



The duty of care of screening services to notify women with silicone breast implants of the presence of screen-detected leaking implants

Version Control

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Background

At the request of the PMG, the Department of Health sought legal advice in relation to the *current* national policy statement on the cancer screening website which states:

- 'Identifying and reporting implant problems is not the role of BreastScreen Australia Services. If implant damage is detected, a woman may be advised to consult with her General Practitioner.'

The Legal advice received in relation to this issue was as follows:

- From the Commonwealth's perspective, the current national policy statement on the cancer screening website sufficiently addresses the Program's duty of care to disclose such information to women.
- Jurisdictions may wish to seek their own legal advice.

Further to this, literature searches were conducted into the potential benefit to patients in reporting asymptomatic implant ruptures and consultations with medical professionals.

The absence of evidence from the literature search has guided the CAC in coming to a decision on the reporting of leaking breast implants.

The CAC are of the view that BreastScreen Australia services should not report on breast implants as it increases the harm and is of non-clinical benefit.

The national policy statement has been amended to reflect the CAC advice. The revised national policy statement is now as follows:

- 'Identifying and reporting implant problems is not the role of BreastScreen Australia Services'.

In leaving out the word 'may' this does not mean that BreastScreen Australia must not advise patients about ruptures. Management of symptoms is not the role of BreastScreen Australia. However, each Jurisdiction may wish to set their own policy to determine if advising women about ruptures is considered 'best practice' within their Service.

The CAC sought legal advice from the Commonwealth, on the Commonwealth's legal duty of care and reviewed guidelines from the UK and international guidelines.

CAC decision/recommendation

The CAC advises that identifying and reporting implant problems is not the role of BreastScreen Australia Services.

This does not mean that BreastScreen Australia must not advise patients about ruptures. Management of symptoms is not the role of BreastScreen Australia. However, each Jurisdiction may wish to set their own policy to determine if advising women about ruptures is considered 'best practice' within their Service.

The revised national policy statement below should be amended on jurisdictional websites:

- 'Identifying and reporting implant problems is not the role of BreastScreen Australia Services'.

As the legal advice was for the position of the Commonwealth, Jurisdictions may wish to seek their own legal advice.

This advice is clinical guidance for the BreastScreen Australia Program for consideration and suggested implementation within each jurisdiction.