

Inappropriate sexual relationship with a client (06HDC09325, 6 December 2006)

Natural therapies practitioner ~ Standard of care ~ Professional standards ~ Sexual exploitation ~ Rights 2, 4(1), 4(2)

A woman attended a natural therapies practitioner (Mr Mogridge) for therapy in relation to sexual abuse and rape she had suffered in the past. From the first appointment, Mr Mogridge instigated an eight-month-long sexual relationship concurrent with providing counselling and natural healing services. Mr Mogridge was not trained in counselling.

The counselling Mr Mogridge provided included what he referred to as ‘good cop, bad cop’, where the woman would end up being distressed, and her qualified counsellor (who was unaware of the care being provided by Mr Mogridge) would need to help the woman recover.

It was considered that Mr Mogridge sexually exploited the woman, breaching Right 2, and breached professional standards by entering a sexual relationship with a client, breaching Right 4(2). He also failed to provide counselling services of a reasonable standard, breaching Right 4(1).

Due to a risk to the public in Mr Mogridge continuing to practise, the Commissioner did not withhold his name in the publicly released report.

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 Mr Mogridge had breached Rights 2, 4(2), and 4(4) of the Code.

Mr Mogridge was ordered to pay compensatory damages of \$30,000 and exemplary damages of \$20,000. On 9 May 2008 the HRRT ordered Mr Mogridge to pay \$11,250 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.

Mr Mogridge’s application for name suppression was declined.

Link to Human Rights Review Tribunal decision:

<http://www.nzlii.org/nz/cases/NZHRRT/2007/27.html>