

Sexual relationship with a patient (10HDC01018, 26 November 2012)

*Psychiatrist ~ Sexual relationship ~ Professional and ethical standards ~ Exploitation
~ Standard of care ~ Rights 2, 4(1), 4(2), 4(4)*

A complaint was made about an inappropriate relationship between a psychiatrist and his patient, a 24-year-old woman. The woman had a history of mental illness, including a fear of separation, difficulty connecting with people her own age, and discomfort with intimate relationships. The woman attended five consultations with the psychiatrist over a period of two months.

A few days after the fifth consultation, the woman visited the psychiatrist at his apartment and they had sexual relations. Thereafter, the woman and the psychiatrist had an ongoing sexual relationship. The psychiatrist did not seek peer support as the personal relationship developed.

The psychiatrist eventually ended the therapeutic relationship by way of a telephone conversation, two months after he and the woman began having sexual relations. However, during that conversation he told the woman that she could still call him if she experienced side-effects from the medication she was taking.

The sexual relationship continued for around eight months. After the relationship ended, the psychiatrist paid the woman approximately \$42,200. The psychiatrist induced the woman to deny to HDC that an inappropriate relationship had existed and provide inaccurate information to HDC.

By engaging in a sexual relationship with the woman, the psychiatrist sexually exploited her and breached professional and ethical standards. Accordingly, the psychiatrist breached Rights 2 and 4(2).

The psychiatrist did not provide services to the woman with reasonable care and skill. He formed an inappropriate relationship with her during the therapeutic relationship, and discharged her by way of a telephone conversation, but then told her that she could call him if she had side effects from her medication after discharge. These actions were inconsistent with the woman's need for roles and relationships to be clearly defined. Accordingly, the psychiatrist breached Right 4(1).

The psychiatrist's attempts to induce the woman to provide false information to HDC were a breach of legal and professional standards and, accordingly, a breach of Right 4(2).

The psychiatrist failed to provide services in a manner that minimised the potential harm to the woman by failing to seek peer advice following the fifth consultation with the woman. Accordingly, the psychiatrist breached Right 4(4).

The psychiatrist was referred to the Director of Proceedings, who brought a disciplinary proceeding. The Health Practitioners Disciplinary Tribunal's decisions finding professional misconduct established and cancelling the doctor's registration are available at <http://hpdt.org.nz/Default.aspx?Tabid=379>