

GP's registration cancelled over multiple boundary breaches involving vulnerable patients



Key messages from the case

It is never appropriate to have a sexual relationship with a current patient – even if the relationship is consensual. Breaches of sexual boundaries will be seen as particularly egregious where there is a power imbalance and patients are known to be vulnerable or dependent.

Details of the decision

Boundary breaches

Dr C admitted to sexual misconduct with two young and vulnerable patients. He also admitted to terminating the doctor–patient relationship with another patient to begin a sexual relationship with her.

One of the patients, Ms S, had been Dr C's patient for nearly 10 years. Dr C was treating her for depression, substance abuse, self-harming and suicidal behaviours. She would sometimes sleep on the veranda of the medical practice at which he worked. When she had nowhere to stay after being discharged from hospital, she asked Dr C to come and pick her up. He took her home and allowed her to stay at his residence and they had sexual intercourse.

The tribunal commented that although the relationship was technically consensual, the significant power imbalance and vulnerability of the patient made it difficult to envisage a more egregious breach of professional boundaries.

Prescribing

Dr C also admitted having written a prescription in the name of one of his employees, which was filled and

delivered to a patient (P), who was a personal friend. He had not examined P before writing the prescription.

Documentation – medical certificate

Dr C admitted he had also written a medical certificate for P when he knew that she was not unfit for work.

Outcome

At the time of the hearing, Dr C had closed his practice and was registered as a non-practising practitioner.

Despite evidence Dr C had sought treatment and addressed the personal and mental health issues he was dealing with at the time of the misconduct, when considered together, the breaches indicated Dr C was unfit to practise. Dr C's registration was cancelled.

The tribunal accepted that in writing the prescription and medical certificate Dr C had been motivated by concern for P. However writing a fraudulent prescription was a breach of the legislation and was not something that could be treated lightly. Similarly writing a false certificate was a serious breach. The tribunal imposed fines of \$1000 for each breach and ordered Dr C to cover the Medical Board's legal costs of over \$64000.

Key lessons

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

It is also essential to avoid treating patients with whom you have developed a close personal relationship.

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.

A practitioner should never sign a medical certificate if they do not believe that the patient is genuinely incapacitated. Conspiring with a patient to provide a false medical certificate may be an offence and can have legal and professional consequences.

References and further reading

Avant factsheet – [Medical certificates and your responsibilities](#)

Avant factsheet – [Boundary issues](#)

Avant article – “But it’s just a script”: [prescribing requests from family and friends](#)

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

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

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

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