

Urologist sanctioned for lack of trainee supervision and for making false and misleading statements



Key messages from the case

In addition to professional medical expertise, doctors are expected to demonstrate high standards of ethical behaviour and integrity. Departures from these standards such as dishonesty, alteration or falsification of records or misleading regulators will all attract severe penalties – even if no patients are harmed.

Doctors who supervise trainees must ensure that they are aware of and provide the requisite level of trainee supervision and support. Failure to do so could lead to the withdrawal of the teaching hospital's accreditation or professional consequences for the supervising doctor.

Trainees should also be aware of their responsibility to speak up if asked to perform a procedure or make a statement for which they are not trained or do not feel comfortable.

Details of the decision

The regulator prosecuted a complaint that Dr C had failed to properly supervise a trainee urologist who was operating on Dr C's patients at a public hospital.

Due to a scheduling issue, Dr C had concurrent surgical lists running at separate hospitals. Once the public list had started, Dr C drove to another hospital and operated on his private patients, leaving the trainee unsupervised. This breached training regulations.

In the days before the date of the surgery, Dr C asked the trainee to send an email saying he was happy to operate unsupervised. The trainee was uncomfortable with this and declined to send an email. He spoke to the head of department and supervisor of training. Dr C was asked to move his private list or arrange alternative supervision or cancel the public list. Dr C said that he had moved his private list and would be available, however his private list went ahead as scheduled.

Supervision

The Urological Society of Australia and New Zealand had previously raised concerns about the quality of supervision of trainee urologists at the public hospital and had threatened to withdraw accreditation. Everyone in the

department had been advised it was unacceptable to schedule operating lists concurrently and supervisors had to be on site at the hospital and have no competing activities so they were available if needed in the operating theatre.

The College of Surgeons' Urology Board recognised that remote supervision may be permitted in certain circumstances, as long as a consultant is readily available to assist if needed. However the hospital considered this was unacceptable for a trainee at the level in this case.

The regulatory committee concluded Dr C had failed to provide supervision. This was significantly below the standard expected and constituted unsatisfactory professional conduct.

Medical records

The regulator alleged that to enable him to conduct two lists concurrently, Dr C pre-signed blank count sheets and safety checklists for the public hospital surgeries. The theatre nurses raised concerns with the hospital and were advised to destroy the pre-signed sheets.

This was a breach of the jurisdiction's regulations and health policy, which required records to be made contemporaneously with medical treatment or as soon as practicable

afterwards. These procedures were safety checks and the breach had the potential to endanger patient safety.

The breaches were significantly below the accepted standard and constituted unsatisfactory professional conduct.

False and misleading statements

During a hospital investigation into the incident, Dr C made false and misleading statements about his whereabouts and discussions he claimed to have had. He claimed to have misremembered his movements, to have been unable to access his eToll accounts, that he was unable to access patient records, that he was under personal stress, that his memory was faulty due to having suffered hypoxic brain damage as a medical student and that he had been subject to biased allegations and bullying.

The committee did not find Dr C to be a credible or trustworthy witness. The committee was concerned he appeared to have been asking patients to make statements about his whereabouts that could not be true. It considered Dr C had been knowingly misleading the regulator. This conduct was improper, unethical and significantly below the expected standard. This also amounted to unsatisfactory professional conduct.

Outcome

The committee found that Dr C's conduct amounted to unsatisfactory professional conduct.

Dr C was reprimanded 'in the strongest possible terms'. His failure to provide proper supervision to a trainee and breaches of medical records regulations could have had serious implications for patient safety. He had demonstrated an inadequate understanding of requirements for supervision and a lack of motivation to comply with them.

He had also demonstrated dishonesty and lack of integrity inconsistent with ethical standards expected.

Conditions were imposed including:

- requirement to undertake an ethics course
- category C Supervision
- prohibition on acting as a supervisor.

Key lessons

Even if you do not believe patient safety is at risk, your obligation to be honest, ethical and trustworthy means you must avoid engaging in asking others to engage in shortcuts or deceptions.

If you are responsible for supervision, you must make sure trainees are supervised to the extent required under the supervision agreement with the trainee and/or the facility.

Always ensure that records are accurate and made contemporaneously with medical treatment or as soon as practicable afterwards. Never attempt to falsify records and if you need to amend a medical record, make sure you know the appropriate way to correct a record.

As a trainee, if you are asked to perform a procedure or make a statement that makes you uncomfortable, it is important to speak up. In this case, the trainee was not criticised, even though he had performed surgery unsupervised which he was not permitted to do at his level of training. He declined to send an email saying that he was happy to operate unsupervised and spoke to the head of department and supervisor of training about his concerns. The trainee appears to have performed all the surgeries without incident. However, if there had been a complaint his conduct may also have been investigated and criticised.

References and further reading

Avant factsheet - [Medical records: the essentials](#)

Avant article - [Here's the right way to correct medical records](#)

For more information or immediate medico-legal advice, call us on 1800 128 268, 24/7 in emergencies. avant.org.au/mlas



Visit our **Insights & Resources** page for further educational content including webinars, eLearning courses, case studies, articles and checklists.