

## **Inappropriate prescription of medication to partner (06HDC14100, 28 June 2007)**

*General practitioner ~ Prescription for partner ~ Self-prescription ~ Documentation ~ Referral for second opinion ~ Depression ~ Right 4(2)*

A woman began a friendship with a locum general practitioner, which eventually became a de facto relationship when they bought a property and moved in together. He was not her doctor at the time. Soon after moving in with the GP, he diagnosed her with depression and prescribed Aropax, Paradex and other medication. The de facto relationship lasted for about three and a half years. During that time she consulted no other GP and consulted a psychologist once only. The psychologist did not prescribe any medication.

The GP did not keep any record of his reasons for the diagnosis, the drugs prescribed, discussion about side effects, his reasons for increasing the dosage, or consultations with other health professionals. The woman claimed that the Paradex and other medication was for the GP rather than her, and that he added the drugs to her scripts.

It was held that the GP breached professional and ethical standards. By diagnosing and treating the woman for depression and other conditions, and not referring her to an independent practitioner for an objective assessment, and by not keeping any record of the services he provided, the GP breached Right 4(2). The matter was referred to the Director of Proceedings.

On 7 November 2007 the Health Practitioners Disciplinary Tribunal upheld a charge of professional misconduct in relation to the diagnosis of depression, prescription of Aropax, failure to keep records, and his prescription of other medications including Paradex (an analgaesic), Trisequens (hormone replacement) and Losec (a treatment for digestive disorders). The Tribunal ordered the GP to undertake education with regard to professional boundaries, and recommended that the Medical Council of New Zealand undertake a competence review of his practice with regard to women's health, mental health and record-keeping.

The GP was censured, fined \$7,500 and ordered to pay \$3,000 towards the cost of the investigation and prosecution. He appealed the finding of professional misconduct as well as penalty. The High Court upheld the finding of professional misconduct on all matters except for the prescription of the medications (other than Aropax). This conclusion was quashed because the Tribunal had not put to the doctor its conclusions about the seriousness of prescribing Paradex at the same time as an antidepressant, and prescribing Trisequens without clear monitoring. The Court also reduced the fine to \$5,000, but upheld the other penalties imposed.

Link to Health Practitioners Disciplinary Tribunal decision:  
<http://www.hpdt.org.nz/portals/0/med0776dfindings.pdf>