



Aboriginal and Torres Strait
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Australian Health Practitioner Regulation Agency

Tribunal reprimands and fines doctor for professional misconduct

27 October 2014

The [South Australian Health Practitioners Tribunal](#) has found that Dr Frederick Rhys Henning engaged in unsatisfactory professional performance and professional misconduct.

The Medical Board of Australia referred Dr Henning to the tribunal because of his treatment of a patient during two admissions to the McLaren Vale and District War Memorial Hospital (MVD) in 2009 and 2010. The patient had complex physical and psychiatric illnesses and there was evidence that the patient had attempted suicide just before the 2009 admission.

At the time of the treatment, Dr Henning had pre-existing personal and professional associations with the patient, her husband and her family. The tribunal found that Dr Henning had a conflict of interest and that his personal associations with the patient impaired his ability to provide objective and impartial care, advice and treatment.

A range of findings was made against Dr Henning about his treatment of the patient's low blood sugar, his failure to inform hospital staff that the patient may have attempted suicide and his treatment of the patient with palliative care rather than arranging for active psychiatric assessment and treatment.

The tribunal was satisfied that Dr Henning had behaved in a way that constituted unsatisfactory professional performance in his assessment and treatment of the patient's blood sugar level during both admissions to MVD.

The tribunal also found that Dr Henning had failed to:

- inform MVD staff of a possible suicide attempt
- record in MVD clinical notes the possible suicide, and that this was one of his differential diagnoses
- transfer the patient from MVD to a tertiary hospital where she could receive complete medical and psychiatric care and assessment, and
- detain the patient under the *Mental Health Act 2009 (SA)*.

Each of those particulars amounted to professional misconduct as defined by section 5 of the National Law.

Leaving the blood sugar level findings aside, the tribunal found that when it considered the whole and cumulative effect of Dr Henning's conduct, he made a number of serious and fundamental errors which amount to professional misconduct.

The tribunal reprimanded Dr Henning in the strongest terms possible. It imposed a fine of \$25,000 and imposed a number of conditions on his registration. It also ordered Dr Henning to pay the Medical Board of Australia's costs.

The decision is on the [AustLII website](#).

For more information

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