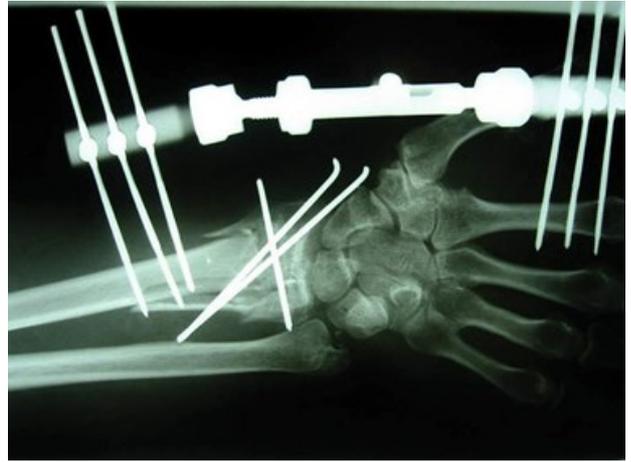




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LawTalk Blog



## Radiology and medical negligence

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A radiologist is a specialist medical doctor who has had specific training in performing and interpreting diagnostic imaging tests and interventional procedures or treatments that involve the use of X-ray, ultrasound and magnetic resonance imaging (MRI) equipment.

Radiologists have the same responsibilities as any other doctor to [fully inform their patients](#) of the risks and benefits in relation to any medical procedure they undergo and to perform those procedures with a standard of care to be expected of a person professing to have a particular skill.

Let's face it errors are made in medicine and radiology is no different. Errors can be made in interpretation of the diagnostic imaging tests and therefore the wrong conclusion can be drawn;

- The incorrect diagnostic imaging test can be used
- The necessary urgency may not be attached to results
- The patient could be injured during a test or while undergoing treatment under the care of the radiologist, for example ultrasound guided cortisone injections.

Radiology can be tricky. It is not always as easy as looking at a medical diagnostic image and going "oh, that's a ...". Radiologists aren't looking at their holiday snaps when they are looking at medical images. Radiologists assess an image and then put forward an assessment on what they are looking at on the 'balance of probabilities'. So an error in the interpretation of the image is not necessarily negligence – all the circumstances need to be assessed. However, that does not mean the question should not be asked.

If after investigation it was found the radiologist may be negligent the next question is then one of [causation](#). Let's say the radiologist didn't pick up your broken big toe in the x-ray and you had to hobble around for 6 weeks with a broken toe while it healed; not knowing it was actually broken.

The missed diagnosis was not the cause of the hobbling and pain vbut something you'd have had to have endured in any event. However, if the broken toe wasn't diagnosed and it became a compartmentalised fracture and blood flow was cut to the toe, thereby you eventually lose the toe, then we *may* have causation if the compartmentalisation could have been prevented if the proper diagnosis had been made.

I know a broken toe seems a little light hearted and a missed diagnosis for a more serious matter like an unexplained lump or black abyss on the image can have far reaching and traumatic consequences but the same principles apply. For more on causation you should check out Suzanne's blog "[Establishing "causation" is a major aspect of medical negligence claims](#)".

Some of the most common reasons radiologists have been sued are:

- A failure to diagnose (which makes up to 67% of law suits in the US).
- Patient suffering injury as a result of treatment.
- Failure to treat the patient.
- The radiologist did not have informed consent.
- Errors in medication administration.

The best advice if something has gone wrong is to give an appropriately experienced lawyer a call and discuss it; better a question asked and answered than never asked at all.

Other blogs which may be helpful are in assessing if you have claim are

- [When can you claim compensation for pure mental harm?](#)
- [I want to sue my doctor. How long have I got to do this?](#)
- [What are the differences between medical scan types?](#)

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*