

GP reprimanded for failing to make a mandatory notification of sexual boundary breach by colleague



Key messages from the case

If a patient discloses a sexual relationship with a colleague, doctors must make a mandatory notification, if they form a 'reasonable belief' that the conduct has occurred. It is important to consider the evidence and seek advice before taking action. However unreasonably delaying, or failing to act can have professional consequences, as this case illustrates.

Details of the decision

This decision follows a finding of professional misconduct against Dr A's employee (Dr K) relating to a sexual relationship between Dr K and a patient of the practice.

Mandatory notification

Ms P was a patient of the practice and had previously consulted Dr K. When Ms P consulted Dr A, she disclosed that she had been in a sexual relationship with Dr K.

Dr A saw Ms P for multiple consultations over the next 5 months and they discussed the effect of the relationship on the patient's health. Eventually Dr A referred the patient to a psychologist, but Dr A did not make a mandatory notification about Dr K. He did not make any attempt to address Dr K's conduct with him and allowed him to continue working at the clinic.

Ms P's psychologist made a mandatory notification.

Boundary violation

Ms P also claimed that in her consultations with Dr A, he had made inappropriate physical contact and inappropriate comments of a personal nature – commenting on her physical appearance and similarity to Dr A's former girlfriend.

Dr A acknowledged the conduct.

Outcome

The tribunal concluded Dr A's conduct constituted professional misconduct.

Dr A was reprimanded and had conditions imposed. He was required to attend education on clinical communication, prohibited from having any role as a supervisor, directed to undertake mentoring, and ordered to pay legal costs.

Key lessons

You are required to notify Ahpra if you reasonably believe another practitioner has been or is engaging in sexual misconduct in connection with their practice.

However, it is a serious step to make a mandatory notification. You must have a reasonable belief – which is stronger than speculation and should be based as far as possible on actual, known events.

If a patient discloses a sexual relationship with your colleague, do not ignore it. You can take time to consider the evidence and seek advice before you make a notification, but make sure you do not delay unnecessarily. Ensure the patient is supported.

See Ahpra's Guidelines for mandatory notifications and seek advice from Avant if you have concerns about a colleague and are considering making a mandatory notification.

References and further reading

Avant factsheet – [Mandatory notifications about health practitioners](#)

Ahpra – [Guidelines: Mandatory notifications about registered health practitioners](#)

Ahpra – [Resources – helping you understand mandatory notifications](#)

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

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