

GP reprimanded and conditions imposed over professional misconduct and unprofessional conduct

29 July 2015

The Victorian Civil and Administrative Tribunal has found that Dr Jon Garland engaged in professional misconduct and unprofessional conduct, reprimanding him and imposing conditions on his registration as a medical practitioner.

Dr Garland has been vocationally registered as a GP since 1978.

In September 2012, he was convicted in the Magistrates' Court of Victoria of 36 counts of prescribing schedule 8 poisons (drugs of dependence) between March 2009 and June 2010, in breach of the *Drugs Poisons and Controlled Substances Act 1981*.

In November 2014, the Medical Board of Australia referred the matter to the tribunal, alleging that during the time of the prescribing offences, he had also:

- failed to recognise signs of drug dependence in his patients, and
- had prescribed drugs of dependence to various patients without consulting medical practitioners who held the appropriate permits to prescribe opioid replacement therapy to those patients.

The tribunal found that Dr Garland had not adequately monitored the frequency, quantity and appropriateness of prescribing, and that this had exposed vulnerable patients to risk.

Dr Garland was found to have engaged in professional misconduct, and that his conviction in the Magistrates' Court constituted unprofessional conduct.

The tribunal recognised that, in the time since the conduct occurred, Dr Garland had undertaken further education to inform himself of his obligations regarding the prescribing of schedule 8 poisons and ensure his conduct wouldn't be repeated.

The tribunal also recognised that during the time the conduct occurred, Dr Garland was under significant personal stress, which may have affected his judgement.

The tribunal ordered that Dr Garland be reprimanded, and a condition imposed on his registration requiring further education.

The reasons for the tribunal's decision are [available on AustLII](#).