

Inappropriate relationship with patient whose family were also patients leads to suspension for NZ GP



Key messages from the case

Relationships with former patients and with patients' family members can compromise patient care and may be in breach of sexual boundaries guidelines. An inappropriate relationship can result in a finding of professional misconduct – as a decision of the New Zealand Health and Disability Commissioner illustrates.

Details of the decision

Boundary violations

Dr B was a GP in a regional town. She began an affair with a married former patient (Mr A), whose wife and children were also her patients. Mr A instigated contact via social media. As the relationship developed, Dr B transferred Mr A's care to a colleague, but his wife and children remained her patients.

Mr A told his wife he was having an affair with Dr B. Mrs A became very distressed and eventually complained to the Medical Council.

The commissioner found Dr B's behaviour constituted both unsatisfactory professional conduct and professional misconduct.

The NZ Medical Council Guidelines on Sexual boundaries in the doctor–patient relationship are broadly similar to the Australian guidelines. However they expressly state that a relationship between a doctor and former patient would never be acceptable if the doctor–patient relationship was ended to initiate a sexual relationship.

The commissioner concluded it was most likely Dr B terminated the professional relationship because a personal relationship had commenced.

Whether or not the relationship was sexual at the time the treatment relationship ended, Dr B had breached professional boundaries. She had also breached her duty of care to Mrs A and her children.

Privacy and confidentiality

When Mr A disclosed his affair to his wife, Mrs A was distraught and booked an appointment at her regular GP clinic. As the administration staff were unaware of the circumstances, they organised an appointment with her regular GP, Dr B.

Dr B panicked and contacted Mr A via a social media platform to say his wife had made an appointment. Mr A contacted his wife.

Mrs A also complained about this breach of confidentiality.

The commissioner found Dr B's actions breached doctor–patient confidentiality. The breach was aggravated by the fact that it was unsolicited and that it was shared via a social media platform.

Obligations of the medical practice

The commissioner also considered the actions of the medical practice. When Mr A disclosed the affair to his wife, Dr B advised her colleagues at the practice that she had a personal

relationship with Mr A but told them that it was platonic and said that she had terminated the treatment relationship. They arranged for Mrs A to consult with another doctor at the practice, Dr G. The tribunal found Dr G had acted appropriately to support Mrs A.

The commissioner also found the practice had met with Dr B to clarify her relationship and advised she should have no further contact with the family, nor should she access any clinical notes. The practice sought legal advice and was told there was no obligation to report to the Medical Council. The commissioner considered the medical practice had acted appropriately and had not breached its obligations.

Outcome

Conditions imposed included a requirement that Dr B provide a written apology to Mrs A and family, and that Dr B be mentored for a 12 month period by a senior colleague.

Key lessons

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

Be very cautious about engaging in a sexual relationship with a former patient. Relationships are likely to be particularly problematic where there has been a long treating relationship, the doctor has provided emotional or psychological support, or the patient is dependent or vulnerable. Simply ending the doctor-patient relationship may not make the relationship ethical – particularly if it appears the treating relationship was terminated to initiate a sexual relationship.

Relationships with patients' family members are also often problematic. Where a relationship could affect the judgement of the doctor or the family member, this could undermine the patient's healthcare and may be a breach of the doctor's ethical duty to the patient.

References and further reading

Avant factsheet – [Boundary issues 2020](#)

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

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



avant.org.au/avant-learning-centre