

Medical practitioner suspended for professional misconduct

12 May 2015

The Victorian Civil and Administrative Tribunal has found a medical practitioner engaged in professional misconduct, reprimanding him and suspending his registration for one year from 29 April 2015.

In its ruling, the tribunal suppressed from publication any information that might identify the patient, the patient's family or the practitioner.

The Board referred the matter to the tribunal alleging that the practitioner had engaged in professional misconduct and unprofessional conduct between March 2010 and September 2011.

The patient had worked at the practitioner's practice and had seen the practitioner for consultations during the time of the alleged conduct. It was common for practice staff to be treated by other doctors at the practice.

The practitioner was managing the patient's mental health, including preparing a mental health plan, referring her to a psychologist, dispensing medication and providing samples of antidepressants.

The patient was 25 years younger than the practitioner, with limited education and the practitioner knew the patient was psychologically vulnerable.

In late August 2010, the practitioner started establishing a more intimate relationship with the patient, and in early September 2010, they developed a sexual relationship. In late September the patient stopped formally consulting the practitioner. On 1 September 2011 the relationship was discovered and ended.

The Board alleged that the practitioner had engaged in professional misconduct by transgressing professional boundaries by entering into a personal, romantic and sexual relationship with the patient.

The Board further alleged that the practitioner had engaged in unprofessional conduct for failing to maintain patient records, specifically, not documenting antidepressants and sleep medication he had provided the patient. The Board also alleged that the practitioner had failed to monitor and manage the patient while they were taking antidepressants.

The tribunal found that the practitioner had transgressed the professional boundaries that ordinarily exist between a medical practitioner and their patient. In its findings, the tribunal stated that the abuse of the power was a central issue in this matter, and the fact that the patient was employed by the practitioner, significantly younger than the practitioner, with limited education and psychologically vulnerable, created a significant power imbalance.

The tribunal found that the practitioner engaged in unprofessional conduct for failing to maintain proper records, or document antidepressant and sleep medication in the patient's record.

The tribunal dismissed the Board's allegation that the practitioner failed to properly monitor and manage the patient while she was taking antidepressants.

The tribunal stated that, other than failing to document this treatment, the practitioner would have likely been aware of the effect of the medication on the patient as a result of their relationship. The tribunal also stated that other doctors at the practice and the patient's psychologist were aware that the patient was taking the medication.

The tribunal reprimanded and suspended the practitioner for one year from 29 April 2015.

The reasons for the tribunal's decision are on [AustLII](#).

For more information

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