

Physician sanctioned after ignoring patient's request for second opinion



Key messages from the case

Good medical practice involves recognising the patient's right to make their own healthcare decisions; supporting the patient's right to seek a second opinion; and facilitating continuity and handover of care if patients choose to consult another doctor.

If a complaint is made about your care, reflect on the concerns and respond as honestly as possible. If you are seen as untruthful or self-serving, or prepared to change your version of events to assist your case, this will reflect badly on your professionalism and can affect the sanctions imposed.

Details of the decision

Poor communication and ignoring request for second opinion

Dr M was a VMO in a private hospital. 74-year-old Mr P was admitted with cellulitis in his leg.

The patient's adult son complained to the Medical Board on the patient's behalf that Dr M:

- was rough in her treatment and rude and dismissive of the patient
- did not allow the patient to ask questions about his condition
- ignored his reports of increasing pain and concerns that his condition was deteriorating
- refused a request (from the Director of Clinical Services) for a second opinion and discharged the patient from her care – which left the patient without medications until another doctor was able to take over care.

Responding to patient complaint

Concerns raised by the Board and the state Civil and Administrative Tribunal also related to Dr M's evidence and apparent lack of insight. The tribunal noted that her evidence appeared to

be inconsistent and to change depending on what she felt would best assist her case.

Dr M's initial response to the Board (apparently without benefit of advice from her medical defence organisation) was unfiltered, contained considerable irrelevant material, and may have given rise to some of the Board and tribunal's concerns.

She appeared to respond defensively and with hostility if she felt her clinical judgement was being questioned and to lack insight into how her behaviour may be negatively impacting patient care.

Outcome

The Board found Dr M's conduct was below the expected standard and imposed conditions:

- education on effective communication and dealing with patients in challenging situations
- mentoring, including support on the topics of listening and responding to patient concerns, respecting patient's right to make decisions about their own health and seek second opinion, facilitating co-ordination and continuity of patient care.

Dr M appealed the Board's decision. The tribunal considered the appeal and upheld the Board's decision that Dr M's professional conduct was unsatisfactory and imposed conditions should remain.

Key lessons

If a patient requests a second opinion, as they have a right to, your professional obligation is to support them in this and facilitate continuity and handover of care if they do choose to consult another doctor. The Medical Board's Good medical practice: a code of conduct for doctors in Australia stipulates patients must be supported when seeking a second opinion.

If a complaint is ever made about your care, it is important to reflect on the concerns and respond as honestly as possible.

Seek advice if you receive a patient complaint or notification from the Medical Board. It is important to get advice on how to respond in a way that best protects your interest

References and further reading

- Avant claims insights - [Disrespect towards patients: insights to reduce risk](#)
- Avant claims insights - [Professionalism in doctor-patient interactions: insights to reduce risk](#)
- Avant factsheet - [Dealing with a professional conduct complaint](#)
- Avant factsheet - [Managing differences: care and compliance](#)
- Avant eLearning - [Effective communication](#)

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