

Decision of the Medical Board of Australia

Performance and Professional Standards Panel

Jurisdiction: Victoria

Date of hearing: 8 September 2011

Date of decision: 27 October 2011

Classification of Notification:

Confidentiality – Inappropriate disclosure of patient information

In late 2009, the patient presented to the general practitioner (**GP**) with psychological problems and other medical issues. The patient's family members were also patients of the GP. The GP became aware in April 2010 that the patient had separated from her husband. In late 2010, the patient's husband presented the eight year old child of the marriage to the GP with a second degree burn after a kettle of boiling water had fallen on him. The husband requested a report for the Family Court to assist in his court application for sole custody of the children. The GP provided the report and disclosed the patient's confidential health information without her consent.

Allegations

The GP faced an allegation that she breached the patient's privacy by providing a letter to the husband that disclosed confidential health information without the patient's consent.

Finding

The Panel found that the GP wrote a report disclosing the patient's confidential health information, and gave it to the patient's husband without the patient's consent and that, upon reflection, she realised she had breached the patient's privacy.

The Panel found that the GP behaved in a way that constituted unprofessional conduct. It also found the GP believed that she was acting in the best interests of the children and had learned from the experience.

The Panel decided that the GP engaged in unprofessional conduct, in that her professional conduct was below the standard reasonably expected by the public or her peers.

Determination

The Panel cautioned the GP to take care not to disclose confidential health information without first obtaining consent.