

Doctor reprimanded over failure to seek help or participate in patient care



Key messages from the case

Doctors are expected to recognise and work within the limits of their competence and scope of practice and to consult and take advice from colleagues when appropriate. Failing to do so can lead to significant patient harm, as this case involving a locum VMO working in a regional hospital illustrates.

Details of the decision

Dr B appears to have worked beyond his scope of practice in his employment as a locum VMO in the emergency department of a regional hospital.

His care was subject to criticism after several separate patient incidents.

Patient care – handover and scope of practice

Dr B was the sole doctor in the emergency department dealing with a critically ill patient suffering respiratory failure, having taken over from another doctor at the end of their shift. The patient was placed on a BiPAP machine by the other doctor and was to be transferred to a larger regional hospital, but due to issues with arranging suitable transfer, the patient died before he could be transferred.

Use of the BiPAP machine was outside Dr B's scope of practice and the tribunal found that Dr B delegated care to the nursing staff and declined to participate in the patient's care.

Experts agreed that handover from the outgoing doctor was inadequate and that Dr B was left in a difficult situation.

However, as a medical practitioner, he was obliged to provide clinical care and leadership to the best of his ability.

Dr B was responsible for ensuring he was able to safely provide ongoing care before accepting handover. However, he failed to notify the permanent VMO or senior hospital staff that the care was outside his scope, nor did he seek specialist assistance by phone.

His conduct fell significantly below the standard expected.

Prescribing

In a second matter, Dr B was criticised for prescribing contraindicated medications to a high-risk pregnant patient without taking a detailed history. He failed to provide specialists with an appropriate handover or seek advice on the appropriateness of the medications he intended to administer.

Again, experts agreed that Dr B had been out of his depth in the management of this patient. However it was his failure to take appropriate history and seek specialist advice or even check about contraindications in pregnancy before prescribing, that was found to be below standard.

Documentation

Dr B was criticised for his record-keeping in relation to both patients. He claimed to have sought specialist involvement and said that he understood those specialists were keeping detailed clinical notes.

By failing to keep appropriate records, even of his rationale for not being involved in the first patient's care to facilitate continuity of care and provide a record of interventions, Dr B's record-keeping fell significantly below standard.

Outcome

Dr B's care was found to constitute professional misconduct with regard to the first patient, and unsatisfactory professional conduct with regard to the second.

He was reprimanded and subject to conditions including prohibition from practising alone, restrictions on working hours and numbers of patients, and ordered to pay legal costs.

Key lessons

Even if you are in a situation of operating outside your scope of practice you have an obligation to participate to the best of your ability in providing care. It is unacceptable to fail to provide basic care such as taking an adequate history, keeping appropriate records, and seeking help when required.

You are also expected to communicate to superiors if you are unable to assist and seek assistance if available.

Even if other practitioners are involved in patient care, you are expected to make notes to document your own involvement and treatment provided.

Be aware of your own health and wellbeing and take steps to seek support if you become aware that you are becoming unwell or out of your depth.

References and further reading

Avant factsheet – [Medical records: the essentials](#)

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