clear for a potential life threatening condition and are later recalled."

Denise Broomfield has previously represented clients affected by the misinterpretation of smear test results taken for cervical cancer by Swindon doctor James Ellwood. Dr Ellwood misdiagnosed 200 cancer patients in 2000. Denise comments, "I learned from representing

that group of clients that the most important thing for people to do is to have their follow up checks as soon as possible. Hopefully the vast majority of the patients who have previously received the all clear will still be given the all clear.”

When asked whether patients who have had their bowel condition misdiagnosed would have a claim against UKSH, Denise says, “Failure to perform and interpret the results of a colonoscopy correctly would amount to substandard medical care and would be a breach of the doctor’s duty of care to the patient. To bring a claim for compensation the patient would also have to be able to show that their health would have been better but for the error. For example, if a person should have been diagnosed with bowel cancer as a result of the colonoscopy and they were not and have been walking around with undiagnosed and untreated cancer as a result, they will have to be able to prove that they would have been able to have had their cancer treated and made a recovery if their treatment had commenced sooner. I have a panel of independent gastro-entriologists who are able to help me answer this question for the patient. We have also set up a helpline number for people to call who would like to know their legal options, and will be running a free legal advice clinic in Shepton Mallet on Monday 15th December from 10am-4pm at the Paul Street Community Centre so that anyone affected can drop in and discuss their case with us. Counsellors Nigel and Jenny Heath from the Happy Relationship Company will also be on hand to provide emotional support for any issues arising from the misdiagnosis.”

Bonallack and Bishop would urge anyone who thinks that they might have been affected to call their dedicated legal helpline on 01722 424419 and speak to one of their team of specialist solicitors, or visit the clinic in Shepton Mallet on 15th December.

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For further information please contact Denise Broomfield on denise.broomfield@bishopslaw.com or 01722 424426.