

Psychiatrist disqualified after mandatory notification over sexual relationship with vulnerable patient



Key messages from the case

Doctors who are practising with an impairment may be putting patients at risk through poor judgement or performance. Impaired decision-making may also mean they risk harming patients by breaching professional boundaries, as this case involving a psychiatrist illustrates.

Details of the decision

Boundary violations

Ms Y had attempted suicide following a workplace sexual assault. She was referred to psychiatrist, Dr A.

While in a treating relationship Dr A encouraged her to 'contact him any time' and they communicated via email and telephone. Dr A disclosed to Ms Y personal issues including his gambling addiction and mental health problems.

Dr A and Ms Y met socially and had a sexual relationship, then she discovered she was pregnant. Ms Y felt pressured to terminate the pregnancy – she said Dr A asked her not to tell anyone about the pregnancy and threatened to kill himself if she did. She arranged a consultation with her GP, which Dr A attended. During that consultation he did not disclose he had been her psychiatrist.

Ms Y terminated the pregnancy.

Eventually Ms Y's GP and psychologist discovered the nature of the relationship, and both made mandatory notifications to the Medical Board.

Dr A accepted his behaviour amounted to professional misconduct.

Treating family and friends

At some point Dr A told Ms Y that he could no longer be her doctor due to their personal relationship. However, he did not refer Ms Y to another psychiatrist.

On at least one occasion Dr A prescribed medication for Ms Y without making clinical records.

The tribunal determined this amounted to unprofessional conduct.

Wellbeing and impairment

The tribunal accepted that at the time Dr A was involved with Ms Y, his decision-making had been impaired by personal stresses and substance abuse. He was subsequently diagnosed with several conditions including depression and alcohol use disorder.

The tribunal concluded that Dr A had practised when he ought reasonably to have been aware that he had an impairment that could adversely affect his judgement, performance or his patients' health.

Outcome

Dr A's conduct amounted to professional misconduct. It was particularly serious given Ms Y's vulnerability – which the Board said Dr A had exploited and exacerbated.

His behaviour in prescribing for her and not recording the prescription also had the potential to compromise Ms Y's care.

Dr A was not registered at the time of the hearing as he had given an undertaking to the Board not to practise soon after the Board received the notifications about his conduct, and had since let his registration lapse. The tribunal accepted he had demonstrated insight and had taken steps to address his impairment. He was disqualified from applying for registration for a further 8 months (a total of three years since he had agreed not to practise).

Key lessons

It is never appropriate to have a sexual relationship with a current patient, even if you believe the relationship is consensual.

Relationships with former patients are also likely to be problematic, particularly where the patient is vulnerable, for example due to mental health issues, or if the patient has been sexually abused or subjected to domestic violence. The Royal Australian and New Zealand College of Psychiatrists will not tolerate a sexual relationship between a psychiatrist and a former patient under any circumstance.

Wherever possible avoid treating those with whom you have a close personal relationship except in an emergency.

Be aware of your own health and wellbeing. Having relationship problems, feeling personally or professionally isolated, being under stress or unwell may make you more vulnerable to boundary breaches. Take active steps to seek professional support – for example ensure that you have your own GP, find a mentor or peer support network.

References and further reading

Avant factsheet – [Boundary issues](#)

Avant article – ["But it's just a script": prescribing requests from family and friends](#)

Avant factsheet – [Treating family members, friends or staff](#)

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

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