

Inappropriate behaviour by Osteopath referred to Director of Proceedings 21HDC01045

Deputy Health and Disability Commissioner Deborah James recently finalised an investigation concerning a boundary violation between an osteopath and his patient when she presented to him for back pain after an accident. The case highlighted the importance of adhering to professional boundaries.

A woman attended three hour-long appointments with the osteopath, where movement assessments, manipulation techniques and soft tissue treatments were used to treat her back injury. During these appointments, the osteopath made inappropriate remarks. At the third appointment, the osteopath performed an inappropriate sexual act on the woman.

The Deputy Commissioner considered that by engaging in inappropriate sexual behaviour during the woman's third appointment, the osteopath committed a clear and acknowledged breach of the Osteopathic Council of New Zealand's Code of Ethics, as well as a breach of the Code of Health and Disability Services Consumers' Rights.

With particular regard to the considerable age gap between the woman and the osteopath and the vulnerability of any patient who places trust in a healthcare provider, the Deputy Commissioner considered that the osteopath's conduct towards the woman was exploitative, constituted sexual harassment and failed the ethical duty to maintain appropriate professional boundaries. Accordingly, the Deputy Commissioner found that the osteopath also breached Right 2 of the Code.

The Osteopath is no longer in practice. The Deputy Commissioner recommended that the osteopath provide the woman with a meaningful written apology for his actions, and for his breaches of the Code.

The osteopath was referred to the Director of Proceedings who decided to institute a disciplinary proceeding in the Health Practitioners Disciplinary Tribunal.

7 March 2022