

## **Inappropriate sexual relationship with a client (06HDC07873, 6 December 2006)**

*Natural therapies practitioner ~ Standard of care ~ Professional standards ~ Sexual exploitation ~ Rights 2, 4(2), (3)*

A woman attended a natural therapies practitioner for therapy in relation to past trauma. A sexual relationship concurrent with a professional relationship began, and lasted around eight months. During the time that a sexual relationship was in place, the woman's husband saw the natural therapies practitioner professionally on four occasions. The husband eventually discontinued the professional relationship.

It was held that the natural therapies practitioner was a health care provider under section 3(k) of the Health and Disability Commissioner Act, since he held himself out as providing health services to the public and advertised "services to promote health". He sexually exploited the woman, and failed to provide her with a standard of care consistent with her needs, and therefore breached Rights 2 and 4(3). It was also held that the practitioner's intimate relationship with the woman created an inherent conflict of interest in his professional relationship with her husband. By failing to terminate the professional relationship with the husband, the practitioner breached Right 4(2).

The matter was referred to the Director of Proceedings, who issued proceedings before the Human Rights Review Tribunal. On 21 December 2007 the Tribunal made a declaration that the natural therapies practitioner had breached Rights 2, 4(2), and 4(4).

The natural therapies practitioner was ordered to pay compensatory damages of \$15,000 to the woman and \$5,000 to her husband, and exemplary damages of \$10,000 to the woman and \$8,000 to her husband.

On 9 May 2008 the Tribunal ordered the natural therapies practitioner to pay \$22,500 costs, and imposed an order under s 54(1)(b) of the Health and Disability Commissioner Act, restraining him from repeating the conduct that led to the breaches of the Code. His application for name suppression was declined.

Link to Human Rights Review Tribunal decision:  
<http://www.nzlii.org/nz/cases/NZHRRT/2007/27.html>