

## GP suspended after ending the doctor–patient relationship to pursue a sexual relationship



### Key messages from the case

Relationships with former patients are not always unethical, but terminating the doctor–patient relationship in order to commence a sexual relationship will not excuse a sexual boundary violation, as this case illustrates.

### Details of the decision

#### Sexual boundary violation

A young woman YN had been seeing Dr H for almost two years for skin checks and other treatment. They then became friends on Facebook. Shortly afterwards she messaged him, disclosing her feelings for him and suggesting they meet. Dr H agreed to meet YN when she again told him she had personal feelings for him.

They subsequently exchanged text messages and met again, and some time later they met and had sex on two occasions. Before commencing the sexual relationship, Dr H advised YN that he would no longer see her as a patient. However, he did have some ongoing involvement in her treatment.

#### Mandatory reporting

Their relationship lasted over a year, before the woman disclosed it to another doctor at the same practice, in the context of seeking treatment for her history of sexual abuse and distress over her marriage breakdown.

His colleague told YN he was obliged to make a mandatory notification. When YN told Dr H she had disclosed the relationship to his colleague, Dr H notified Ahpra himself.

### Outcome

The tribunal determined the behaviour amounted to professional misconduct.

The tribunal considered that the relationship grew out of the doctor–patient relationship and the inherent power imbalance of that relationship. The tribunal noted that Dr H had initially resisted a sexual relationship and had tried to end the treating relationship, and that YN had persisted in seeking a personal relationship. However, it found that none of that excused the conduct.

Dr H was reprimanded, and his registration was suspended for two months. Once he returned to practise, Dr H was prohibited from engaging in any non-clinical communication with any patient.

Conditions were imposed including education on professional boundaries and ethical decision-making.

## Key lessons

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

Sexual relationships with former patients may also be unethical, particularly where there has been a long treating relationship, the doctor has provided emotional or psychological support, or the patient is dependent or vulnerable. Simply ending the doctor-patient relationship may not make the relationship ethical if the relationship was derived from the doctor-patient relationship.

The fact that a patient consents to the relationship, and even pursues it, will not excuse behaviour that is otherwise unethical. If a patient approaches you, explain it is unethical for you to engage in a personal relationship, document the incident in the patient record and consider informing a senior colleague, supervisor or practice manager.

## References and further reading

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

Factsheet: [Boundary issues](#)

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