

Orthopaedic surgeon's registration cancelled after admitting to prescription fraud when treating his wife



Key messages from the case

Treating those with whom you have a close personal relationship can make it very difficult to maintain objectivity or provide continuity of care. A case involving an orthopaedic surgeon in New Zealand who admitted to forging prescriptions for drugs of dependence for his wife provides an extreme example of the personal and professional consequences that can follow when this boundary is breached.

Details of the decision

Treating family and friends

Dr A was an orthopaedic surgeon practising in New Zealand, after having trained and worked in the USA. After a local pharmacist reported one of Dr A's colleagues (Dr V) over inappropriate prescribing, Dr A admitted to having forged Dr V's name and prescriber identification on prescriptions for codeine. Some of the prescriptions were in Dr A's name, some in the name of his wife; they were all filled by Dr A at multiple pharmacies. Dr A claimed the prescriptions were for his wife, who had become dependent.

The prescribing had continued over 6 months and involved more than 20 forged prescriptions. The Medical Council argued this sustained behaviour was particularly serious and a grave departure from accepted professional standards. Assuming that all the drugs really were for his wife, this ongoing prescribing of large quantities of controlled drugs placed her at risk.

Record keeping

Dr A admitted his wife was not a patient and he had not kept any clinical records of his diagnosis, treatment or prescribing. Mrs A did not have her own general practitioner.

The Medical Council argued that Dr A's sustained prescribing without keeping records of her condition or his prescribing also put his wife at risk.

Outcome

Dr A was charged with fraud. The criminal court ruled that he be discharged without conviction.

In the disciplinary proceedings, the tribunal concluded that Dr A's behaviour amounted to professional misconduct.

Dr A was censured and his NZ registration was cancelled. As he had returned to the USA, the matter was also reported to the relevant US state and federal registration authorities.

He was also ordered to pay legal costs of \$19,000.

Key lessons

As a starting point, avoid commencing a doctor-patient relationship with a family member or close friend, except in an emergency. Wherever possible refer them to another practitioner for ongoing care.

If you do need to provide care for someone with whom you have a close relationship, avoid informal consultations. Ensure they see you in a clinical setting and that you keep appropriate records.

Self-prescribing or self-administering schedule 4 and schedule 8 medications is against the law in some Australian jurisdictions.

Under Australian law it is an offence to forge a prescription, fraudulently alter a prescription, or present a known forged or altered prescription to obtain a drug. Prescription forgery can also put colleagues at risk of being reported for inappropriate prescribing.

References and further reading

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

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

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

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

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

Medical Council of NSW: [Guideline for self-treatment and treating family members](#)

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