

### **Decision of the Medical Board of Australia**

Performance and Professional Standards Panel

Jurisdiction: Victoria

**Date of hearing:** 5 May 2011

**Date of decision:** Unspecified

### **Classification of Notification:**

Medico-legal conduct

Communication – insensitive or inappropriate comments (not sexual)

### **Allegations**

A patient suffered a work related injury and had been referred to the practitioner by her insurer for an opinion about her condition and whether she was capable of returning to work.

The patient complained that the practitioner's demeanour was callous and unprofessional; that he had no interest in her condition; had not performed a structured examination and had requested her to undress when she had not been advised this was required.

The medical practitioner faced allegations that he failed to provide an adequate explanation to the patient about the physical examination he performed during a medico-legal consultation and that he made inappropriate comments to the patient about her physical appearance.

### **Findings**

The Panel found that there was conflict between the evidence given by the patient and the material provided by the practitioner, including about whether or not the practitioner touched the patient during the examination. The practitioner's contemporaneous notes recorded joint and neurological examination findings. The Panel preferred the evidence of the practitioner.

The Panel found that the practitioner adequately explained the purpose of the examination to the patient before commencing the examination and obtained her consent for the examination to take place.

The Panel concluded that the practitioner carried out a proper physical examination of the patient which included joint neurological examination. There was no material to persuade the Panel that the practitioner made inappropriate comments about the patient's personal appearance. The practitioner had no case to answer.

### **Determination**

The Panel decided to take no further action.