

**Breach of professional boundaries by physiotherapist
(14HDC00338, 30 April 2015)**

Physiotherapist ~ Physiotherapy clinic ~ Boundaries ~ Professional standards ~ Right 4(2)

A woman in her twenties received physiotherapy treatment from a physiotherapist for an injury obtained during an exercise class. The woman attended nine physiotherapy appointments with the physiotherapist. During that time, the physiotherapist text messaged the woman and discussed various personal matters with her.

The physiotherapist's notes from the ninth visit record that the woman was feeling much better, the injury had mostly settled, and she was ready to recommence fitness training.

During that appointment, the physiotherapist and the woman engaged in a conversation about movies, during which the physiotherapist stated that he had a "massive DVD collection" and offered the woman some movies. The physiotherapist text messaged the woman asking whether she liked action movies and stating that he would drop some off at her house. The physiotherapist arrived at the woman's house and was showing her some DVDs when a pizza delivery arrived. The woman invited the physiotherapist to stay for dinner.

The woman stated that during the course of the night she and the physiotherapist had sexual intercourse more than once. The following day, the physiotherapist contacted the woman repeatedly, but she told him that she did not want an ongoing relationship.

It was accepted that a professional relationship existed between the physiotherapist and the woman. It was held that the physiotherapist did not maintain appropriate professional boundaries by discussing his personal circumstances with the woman during her physiotherapy appointments, by communicating with the woman by mobile phone outside of the professional relationship, and by engaging in sexual activity with the woman. The physiotherapist's conduct was clearly unethical, and his actions were a severe departure from accepted standards of professional behaviour. Accordingly, the physiotherapist breached Right 4(2) and was referred to the Director of Proceedings. The Director filed a charge before the Health Practitioners Disciplinary Tribunal. Professional Misconduct was made out and the physiotherapist was censured, required to pay a fine of \$5,000 and conditions were placed on his practising certificate.

The physiotherapy clinic did not breach the Code.