

# Tribunal finds GP's prescribing drugs of dependence for patients with history of addiction constitutes professional misconduct



## Key messages from the case

Doctors caring for patients with drug dependency may find their professionalism compromised. Bowing to patient pressure to prescribe drugs of dependence without a proper assessment may breach your legal and professional obligations. It may also mean failing to provide appropriate care for a patient's other physical and mental health issues.

## Details of the decision

### Prescribing drugs of dependence

Following an investigation by the regulator, Dr L admitted having inappropriately prescribed S4 and S8s including Panadeine Forte, MS Contin, Serepax, methadone, diazepam, Targin and naloxone to patients he knew or should have known had a history of drug dependence.

He had also failed to seek appropriate authorisation for prescribing.

In some cases Dr L had written a prescription for these medications without having a consultation with the patients. He also accepted he failed to take appropriate steps before prescribing including,

- assessing the patient
- making a diagnosis
- appropriately assessing the risks of prescribing to patients with known drug-dependency, or considering alternatives to prescribing
- formulating a management plan.

In some cases, he was aware of potential doctor-shopping but had failed to demonstrate he had taken appropriate steps to confirm whether the patients were doctor-shopping.

### Standard of care

Dr L accepted that his prescribing amounted to a failure to provide appropriate care including failing to make an appropriate clinical assessment, and not attempting to address the patients' mental health issues.

### Record-keeping

Dr L admitted he had failed to keep appropriate records documenting the clinical indications for prescribing, his assessment and his clinical decision-making. He had failed to document patients' clinical history, investigations undertaken, assessments, information provided to patients, and treatment and management plans.

## Outcome

The tribunal concluded Dr L's behaviour constituted professional misconduct.

Dr L, who was of retirement age, had surrendered his registration and retired from practice. He had also voluntarily completed education in opioid prescribing and medical record-keeping.

Dr L was reprimanded, his registration was cancelled and he was disqualified from reapplying for registration for nine months.

Dr L was ordered to pay the regulator's legal costs of \$7,500.

## Key lessons

Have policies or procedures in place to help you maintain your professional judgement when facing patient pressure to prescribe drugs of dependence.

When prescribing drugs of dependence, take a history of any previous drug use and consider this in decision-making.

Be alert to drug-seeking and doctor shopping behaviour in patients when prescribing drugs of dependence. Register for access to prescription shopping and real-time prescription monitoring in your state/territory, and always check before prescribing.

Understand when authorisation is required for prescribing a drug of dependence and what other legal requirements for prescribing medications exist in your state or territory.

Only prescribe medications after a proper consultation and where therapeutically indicated.

If you are unwilling to prescribe drugs of dependence for any patient, say 'no' in a respectful and clear way so there is no room for misinterpretation or ambiguity. Give a reason for not prescribing. Consider non-pharmacological alternatives. Offer to refer the patient to a colleague or engage help from other specialists.

Always maintain clear, up-to-date medical records that include details of a patient's clinical history, your clinical findings, investigations, assessments, information provided to the patient, medical details and treatment and management plan – in a form that can be understood by other health practitioners.

## References and further reading

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

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

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

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

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