

Sexually harassing a patient

Law



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County Court Judge Jim Duggan last week awarded a woman \$55, 000 in damages after finding that Dr. Leeks had taken advantage of her for his sexual gratification. The woman was a psychiatrist patient.

Judge Duggan said the controversial doctor's behavior was reprehensible and a gross dereliction of duty. The patient, whose history includes physical and sexual abuse and psychiatric illnesses, saw Dr. Leeks about eight times in 1979 or 1980.

During the consultations, which became increasingly more sexual, he fondled her breasts and digitally penetrated her. Dr. Leeks claimed he had no recollection of the woman and denied any sexual impropriety.

But Judge Duggan said: "... this was a most serious series of assaults. The defendant grossly abused his position and took advantage of a particularly vulnerable patient."

Dr. Leeks, 77, recently undertook not to practice anymore, avoiding an inquiry by the medical board into allegations that he had used electric-shock treatment to punish young children in New Zealand in the 1970s.

The board had been investigating the electric-shock allegations for seven years. But after Dr. Leeks promised to give up practicing on the eve of a board hearing last month, the board wrote to 16 New Zealand complainants saying it had decided not to proceed with a formal hearing into his professional conduct.

The woman involved in the sexual misconduct case also complained to the medical board. A spokeswoman said the board would consider the court judgment when deciding whether to proceed with an investigation.

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This is the case of Dr. Selwyn Leeks who was accused of sexually harassing
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his patient. Under Judge Jim Duggan the complainant was awarded a \$55,000 for damages after finding that Dr. Leeks had taken advantage of her for his sexual gratification. The Medical Practitioner Board in Victoria will examine the judgment done by Judge Jim Duggan to Dr. Leeks.

Medical Practitioner Board in Victoria is a statutory authority established to protect the community by ensuring doctors maintain professional standards and practice ethically and competently. The Medical Practice Act 1994 guides the operations of the Board and clearly states that the Board's main purpose is to protect the public.

According to the complainant she went to Dr. Leeks eight times in 1979 or 1980. She narrates that Dr. Leeks fondled her breast and digitally penetrating her. But Dr. Leeks denies her allegations. Several complaints have been also forwarded to the Medical Board complaining Dr. Leeks of the use of electric shock in treating the children. The case was dropped since Dr. Leeks voluntarily stop practicing his profession to avoid further investigation.

The Board investigates the complaints about any aspect of a doctor's professional activity. It takes seriously all matters raised by the community and investigates them thoroughly. In this case, the Board is carefully analyzing if the Country Court Judge Duggan is correct in accusing Dr. Leeks of sexual misconduct. The complainant also files a complaint to Dr. Leeks in the Medical Board.

Since sexual misconduct is a serious allegation the case is referred to as a formal hearing. Formal Hearings are open to the public and the media (although the identity of the complainant is protected by law) and both the doctor and the Board are entitled to legal representation. Formal Hearing panels can impose a range of penalties on doctors against whom allegations

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have been proved, including a reprimand, placing conditions on the doctor's practice, suspending the doctor from practice for fixed periods, or canceling the doctor's registration. According to the spokeswoman of the board, they will consider the court judgments whether to continue the investigation or not.

Doctors sometimes take advantage of their situation and profession, they sometimes forget what their profession really means to the public and to its community. It is good to have the medical board that will ensure the safety and proper application of their profession. Any complaint is important to them, they deal with it carefully.