



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

**Commissioner investigates complaints about GP
advising patients against COVID-19 vaccinations**

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Health and Disability Commissioner Morag McDowell today released her findings following an investigation into complaints against a GP who advised patients against having the COVID-19 vaccination.

The GP sent an unsolicited text message to around 600 patients expressing his non-conventional views on the COVID-19 vaccine, and advised others in person not to be vaccinated.

The Commissioner found that the GP breached the Code of Health and Disability Services Consumers' Rights (the Code) in relation to multiple patients. His failure to provide balanced information to patients went against the Medical Council of New Zealand (MCNZ) standards.

Ms McDowell was critical of the GP's failure to give one patient, whom he saw in person, balanced and accurate information to enable the patient to make an informed choice about whether or not to be vaccinated. Ms McDowell also found that another patient did not receive information from the GP that a reasonable person in his circumstances would expect to receive.

"I accept that the GP was entitled to hold and express opinions regarding the COVID-19 vaccine subject to maintaining legal, professional, ethical and other relevant standards. The issue is whether the manner in which the GP expressed his opinions was a breach of the Code," says Ms McDowell.

"The GP used the medical centre's patient management system to access patient contact details in order to send an unsolicited text message to around 600 patients on his patient list (including casual patients), who had not sought his opinion and were not necessarily making a choice about the vaccine or giving informed consent.

"Informed consent is vital, and indeed it is the cornerstone of the Code. I do not accept that the information in the text message was sufficiently balanced to enable patients to make an informed choice as to whether or not they would be vaccinated.

"It is evident from the response from the patients that many found the GP's actions to be distressing. In my view, there is a power imbalance in the doctor-patient

relationship, which means that patients are likely to be influenced by advice given by their doctor.”

Ms McDowell was also critical of the GP’s failure to document the information he provided during the consultations in person.

Ms McDowell recommended that in the event that the GP is granted another practising certificate, the Medical Council of New Zealand undertake a competence assessment and require him to practise with conditions that address the issues in her report.

Ms McDowell also recommended that the GP apologise to each of the individual patients who raised concerns about his behaviour, and that should the GP return to medical practice, he undertake training on professional and ethical standards.

Ms McDowell recommended that the medical centre consider developing guidelines on the use of its patient lists and patient management system.

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