

Prescribing opioids to patient with known dependency found to be professional misconduct



Key messages from the case

Prescribing drugs of dependence is challenging, particularly where patients are exhibiting drug-seeking behaviours. Doctors who seek to help patients in pain can find themselves being pressured into inappropriate prescribing as a case involving a GP illustrates.

Details of the decision

Inappropriate and unauthorised prescribing

The Medical Board alleged Dr A's prescribing of oxycodone and fentanyl to a patient with opiate dependency constituted professional misconduct. The Board claimed she had:

- prescribed S8 medication without obtaining appropriate authorisation
- continued to prescribe after being advised by the Department of Health that the patient was known to be high risk and exhibiting drug seeking behaviours
- continued to prescribe after authorisation was refused
- failed to follow specialist pain management advice that the fentanyl dosage was too high and needed to be reduced, and instead increased the dosage prescribed
- breached the terms of a conditional authorisation to prescribe by failing to enter into Schedule 8 contract with the patient

- issued prescriptions for S8 medications that she knew had already been dispensed without a valid prescription or authority
- failed to take steps to stop the pharmacist dispensing without a valid prescription, by refusing to provide prescriptions or making a mandatory report.

Dr A admitted the conduct.

Outcome

Dr A's conduct constituted professional misconduct.

The tribunal accepted that she had felt pressured by the situation and since the Board's investigation she had significantly modified her practice to ensure she complied with legislation and professional obligations.

She was reprimanded and conditions imposed including mentoring for 12 months and practice audits.

She was ordered to pay the Board's legal costs of \$10,000.

Key lessons

Make sure you understand the authorisations required to prescribe drugs of dependence in your state or territory.

Obtain all relevant authorities and consider any concerning drug-seeking patient behaviours before prescribing Schedule 8 drugs.

Consult any applicable real time monitoring or prescription shopping information services in your state or territory. In some states it is mandatory to check before prescribing.

Access available advice services and engage with addiction management specialists for advice and support if you have concerns.

Do not issue a prescription for S8 medications if you have reason to believe they have been dispensed without authorisation.

You may be obliged to make a report to your state or territory health department and/or to Ahpra if you have concerns about unauthorised dispensing of drugs of dependence.

References and further reading

Avant factsheet – [Prescribing drugs of dependence](#)

Avant factsheet – [Identifying drug seekers and doctor shopping behaviours](#)

Avant article – [What to do when your prescription pad is stolen](#)

Avant eLearning – [Prescribing principles: Chapter one – general prescribing issues](#)

Avant eLearning – [Prescribing principles: Chapter two – opioids and other drugs of dependence](#)

For more information or immediate medico-legal advice, call us on 1800 128 268, 24/7 in emergencies. avant.org.au/mlas



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