

SPSO decision report

Case: 201101332, Greater Glasgow and Clyde NHS Board - Acute Services Division
Sector: health
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C had an overactive bladder muscle and, supported by his consultant, requested treatment with Botulinum Toxin A (Botox A) to help control his condition. The board refused Mr C's request, and he complained to us that the refusal was unreasonable as he was aware of the treatment being made available to female patients.

Mr C also complained that the board gave him an unreasonable explanation that such drugs should only be used for patients who have extremely severe symptoms and who have accepted the associated risks. Mr C said that the board failed to take into account the severity of his symptoms and acknowledge his acceptance of the risks as he had twice previously paid to have the procedure carried out privately.

Our investigation found that the board did not deal with Mr C's request in line with their own policies. In addition, the board acknowledged that different sets of practice had developed within urology and gynaecology, which required further review. For these reasons, we decided it was unreasonable of the board to refuse Mr C's request and so we upheld this complaint.

We thought the board's explanation that Botox A should only be used for patients who have extremely severe symptoms who have accepted the associated risks was not, in itself, unreasonable. It was a matter of clinical interpretation whether Mr C's symptoms were extremely severe, and we understood the board's explanation that it was not possible for Mr C to have accepted the risks, as the risks were unknown. However, the urology staff who had treated Mr C for several years considered him to be an ideal candidate for Botox A, and supported his attempts to get the treatment. Also, Mr C had received successful Botox A treatment twice in a private hospital. In addition, the explanation provided in the board's response to Mr C's consultant's request for treatment was not consistent with their unlicensed medicines policy. Taking all of this into account, we upheld this complaint.

Recommendations

We recommended that the board:

- apologise to Mr C for the failings identified in our investigation;
- consider Mr C's and his consultant's request for Botox treatment in line with the current version of the unlicensed medicines policy; and
- remind management and clinicians of the unlicensed medicines policy, and ensure that the policy is referred to and followed in relevant cases.