

## **Sexual exploitation by general practitioner (11HDC00237, 26 March 2013)**

*General practitioner ~ Sexual exploitation ~ Sexual relationship ~ Professional boundaries ~ Text messages ~ Prescribing ~ Record-keeping ~ Rights 2, 4(1), 4(2)*

A woman consulted her general practitioner (GP) on more than 20 occasions over a four year period. Some of the woman's consultations with her GP throughout this period were for issues of a sensitive nature.

The woman alleged that she and the doctor had a sexual relationship that lasted almost one year, and the sexual relationship took place while she was a patient of the GP. During the last three months of the relationship, the GP persistently texted the woman on two different cell phone numbers. The content of some of those text messages was sexually explicit.

Professional and ethical standards are clear: doctors must not engage in relationships of a sexual nature with their patients. This is a non-negotiable professional and ethical standard. The Medical Council of New Zealand has a zero-tolerance position on doctors who breach sexual boundaries. A doctor breaches sexual boundaries not only through physical behaviour, but also through any behaviour, including discussions, that has as its purpose some form of sexual gratification, or that might reasonably be interpreted as having that purpose.

The sexual content of the text messages the GP sent to the woman could reasonably be interpreted as having, as their purpose, some form of sexual gratification. In addition, the text messages supported the woman's accounts of the sexual relationship she had with the GP. Concern was also expressed about the frequency with which the GP was contacting her.

It was the GP's responsibility as a registered medical practitioner to maintain professional boundaries and ethical standards. He did not do so, and therefore breached Right 4(2) of the Code. It was also held that the GP sexually exploited the woman, and breached Right 2.

Furthermore, on one occasion the woman experienced an anaphylactic reaction to codeine. Despite the severity of her reaction, advice from a hospital, and the woman's request, the GP did not arrange a medical alert bracelet for her. The GP prescribed codeine for the woman over the telephone eight months later, for the treatment of a respiratory infection. It was held that the GP failed to exercise reasonable care in prescribing codeine and antibiotics to the woman on the second occasion, and he breached Right 4(1).

The GP also failed to comply with his professional and legal responsibilities to keep clear and accurate patient records. He did not document clinical findings during numerous consultations with the woman, did not fully document the care he provided on one occasion when he prescribed her codeine, and he made a misleading entry in her records on another occasion. The GP's record-keeping failures were a breach of Right 4(2).

The GP was referred to the Director of Proceedings. The Director decided to issue a proceeding, which is pending.