

## Breach of sexual boundaries guidelines leads to gender based restriction



### Key messages from the case

Inappropriate behaviours such as making sexual remarks, discussing sexual preferences not relevant to healthcare, or making unnecessary comments about a patient's body or appearance will be seen as breaches of sexual boundaries and may result in immediate action – as this decision involving a GP illustrates.

### Details of the decision

#### Breach of sexual boundaries guidelines

The patient known as AC, had been a long-term patient of Dr A. Over the course of seven years, AC claimed that during consultations Dr A had attempted to kiss her, discussed his personal life with her including sexual problems, relationship issues and ways of enhancing sexual pleasure. Dr A also repeatedly commented about what AC was wearing and asked whether she was sexually active.

During a consultation with her psychologist, AC disclosed these historical claims. After this disclosure both the psychologist and AC notified Ahpra.

The medical records indicated AC was a frequent patient with significant medical issues. The tribunal accepted she was vulnerable and had been confused and ashamed by Dr A's behaviour.

### Outcome

The Medical Board of Australia took immediate action on receipt of the notifications and imposed conditions that prevented Dr A from having any contact with female patients, and to practise only in Board-approved locations.

Dr A appealed the Board's decision to the tribunal. The tribunal concluded that it had formed a reasonable belief that Dr A posed a serious risk – based on evidence of his boundary violations over an extended period. It confirmed the Medical Board's decision to impose gender-based and location-based restrictions.

## Key lessons

Breaches of sexual boundaries can involve inappropriate sexualised comments and touching – particularly in the context of performing examinations. The fact that a patient does not object does not mean the behaviour is appropriate. Ensure that you maintain clear professional boundaries with all patients and that all communications during consultations are professional and appropriate.

## References and further reading

Avant factsheet – [Boundary issues](#)

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

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