

## Decision of the Medical Board of Australia

Performance and Professional Standards Panel

**Jurisdiction:** Western Australia

**Date of Hearing:** 1 July 2013

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### Classification of Notification:

Clinical Care - Inadequate or inappropriate history or examination

Clinical Care - Inadequate or inappropriate testing or investigation

Clinical Care - Missed, incorrect or delayed diagnosis

Communication - Insensitive comments

Documentation - Health report – inadequate or inaccurate or misleading

### Allegations

The patient presented for a pre-employment medical examination. It was alleged that the practitioner acted in a way that constituted unprofessional conduct and/or unsatisfactory professional performance under sections 191(1)(b)(i) and (ii) of the National Law in that they:

- a. diagnosed an irregular heartbeat after exertion without undertaking sufficient confirmatory investigations
- b. inappropriately advised that the patient was able to '*exercise with impunity*', without undertaking sufficient investigations
- c. unreasonably concluded that the condition in the patient's right knee had the potential to aggravate any osteoarthritis, having regard to the patient's history, the physical examination and that no diagnosis of osteoarthritis had been confirmed
- d. inappropriately identified potential risks in a medical report provided to the prospective employer that were not relevant to the patient's employment
- e. incorrectly stated that the patient's weight may impair the suspension of a vehicle which the practitioner knew, or ought to have known, had the potential to adversely affect the patient's employment and
- f. made inappropriate comments about the patient's weight.

### Finding

The panel found that there was no evidence to substantiate the allegations against the practitioner.

It found that the practitioner could not be faulted in assessing the patient as morbidly obese and identifying the potential risks of sleep apnoea, consistent with their duty of care. The practitioner's assessment of the patient's osteoarthritis was proper and reasonable and the conclusion reached about the patient's cardiac health was correct.

While the panel noted that it may have been better if the practitioner had not made the alleged insensitive comments, it found that the comments did not constitute unsatisfactory professional performance or unprofessional conduct.

Further, the panel found that the prospective employer's interpretation of the medical report which adversely affected the patient, while unfortunate, did not flow from any unsatisfactory professional performance from the practitioner.

### **Determination**

The panel determined that no further action was to be taken.