



**Office of the
Health Complaints
Commissioner
2007**

700-0703010 – General Practitioner – cerebella ataxia – spinal stenosis - alleged failure to diagnose

Section 23(1)(c) & (d) of the *Health Complaints Act 1995* – that a health service provider acted unreasonably in the manner of providing a health service, a health service provider failed to exercise due skill.

Finalised August 2007

The complainant lodged a complaint on behalf of his partner who requires twenty-four hour assistance due to her inability to care for herself. The Health Complaints Commissioner accepted the complaint pursuant to s22(f) of the Act due to the consumer's impairment.

The consumer was a patient of the provider from about 1998 to 2004 and alleges that the provider failed to diagnose two serious medical conditions specifically, spinal stenosis requiring surgery and cerebella ataxia.

Information was sought from general practitioners who cared for the consumer subsequent to the provider and the specialist who diagnosed cerebella ataxia. This information and that provided by the complainant indicated that the consumer might have suffered from cerebella ataxia from childhood. The specialist reported that Paroxysmal Cerebellar Ataxia is very rare and was diagnosed on clinical grounds and at the exclusion of other conditions. He also states that he does not believe inadequate medical care had been given to the consumer.

In response to the complaint the provider presented evidence that she was one of a number of practitioners who treated the consumer and that the consumer had undergone extensive neuromuscular and cardiac investigations during the period of time she attended the practice.

The conclusion was that the complaint was not substantiated and no recommendations were made. The provider exercised due skill and was reasonable in the manner of providing the health service.