

GP required to attend for psychiatric treatment before returning to practice after repeated boundary complaints



Key messages from the case

It is never acceptable to have a close personal and/or sexual relationship with a current patient. The power imbalance implicit in a doctor-patient relationship means it is never appropriate to ask current patients out or invite them to share personal details.

Always be aware of boundary issues while conducting examinations. Before performing an examination, particularly an intimate examination, it is essential to ensure there is a clear clinical need and express informed consent. You should explain to the patient why the intimate examination is necessary and what you will do before undertaking the examination.

Details of the decision

The patient complained Dr F had conducted an inappropriate and unnecessary breast examination when she attended complaining of congestion and sinus issues. She claimed Dr F had made a number of personal and inappropriate remarks.

Fifteen years previously, Dr F had been the subject of a complaint of touching a patient sexually during a home visit. This previous complaint was heard by the Tribunal, and Dr F was reprimanded and required to comply with various conditions.

The current case was heard by a professional standards committee.

Sexual boundary breach

Dr F admitted that he had asked the patient if he could undo her bra without explaining why this was necessary and without asking her to undo it or checking if she required assistance. She said she was very surprised but acquiesced. He claimed to have had a clinical reason and said he had listened to her chest from the back and had not completely removed her bra or exposed her breasts.

Dr F admitted this was in breach of the Medical Board of Australia's guidelines on sexual boundaries and Code of Conduct.

He also admitted that he had made inappropriate comments – including asking her why she was single, commenting on her appearance, asking for personal details and whether he could give her a call sometime.

Dr F claimed to have been trying to build rapport, but conceded that the comments could have been misinterpreted and that they could have made the patient uncomfortable.

The professional standards committee found these comments were also in breach of the Medical Board of Australia's guidelines on sexual boundaries and Code of Conduct.

Medical records

The committee considered and Dr F conceded that his records of the consultation were inadequate – 'sinusitis, prescription written (Rulide tablets), sick certificate created'.

Outcome

The committee found that Dr F's behaviour was unsatisfactory professional conduct, and he was reprimanded. Although Dr F had retired, the committee ordered conditions be imposed if he should return to practice, including to work only in a group practice (with one other practitioner always on site), under supervision with a focus on boundary issues and appropriate patient communication. Dr F would also be required to attend for psychiatric treatment to deal with the subject of recurring boundary violations.

Key lessons

Always explain the reason you wish to conduct an examination, particularly an intimate examination, and always make sure the patient has given express consent. Failure to actively object is not consent.

Always conduct examinations in an appropriate and respectful manner and in accordance with the Medical Board guidelines on conducting physical examinations (see **Medical Board of Australia, Guidelines on sexual boundaries in the doctor-patient relationship**).

Never ask current patients out, comment on their appearance, or make any other personal remarks when conducting an examination of a patient.

References and further reading

- Medical Board of Australia - [Guidelines on sexual boundaries in the doctor-patient relationship](#)
- Avant factsheet - [Boundary issues](#)
- Avant factsheet - [Observers: chaperone, protect and reassure](#)
- Avant claims insights - [Professionalism in doctor-patient interactions: insights to reduce risk](#)

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