

### Do medical practitioners have more to worry about.....? A recent decision on alleged medical negligence

A recent decision in New South Wales has been overturned by the Court of Appeal after a morbidly obese man was initially successful in suing his doctor for not referring him to weight loss specialists. He claimed that his doctor's failure to refer caused his ultimate condition of cirrhosis, liver cancer and liver failure.

The Court of Appeal found that the medical practitioner in question had not been negligent in the particular circumstances of the case however it certainly draws attention to the fact that medical practitioners have a duty to ensure they are referring their patients to the correct specialists.

A large factor in the Court of Appeal's decision was that the patient did not demonstrate a willingness to do something about his health condition. Having said this, it was still highlighted that doctors have a positive duty to refer their patients if the circumstances warrant, to the relevant specialists. It is something that medical practitioners must keep in mind, in a holistic approach to their medical practice, quite possibly adding more to their already demanding obligations.

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