

## **Sexual relationship with a patient (03HDC06091, 20 February 2004)**

*General practitioner – Professional and ethical standards – Sexual relationship – Right 4(2)*

A woman complained that a GP had made sexually suggestive comments to her during consultations and telephone conversations, had kissed and touched her intimately, and had engaged in sexual intercourse with her in his rooms.

The patient had recently arrived in New Zealand and at the time of first consulting the GP was also in treatment with a counsellor for stress and depression resulting from a history of trauma and abuse. The GP treated the woman for a variety of medical problems including her depression. Several months after her first consultation the GP began to make sexual comments and then intimate advances. The patient advised the Commissioner that the GP had questioned her lack of sexual desire and commented that he found her “very sexy and very attractive and would like to ravish [her] sexually”. A few weeks later he called her into his office and he kissed her and touched her intimately. Much later, consensual sexual intercourse occurred in his consultation rooms.

The patient telephoned the GP after their first encounter to tell him that this should not have happened. He agreed and arranged for her notes to be transferred to another doctor. The patient disclosed the relationship to her counsellor and, some time afterwards, had sexual intercourse with the GP. The counsellor raised the issue with the GP and requested that he undergo counselling. He agreed, and underwent 13 sessions. The GP saw the patient on a professional basis several times after her notes had been transferred.

The patient brought civil proceedings against the GP, which were settled. She then forwarded a complaint to the Commissioner through her solicitors. The GP made full disclosure of the relationship in a letter to the Medical Council, continued counselling, apologised to the patient, and later retired from general practice.

The GP was held to have breached Right 4(2) of the Code, as his behaviour did not comply with relevant professional or ethical standards. The Medical Council reaffirmed its position originally put forward in the 1994 “Statement on Sexual Abuse in the Doctor/Patient Relationship” in 2002 stating: “The Medical Council Policy is clear: the Council will not tolerate sexual activity with a current patient by a doctor.” This patient was particularly vulnerable owing to her depression and history of trauma and abuse.

The matter was referred to the Director of Proceedings, who decided not to issue proceedings before the Medical Practitioners Disciplinary Tribunal or the Human Rights Review Tribunal.