

## Tribunal reprimands and fines practitioner for professional misconduct

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13 March 2015

The State Administrative Tribunal of Western Australia has reprimanded Mr Muir McPherson for professional misconduct, fined him and imposed conditions on his registration.

The Nursing and Midwifery Board of Australia referred the matter to the tribunal in September 2014, after it received a notification that Mr McPherson had delegated an intimate examination of a female patient to a female employee (non-health professional) at Greenough Regional Prison, where he was employed as a registered nurse.

Mr McPherson admitted that he engaged in professional misconduct as defined in section 5 of the *Health Practitioner Regulation National Law*, in that he:

- delegated the clinical care of a patient to a non-health professional
- allowed a non-health professional to believe that she was required to perform an intimate examination, including a vaginal examination, of the patient, in circumstances where that was not the case
- failed to protect the patient's privacy and right to confidentiality by involving a non-health professional in the care of the patient, and
- failed to maintain adequate records of the care of the patient.

Mr McPherson said, among other things, that he was uncomfortable with examining the patient because he:

- understood Aboriginal female patients to have a strong preference to be examined by a female
- was concerned about general and cultural sensitivities; and
- was worried that examination by a male may heighten the patient's state of anxiety.

The tribunal reprimanded Mr McPherson and fined him \$2,000. The tribunal also imposed conditions on his registration, requiring him to commence further education and training in the areas of: patient privacy and confidentiality, intimate examinations and the use of chaperones, providing culturally sensitive healthcare and record keeping.

Mr McPherson was also ordered to pay the Board's costs.

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

### For more information

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