



CASA Forum

Victorian Centres Against Sexual Assault Inc

AHPRA-MELBOURNE
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ABN 23 677 085 867

27 APR 2011

CASA FORUM SUBMISSION

MEDICAL BOARD OF AUSTRALIA CONSULTATION ON DRAFT GUIDELINES ON SEXUAL BOUNDARIES

Sexual Boundaries: A guide for doctors and patients

- These guidelines have been developed under section 39 of the *Health Practitioner Regulation National Law Act* to provide guidance to registered medical practitioners about maintaining and understanding sexual boundaries in the doctor-patient relationship. For this reason, it is not clear as to the purpose of including "patients" in the title. Patients have no role in maintaining and understanding the sexual boundaries of their doctors. For clarity, we suggest the title should be *Sexual Boundaries : A guide for doctors*.
- There needs to be a separate guide for patients and their relatives, friends and significant others who have concerns about how a doctor might have behaved. This should include clear, unequivocal statements about the obligations of doctors towards their patients and the restrictions on doctors in terms of the Code of Conduct, and on doctors and patients, in terms of the law. Sexual assault is a crime. There should also be guidance about how doctors should handle patients developing inappropriate feelings towards their doctor and how to deal with this situation such as transferring the patient to another doctor.
- The term "sexual boundaries" does not deal with the issue adequately. These are proposed guidelines about sexual behaviour towards patients, not boundaries which, by their nature, are moveable and imply choice. These guideline must be more directive than suggestive and should reinforce the Code of Conduct. Presumably, doctors who breach the Code of Conduct in relation to establishing sexual relationships with patients risk losing their right to practice in Australia.
- **TRUST** : a breach of trust is a violation of the doctor patient relationship that every doctor should uphold
- **POWER IMBALANCE**: a doctor patient relationship is always unequal.
- **MAINTAINING BOUNDARIES** : a doctor is always responsible for behaving in a professional manner that excludes any sexual or emotional intimacy with any patient even if the patient claims to consent to this intimacy

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- **WARNING SIGNS:** This document is written by the Medical Board for doctors. If a patient develops feelings for her doctor, these guidelines should assist a doctor by suggesting ways to deal with the situation appropriately and ethically, with the best interest of the patient in mind. The reference to patients needing to watch for warning signs should be deleted.

10. Doctors - what to do if you notice warning signs

A doctor must never exploit the vulnerability of a patient who has developed inappropriate feelings towards them. A doctor must never respond positively to sexual invitations from patients and must never commence a sexual relationship with a patient.

Warnings signs indicate that some action needs to be taken by the doctor, as soon as possible, to ensure patient care is not compromised. Immediate steps should be taken to ensure the inappropriate behaviour stops. The situation could be discussed with a trusted colleague or professional indemnity insurer. The patient's care should, where possible, be transferred to another practitioner.

- **PATIENTS:** As mentioned above this should not be in this document. There needs to be a separate guide for patients and their relatives, friends and significant others who have concerns about how a doctor might have behaved. In reality patients would not read a document that is guidelines for doctors behaviour and is produced by the Medical Board of Australia. Patients should be referred to AHPRA.
- **HELP:**
Victoria
Sexual Assault Crisis Line
1800 806 292 – 24 hour crisis line
Website: www.casaforum.com.au

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