

# Medico-Legal Roundtable Insights

Reading time:

Jayson Nagpiing

Date created: 08/05/2023

Tags: [Webinars](#) | [Medical Practitioner](#) | [Dental Practitioner](#) | [Risk Education](#)

We've brought together our medico-legal experts for a special roundtable event dedicated to answering questions that matter the most to you.

## Overview

Do you have medico-legal questions that you'd like answered? Each day our medico-legal advisors receive a broad range of enquiries, and we receive many questions during our educational events to which we don't always have time to answer. So, we've brought together our medico-legal experts for a special roundtable event dedicated to answering your specific questions.

You've previously told us that you want to know more about:

- Mandatory reporting
- How should I respond to an Ahpra notification?
- Release of health records, particularly requests from third parties, including insurers
- Treatment of children and managing requests for records when parents disagree
- Accepting gifts from patients
- Treating family and friends
- How should I best manage my own health and wellbeing?

[Watch the webinar](#)

## Q & A

Many themes and/or your specific questions were addressed in the live webinar event.

The following question were unable to be addressed due to the time constraints of the webinar and the following general advice is provided.

Remember to contact MIPS directly on 1800 061 113 for specific advice about your particular circumstances.

⊕ Question regarding application of duty of care in detaining patients against will in ED - especially in cases where they are acutely drug/alcohol intoxicated.

⊕ Suicides of and homicides done by mentally unwell patients are rare and unpredictable events. Can psychiatrists be held responsible for such actions?

⊕ What would be considered OK and not OK re: gifts from a patient and how best to decline any presents that are inappropriate?

⊕ How should I respond to an Ahpra notification?

⊕A comment- an Ahpra notification is a stressful time. It would greatly relieve this and give confidence to the member if the MIPS advisor could make time to MEET face to face rather than provide advice by phone or email. One sometimes gets the impression that MIPS advisors are not totally committed and engaged in this aspect of their work.

⊕I have found a Fellow GP is very incompetent, Can I report him to Ahpra?

⊕What is the most common complaint to Ahpra stratified to position and area worked?

⊕How do you deal with staff members in Workcover claims in privatised public clinics where we are both employed, and the employer is the alleged party not providing safe working environment?

⊕Where do I stand performing consultations for my parents as patients? Father had a stroke, mother severely hearing and vision impaired & just had a severe burn, and speaks / understands little English. Both parents in mid-eighties. Claiming Medicare for the consultations. Prescribing meds or medical investigations under PBS or Medicare?

⊕When a patient complains to Ahpra about a doctor, what are the average times until doctor notified, for a relatively minor complaint where the doctor is at fault, admits it, minimal/no harm to patient, how long is this to finalise the process time wise. As uncertainty of outcomes for doctors that have had 'Ahpra complaints' has added lots of anxiety of the unknown and often all turned out well but not been a please 3-9 months.

⊕What do you do with patient who didn't respond to recall or abnormal results?

⊕When patient posting defamatory comments online, like Google reviews, what options open to us in response?

⊕Is it acceptable to write scripts, order tests with a Medicare rebate and refer oneself?

⊕What is my requirement to inform authorities (Police) if a patient claims injury different to the obvious wound? In this case patient claims crushed finger in door while wound is full of rat shot pellets and gunpowder!

⊕Does Ahpra have a compassionate, nonthreatening, supportive pathway to respond to concerns regarding impaired doctors /nurses who have yet to incur patient harm and who simply need a guiding hand? In which case, would the reporter of the concern be anonymous?

⊕Legally, who is responsible for follow up investigations and ongoing management plan once patient is discharged from emergency department to the primary care for ongoing clinical care? Primary care provider i.e GP or emergency physician?

⊕Need general advice about Telehealth consultation when we don't know the patient and we are new at the clinic too.

⊕What to do when the Police requests information?

⊕What recourse do you have if a colleague makes false claims about you to Ahpra?

⊕Can you please advise on how long medical practitioners are required to keep medical records for, and whether time is measured from last contact-date with each individual patient, or from the date of retirement of the practitioner? Also any guidelines on what medical practitioners are required to do when patients or third parties request information from you about past consultations or treatments. When reviewing performance with patients and measuring outcomes with patients is the medical practitioner placed in an ethical dilemma with respect to informed consent from the patient?

⊕What happens re indemnity if a GP calls you as a specialist over the phone for advice, but they have an adverse outcome? They tell you the history, but you may not have been given the full story. E.g. told by GP patient has a cough but advise there is nothing on report for the chest xray but the patient develops lung cancer? Would you be held liable and not covered under medical indemnity if you weren't given the full story or if the GPs account of what was said over the phone was different to your recollection? Is it correct it is always better to document the conversation but what happens if their documentation of the conversation turns out to be different to your own? I know hard to answer these types of questions with broad statements.

## Learning outcomes

At the end of this webinar, participants will be able to:

- Identify common medico-legal issues of concern to medical practitioners.
- Discuss how to respond to and manage common medico-legal issues in clinical practice and how to avoid common pitfalls.
- Recognize available guidelines and resources to respond to medico-legal issues.

MIPS resources

- [MIPS on Demand Online modules with CPD](#)

Watch the webinar