

HEALTH SERVICES COMMISSIONER



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SUBMISSION IN RESPONSE TO THE MEDICAL BOARD OF AUSTRALIA GUIDELINES *SEXUAL BOUNDARIES: A GUIDE FOR DOCTORS AND PATIENTS*

Thank you for the opportunity to comment on the draft guidelines on sexual boundaries.

The Office of the Health Services Commissioner (OHSC) was created by the *Health Services (Conciliation and Review) Act 1987* (Vic) (HSCRA) to receive and resolve complaints from users of health services about health service providers with a view to improving the quality of health services. The OHSC also administers the health privacy legislation in Victoria, the *Health Records Act 2001* (Vic) (HRA). As an independent statutory office which works closely with the medical board in the resolution and investigation of complaints OHSC often refers matters dealing with complaints about sexual boundary violations to the Board. The cooperative and constructive relationship developed between this office and AHPRA has assisted with the continuation of effective handling of these sensitive and often complex complaints with a view to protecting the public.

The draft guidelines build on work already carried out by the various state and territory medical boards over many years and following intense consultations. The draft guidelines incorporate much of this earlier work. The draft guidelines are generally well written and I attach some suggested changes. In particular I oppose the inclusion of the words in Guideline 9, "and can start easily". This is obviously a value judgement and is often not the case.

In guideline 7 the second sentence could be interpreted as a bias in favour of the medical practitioner. It would be better to rephrase it to indicate all such notifications are taken extremely seriously and, when investigated, some notifications are found to arise as a result of poor communication on the part of the doctor.

Referral details of sexual assault services in each state and territory are a helpful inclusion provided they are kept up to date which may prove difficult.