

Doctor reprimanded over sexual boundary breaches that began with a birthday cake



Key messages from the case

Crossing professional boundaries can result from a blurring of personal and professional roles. However even if a consensual relationship develops, sexual relationships between doctor and patient are never acceptable. They can cause harm to patients and have significant professional consequences for doctors.

Details of the decision

Boundary violation – gifts and personal relationship

Patient A had consulted Dr O on several previous occasions. During one consultation Dr O told her it was his birthday and hugged her. Later that day Patient A sent Dr O a cake at the practice and he phoned to thank her. They began to exchange personal calls and text messages.

Boundary violation – sexual relationship

The personal relationship between Dr O and Patient A developed over some months, until they met socially and began a sexual relationship. Over the next three months they continued to meet, at a hotel and at Dr O's home, and the sexual relationship continued.

The sexual relationship ceased, and Patient A consulted Dr O on several occasions afterwards, including for mental health issues. Dr O also treated her children on occasion, once while Patient A was present.

False and misleading statements

Some years after the sexual relationship ended, Patient A told a nurse at a mental health clinic about the relationship with Dr O which led to a mandatory report to the regulator.

When the regulator investigated, Dr O repeatedly denied the sexual relationship and many of Patient A's other allegations. He subsequently withdrew those denials and admitted there had been a sexual relationship.

The tribunal confirmed that engaging in a sexual relationship with a patient, even if the relationship is consensual, is a breach of professional boundaries.

It noted that knowingly providing false or misleading information is an offence and has the potential to undermine the regulatory function in investigating and prosecuting complaints.

Outcome

Dr O's conduct cumulatively constituted professional misconduct.

The tribunal took into account that Patient A had not wished the matter to be reported and had stated that she knew what she was doing.

The tribunal also noted that Dr O's original training overseas had not included training on professional ethics. It noted that Dr O had subsequently undertaken training on professional ethical behaviour in Australia, which pre-dated him providing false information in response to the notification.

It accepted that Dr O was remorseful and that he had apologised to Patient A.

On the facts, the tribunal concluded there was little likelihood of Dr O reoffending.

Dr O was reprimanded and ordered to engage in a professional mentoring relationship, and pay the costs of the proceedings.

Key lessons

It is never acceptable to have a sexual relationship with a current patient.

Be alert to signs that boundaries are blurring – for example social invitations, disclosures of intimate details not relevant to clinical care, personal phone calls or emails, or requests for contact via social media.

If you do find yourself in a situation where boundaries have blurred, seek professional medico-legal advice.

Never attempt to conceal a boundary violation.

Never provide information to the regulator that you know to be false or misleading.

References and further reading

Avant factsheet – [Boundary issues](#).

Medical Board of Australia Guidelines – [Sexual boundaries in the doctor-patient relationship](#)

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