

Medical practitioner sanction and deregistration: An international study

(Doctors behaving badly – on a global scale)

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Background:

- Doctors hold a unique position of trust and responsibility to their patients
- The profession is regulated to sanction doctors who breach their professional responsibilities
- Sanction and litigation are different animals



Aims:

- to analyse the adverse findings of medical disciplinary bodies in six international jurisdictions
- to allow a better understanding of:
 - the types of misconduct committed
 - variation across jurisdictions
 - doctor characteristics vs types of misconduct
 - the types of sanctions received



Methods:

We examined:

- all tribunal or medical board decisions
- between 2013-2017 (inclusive)
- 6 jurisdictions:
 - Australia
 - New Zealand
 - Canada (Ontario, Alberta)
 - USA (Pennsylvania)
 - Singapore
 - Hong Kong



Background: Databases accessed

Jurisdiction	Tribunal Decision Database	Practitioner Registry
Australia	AUSTLII	Australian Health Practitioner Regulation Authority (AHPRA)
New Zealand	NZ Health Practitioners Disciplinary Tribunal	Medical Council of New Zealand
Canada	College of Physicians and Surgeons, Ontario College of Physicians and Surgeons, Alberta	College of Physicians and Surgeons, Ontario College of Physicians and Surgeons, Alberta
United States	Pennsylvania Departments of State Disciplinary Actions Archive and State Licensing System	DocInfo
Hong Kong	The Medical Council of Hong Kong	Registered Medical Practitioners, Medical Council HK
Singapore	Singapore Medical Council	Ministry of Health, Singapore



Methods: Data extracted

- doctor characteristics (gender, specialty, IMG status)
- type of misconduct
- patient outcomes e.g. death, injury, risk
- sanctions handed down:
 - deregistration
 - suspension of licence
 - restrictive sanctions on practice e.g. chaperone, no solo
 - non-restrictive sanctions on practice e.g. education, fines



Methods: Misconduct types with examples

Inappropriate medical care

- Surgical error
- Prescribing error
- Miscommunication

Illegal or unethical prescribing

- Prescribing medication where not medically indicated
- Prescribing to family members or self
- Prescribing for the purposes of illegal drug diversion

Misconduct not patient related

- Criminal offences not in medical practice e.g. assault, theft
- Illicit drug use

Sexual misconduct

- Sexual assault of a patient
- Inappropriate sexual touching during an examination
- Intimate relationship with a patient

Healthcare dishonesty

- Fraud, dishonesty
- Falsification of records

other misconduct

- Breach of practice conditions, tribunal orders, privacy
- Non-sexual breach of patient boundaries, non-sexual assault
- Impairment, bullying, harassment, improper advertising
- Research misconduct



Methods: Statistics

- no *a priori* sample size calculation, very large dataset
- *post hoc* power calculation: power of 0.84
- to demonstrate a clinically significant difference in proportions of 25% (e.g. 15% vs 40%) in two groups of interest e.g. countries
 - 40 and 160 cases in each group
 - level of significance 0.05, 2-sided
- Chi-square test for comparison of proportions



Results:

- 846 cases were examined
 - 24 had no misconduct recorded - deleted
- 822 cases were analysed
- other data sometimes not recorded e.g. doctor type
 - number of cases varied for each analysis



Results: Misconduct vs Jurisdiction

Misconduct		Australia	NZ	Canada	USA	Singapore	Hong Kong
	n	%	%	%	%	%	%
Inappropriate medical care	206	18.9	18.4	31.3	18.6	46.7	40.2
Illegal or unethical prescribing	167	31.1	31.6	10.2	22.8	17.8	3.4
Misconduct not patient-related	145	8.2	13.2	4.8	30.3	17.8	23.0
Sexual misconduct	144	29.6	13.2	28.9	9.0	4.4	5.7
Healthcare dishonesty	71	3.6	15.8	7.2	7.6	11.1	21.8
other	89	8.7	7.9	17.5	11.7	2.2	5.7
Total, n	822	196	38	166	290	45	87

$p < 0.001$



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	n	%	%	%	%	%	%
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Total, n	822	196	38	166	290	45	87

$p < 0.001$



Results: Misconduct vs Gender

Misconduct		Male	Female
	n	%	%
Inappropriate medical care	204	25.2	23.3
Illegal or unethical prescribing	167	19.9	23.3
Misconduct not patient-related	145	17.4	19.4
Sexual misconduct	143	19.6	6.2
Healthcare dishonesty	71	8.6	9.3
other	89	9.4	18.6
Total, n	819	690	129

$p < 0.01$



Results: Misconduct vs Gender

Misconduct	n	Male %	Female %
Inappropriate medical care	204	25.2	23.3
Illegal or unethical prescribing	167	19.9	23.3
Misconduct not patient-related	145	17.4	19.4
Sexual misconduct	143	19.6	6.2
Healthcare dishonesty	71	8.6	9.3
other	89	9.4	18.6
Total, n	819	690	129

$p < 0.01$



Results: Misconduct vs Specialty

Misconduct	n	GP/FM %	Physician %	Surgeon %	Crit. Care %	Psychiatry %	other %
Inappropriate medical care	150	22.1	32.7	47.6	39.5	12.5	43.5
Illegal or unethical prescribing	79	26.9	14.5	8.5	13.2	20.8	10.9
Misconduct not patient-related	66	5.5	14.5	15.9	28.9	18.8	18.5
Sexual misconduct	80	25.5	9.1	7.3	5.3	37.5	13.0
Healthcare dishonesty	34	6.2	7.3	13.4	5.3	0.0	8.7
Other	51	13.8	21.8	7.3	7.9	10.4	5.4
Total, n	460	145	55	82	38	48	92

$p < 0.001$



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Inappropriate medical care	150	22.1	32.7	47.6	39.5	12.5	43.5
Illegal or unethical prescribing	79	26.9	14.5	8.5	13.2	20.8	10.9
Misconduct not patient-related	66	5.5	14.5	15.9	28.9	18.8	18.5
Sexual misconduct	80	25.5	9.1	7.3	5.3	37.5	13.0
Healthcare dishonesty	34	6.2	7.3	13.4	5.3	0.0	8.7
Other	51	13.8	21.8	7.3	7.9	10.4	5.4
Total, n	460	145	55	82	38	48	92

$p < 0.001$



Results: Misconduct vs IMG status

Misconduct	n	Home grown %	IMG %
Inappropriate medical care	189	25.5	27.2
Illegal or unethical prescribing	146	21.8	16.9
Misconduct not patient-related	135	20.5	14.8
Sexual misconduct	113	12.9	21.0
Healthcare dishonesty	60	7.9	9.1
other	82	11.4	11.1
Total, n	725	482	243

$p < 0.03$



Results: Misconduct vs IMG status

Misconduct	n	Home grown %	IMG %
Inappropriate medical care	189	25.5	27.2
Illegal or unethical prescribing	146	21.8	16.9
Misconduct not patient-related	135	20.5	14.8
Sexual misconduct	113	12.9	21.0
Healthcare dishonesty	60	7.9	9.1
other	82	11.4	11.1
Total, n	725	482	243

$p < 0.03$



Results: Misconduct vs Sanction

Misconduct	n	Deregistration %	Suspension %	Restrictive %	Non-restrictive %
Inappropriate medical care	203	13.5	23.4	26.1	43.3
Illegal or unethical prescribing	164	19.2	22.3	36.2	10.4
Misconduct not patient-related	143	19.2	21.8	11.6	9.1
Sexual misconduct	141	36.5	12.0	15.9	6.1
Healthcare dishonesty	68	3.8	9.3	2.9	14.6
other	89	7.7	11.2	7.2	16.5
Total, n	808	208	367	69	164

$p < 0.001$



Results: Misconduct vs Sanction

Misconduct	n	Deregistration %	Suspension %	Restrictive %	Non-restrictive %
Inappropriate medical care	203	13.5	23.4	26.1	43.3
Illegal or unethical prescribing	164	19.2	22.3	36.2	10.4
Misconduct not patient-related	143	19.2	21.8	11.6	9.1
Sexual misconduct	141	36.5	12.0	15.9	6.1
Healthcare dishonesty	68	3.8	9.3	2.9	14.6
other	89	7.7	11.2	7.2	16.5
Total, n	808	208	367	69	164

$p < 0.001$



Results: Misconduct vs Patient number affected

Misconduct	n	1 %	2 %	3 %	≥4 %
Inappropriate medical care	193	46.3	20.9	31.8	33.0
Illegal or unethical prescribing	123	11.0	20.9	18.2	45.8
Sexual misconduct	137	34.9	32.6	50.0	12.8
Healthcare dishonesty	16	1.2	11.6	0.0	4.5
other	30	6.7	14.0	0.0	3.9
Total, n	499	255	43	22	179

$p < 0.001$



Results: Misconduct vs Patient number affected

Misconduct	n	1 %	2 %	3 %	≥4 %
Inappropriate medical care	193	46.3	20.9	31.8	33.0
Illegal or unethical prescribing	123	11.0	20.9	18.2	45.8
Sexual misconduct	137	34.9	32.6	50.0	12.8
Healthcare dishonesty	16	1.2	11.6	0.0	4.5
other	30	6.7	14.0	0.0	3.9
Total, n	499	255	43	22	179

$p < 0.001$



Results: Misconduct vs Patient Outcomes

Misconduct	n	Death %	Physical injury %	Psych injury %	Drug dependency %	Patient upset %	Risk to patient %	Nil %
Inappropriate medical care	178	76.2	64.6	0.0	16.7	18.6	34.4	17.9
Illegal or unethical prescribing	112	19.0	4.2	0.0	83.3	2.3	48.3	21.4
Sexual misconduct	114	2.4	30.2	80.0	0.0	60.5	12.2	21.4
Healthcare dishonesty	14	2.4	0.0	0.0	0.0	3.5	1.7	25.0
other	25	0.0	1.0	20.0	0.0	15.1	3.3	14.3
Total, n	443	42	96	5	6	86	180	28



Results: Misconduct vs Patient Outcomes

Misconduct	n	Death %	Physical injury %	Psych injury %	Drug dependency %	Patient upset %	Risk to patient %	Nil %
Inappropriate medical care	178	76.2	64.6	0.0	16.7	18.6	34.4	17.9
Illegal or unethical prescribing	112	19.0	4.2	0.0	83.3	2.3	48.3	21.4
Sexual misconduct	114	2.4	30.2	80.0	0.0	60.5	12.2	21.4
Healthcare dishonesty	14	2.4	0.0	0.0	0.0	3.5	1.7	25.0
other	25	0.0	1.0	20.0	0.0	15.1	3.3	14.3
Total, n	443	42	96	5	6	86	180	28



Summary:

- Misconduct varies widely and across jurisdictions
- Inappropriate medical care is the most common
- Sexual misconduct is more common among:
 - males, psychiatrists, Australians, IMGs
 - more likely to result in deregistration/suspension
- Risk and physical injury most common outcomes
- Suspension and deregistration most common sanctions



Conclusion:

- opportunity for the profession and regulators to consider policies and educational opportunities
- provide doctors an opportunity to consider their own personal risks and reflect upon their behaviour
- Registries used are freely accessible
- Sobering and shocking reading
- Practitioners fully identified – name and shame?

