

GP attributes boundary breach with vulnerable patient to mental health condition



Key messages from the case

Doctors may be at greater risk of making errors of judgement and breaching professional boundaries if they are unwell themselves or experiencing particular stresses in their work or personal lives. A case involving a GP illustrates how things can go wrong and put patients at risk.

Details of the decision

Professional boundary violation

Over about seven years, Dr O had treated Ms T at his medical practice for general health conditions, depression, anxiety, and abuse of amphetamines and other drugs of addiction.

On one occasion Dr O attended Ms T at her home when she was experiencing a relapse of her drug addiction and had taken drugs that day. Dr O had sexual intercourse with Ms T at that time.

Dr O and Ms T had exchanged personal text messages in the months beforehand. Dr O had been affectionate with Ms T, and told her she was like one of his children and that she was special. He invited her to his church and gave her tickets to events at the church.

Dr O had attended Ms T's home on a number of other occasions and made no notes of these home visits in the patient's medical records.

Prescribing

During the period of the patient's relapse, Dr O prescribed the patient an anti-psychotic drug. He left money to pay for the prescription and instructions on dispensing the medication with Ms T's neighbour. The neighbour was a recovering addict and had no responsibility for the patient's welfare.

Outcome

Dr O admitted to the alleged conduct. He expressed profound remorse and accepted that his behaviour constituted professional misconduct.

He agreed he should have referred Ms T to another practitioner for general care and referred her to drug rehabilitation services.

The tribunal noted that Dr O had been diagnosed with a major depressive disorder and anxiety disorder, which was present at the time of the conduct. It noted that Dr O had started seeing a psychiatrist on a regular basis and was fully compliant with treatment recommendations.

Dr O was reprimanded and his registration suspended for 15 months. He was ordered to pay legal costs of \$7000.

Key lessons

It is never appropriate to engage in a sexual relationship with a current patient.

It is important to maintain clear professional boundaries with patients who are vulnerable or dependent – for example because of mental health or substance abuse issues. If boundaries have been blurred, take prompt steps to manage this, including referring the patient to another practitioner.

When prescribing any medication, always ensure you provide the patient with clear information about safe use of the medication, and take steps to ensure the patient understands this information.

Pay attention to your own stress levels and risks – being unwell, isolated or under pressure may make you more vulnerable to errors of judgement and boundary breaches. Seek help if you are concerned your judgement may be compromised. The code of conduct encourages all practitioners to have their own general practitioner and to seek help if suffering stress, burnout, anxiety or depression.

References and further reading

Avant factsheet – [Boundary issues](#)

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

Medical Board of Australia - [Good medical practice: a code of conduct for doctors in Australia](#)

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