

Assessment practice at men's health clinic
(08HDC02899, 08HDC05986, 08HDC07100, 08HDC09984
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Men's health ~ Erectile dysfunction ~ Premature ejaculation ~ Approved medicine unapproved use ~ Assessment ~ Information about treatment, risks and costs ~ Consent ~ Vicarious liability ~ Rights 4(1), 4(2), 6(1)(b), 6(1)(e)

Four men who attended the New Zealand Men's Clinic and were seen by the sole medical practitioner complained independently about the services they received. The four cases were reported together because of the similarity of the issues raised.

Mr A (aged 65) sought treatment for erectile dysfunction. He had a significant medical history, which he described on the Clinic's questionnaire, noting that he suffered from diabetes and high blood pressure. He was also taking five medications that are standard for a patient with cardiovascular disease. However, the medical practitioner performed no physical examination, and no clinical observations were recorded prior to the prescription of a prostaglandin injection. By providing a cursory assessment, the medical practitioner failed to provide services with reasonable care and skill, and breached Right 4(1). By failing to document his care in relation to the man, in particular the failure to ensure that consent forms were signed, he breached Right 4(2).

Mr B (aged 21) sought treatment for premature ejaculation. Although a physical examination may not have been necessary given the man's age and health background, he should have been asked questions about his sexual functioning, and should have received psychosexual advice and education in addition to any treatments on offer. By providing a cursory assessment, the medical practitioner failed to provide services with reasonable care and skill, and breached Right 4(1). By failing to advise the man of the unapproved use of an approved drug, the medical practitioner did not provide information that was legally required, and therefore breached Right 6(1)(e).

Mr C (aged 75) had a significant cardiac history, including two major operations. Despite this history, and the fact that he was taking a number of cardiac medications, the medical practitioner performed no clinical examination and recorded no clinical observations. By performing a cursory assessment, the medical practitioner failed to provide services with reasonable care and skill, and breached Right 4(1). By failing to provide an assessment of the expected risks, he breached Right 6(1)(b). By failing to advise of the unapproved use of an approved medication, the medical practitioner breached Right 6(1)(e).

Mr D (aged 68) sought treatment for erectile dysfunction. No clinical examination was performed, and no clinical observations recorded. By performing a cursory assessment, the medical practitioner failed to provide services with reasonable care and skill, and breached Right 4(1). By failing to advise the costs of treatment at an earlier stage of the consultation, he breached Right 6(1)(b).

The Clinic's use of questionnaires and consent forms prior to a consultation with a clinician were not designed to ensure that the medical practitioner provided an appropriate standard of care and obtained fully informed consent. His actions were taken with the Clinic's express or implied authority. In these circumstances, the Clinic was vicariously liable for the medical practitioner's breaches of the Code.