



Unprofessional behaviour

As a doctor, you have an obligation to be respectful and professional as your behaviour may affect how a health team functions, how care is delivered to patients, and the public's trust and confidence in the medical profession.

If you have concerns about the conduct, competence or safety of a doctor's practice, you should notify the Medical Council.

About our statement on unprofessional behaviour

When a doctor behaves unprofessionally, they may undermine effective team work which may adversely affect patient care.¹ Unprofessional behaviour may also affect the trust and confidence that patients have in their doctor, and how the public perceives the medical profession. Identifying and managing unprofessional behaviour is an important part of protecting public health and safety.

This statement may be used by the Medical Council, the Health Practitioners Disciplinary Tribunal, and the Health and Disability Commissioner as a standard by which to assess your conduct as a doctor.

What is unprofessional behaviour?

- 1 Unprofessional behaviour includes repeated inappropriate behaviour, as well as one-off incidents that may be disruptive.² The inappropriate behaviour or incident may apply to interactions with patients, other health care professionals and colleagues, or outside of work. Workplaces often have policies that outline what unprofessional behaviour is, and how it should be addressed.
- 2 Whether a doctor's behaviour is unprofessional often depends on the context, and how that behaviour is perceived. Unprofessional behaviour does not necessarily only occur within the healthcare setting; it can also extend to behaviours outside the health care team and can damage the trust and confidence that patients have in their doctor, and how the public perceives the medical profession.
- 3 While it is not possible to list every action or behaviour that may be considered unprofessional, it includes, but is not limited to, behaviour such as bullying, intimidation or harassment; discrimination, racism, insensitivity or rudeness towards others; putting your own interests ahead of your patient's,³ violent, abusive, threatening or offensive behaviour; demanding, aggressive (including passive aggressive⁴) and overly critical comments or behaviour; or refusal to work collaboratively with others or to follow best practice. Inappropriate communication, including use of social media, can also be considered unprofessional, whether this is directly related to a doctor's work or not.
- 4 While there may be a number of reasons for unprofessional behaviour — whether personal, professional, or situational, as a doctor, you must demonstrate professional behaviour at all times.

¹ "VHA Research Finds Disruptive Behavior Common in Operating Rooms; Behavior Linked to Adverse Events, Medical Errors, and Mortality" (2006).

² The American Medical Association describes "disruptive behaviour" as a "style of interaction with other doctors, medical staff, patients, family members or others that interferes with patient care". Refer to the American Medical Association Policy Finder, Code of Medical Ethics Opinion 9.4.4 for more information.

³ See also MCNZ's statement on *Doctors and Health related commercial organisations*.

⁴ Passive-aggressive behaviour is a way of expressing anger or offence, but in a non-forthcoming way. Instead of communicating openly, negative feelings are expressed through resentment, procrastinating, complaining and failing to co-operate with others.

What effect does unprofessional behaviour have?

- 5 Unprofessional behaviour often has wide-ranging implications beyond the doctor who acted unprofessionally.

Interactions with patient care

- 6 Unprofessional behaviour may contribute to adverse events, and compromise patient safety and patients' trust in their doctor. It could reduce patient engagement and understanding of their health condition, reduce acceptance of and compliance with treatment options, and result in poorer health outcomes. It could also lower the patient's mana.⁵
- 7 As a doctor, you must act in your patient's best interests. This includes being respectful, professional and considerate of factors such as the cultural safety of the patient, even in stressful and difficult situations.

Interactions with other health care professionals and colleagues

- 8 Unprofessional behaviour may erode trust, and create division and conflict with other members of the health care team, including all who are involved in the patient's care. It can affect the morale and mental well-being of others, as well as the inclusivity, collegiality and culture in your practice setting or workplace.
- 9 Unprofessional behaviour increases the risk of error as it may cause other health care professionals to:
- a avoid doctors who are demonstrating unprofessional behaviour and this could result in professional isolation and a communication breakdown
 - b create an uneven distribution of work amongst the team, leading to burnout
 - c hesitate or avoid consulting with others, asking for help or seeking clarification
 - d feel pressured or coerced to act or make clinical decisions hastily or without appropriate or reasonable consideration
 - e disengage with the team or be fearful of providing information relevant to a patient's care
 - f avoid reporting errors or near-misses, and be fearful of making suggestions about the patient's care or management.
- 10 Students and doctors in training who are impacted by unprofessional behaviour of others may experience stress, and hesitate to ask for help and feedback. They may also be less willing to address or confront unprofessional behaviour from senior colleagues because of the power imbalance in their working relationship, and concerns about how that could impact their career. They may adopt unprofessional behaviour traits they observe in senior colleagues because they assume that such behaviours are acceptable or are the norm.⁶

Many doctors are considered role models for others and should exhibit behaviours that align with best practice and a high degree of professionalism at all times.

- 11 As a doctor, you must uphold the standards of the medical profession by modelling appropriate behaviour for other members of the health care team, in particular those in training, and fostering a culture of respect within your practice setting or workplace.

Unprofessional behaviour outside of the healthcare setting

- 12 Patients and the public generally have a high trust in and regard for doctors. Unprofessional behaviour, whether in a professional or personal setting, can damage the trust and confidence that patients have in their doctor, and how the public perceives the medical profession.
- 13 As a doctor, you should ensure that at all times you act in a way where your conduct does not adversely affect the public's trust and confidence in the medical profession.

⁵ Mana refers to a person's status, standing, prestige and reputation.

⁶ Pflifferling JH. The disruptive physician: a quality of professional life factor. *Physician Exec.* 1999; 25(2):56–61.

When to notify Council

- 14 Sometimes, there are underlying issues that affect a doctor's behaviour and how they function at, or outside of work. If you have particular concerns about the conduct, competence, health or safety of a doctor's practice, you should notify the Medical Council who have a duty to protect and promote public health and safety in New Zealand. Anyone including a patient or member of the public can notify the Medical Council - you do not need to be a health practitioner to do so.⁷

When there are competence or conduct concerns about a doctor that pose a safety risk

If you work with the doctor you have concerns about

- 15 Consider discussing any conduct or competence concerns you have with that colleague themselves, a peer, your clinical lead, senior colleagues within your organisation (such as the Chief Medical Officer), or your professional indemnity insurer. If your colleague works for a different organisation, consider discussing your concerns with their clinical lead. If you have a serious concern about your colleague's conduct or competence, or that it could harm patients or the public, contact the Council's Registrar immediately.

If you supervise the doctor you have concerns about

- 16 Consider addressing your concerns directly with the doctor you supervise. Depending on what the concerns are, it may be helpful to involve your clinical lead or your Chief Medical Officer. If you have serious concerns about the performance or behaviour of the doctor you supervise, you have a particular responsibility to inform Council.

If you are a health practitioner who is not a doctor

- 17 Consider discussing your concerns with that doctor, your colleagues, a senior member in your organisation, or your indemnity insurer. If you are concerned that a doctor may pose a risk of harm to the public by practising below the required standard of competence, you may notify the Council's Registrar under section 34(1) of the Health Practitioners Competence Assurance Act 2003 (HPCAA).

Notification to Council at termination of employment because of competence concerns

- 18 Under section 34(3) of the HPCAA, when a doctor resigns or is dismissed for incompetence, their employer must advise the Council's Registrar of the reasons for the resignation or dismissal.

When there are health concerns about a doctor

- 19 Sometimes, a doctor may have health issues that affect how they behave and function. Under section 45 of the HPCAA, doctors and their employers must advise the appropriate registration authority if they have reason to believe that a doctor or another health practitioner has a mental or physical condition that is affecting their performance.

A person notifying the Council under section 34 or 45 of the HPCAA is protected from civil or disciplinary proceedings unless that person acted in bad faith (was vindictive or malicious).

If you need more advice

If you are unsure about any aspect of this statement, please contact us at the Medical Council. You may find it helpful to seek advice from a trusted colleague, your medical indemnity insurer, or your professional college or association.

This statement was updated in August 2020. It replaces the August 2009 statement on *Unprofessional behaviour and the health care team. Protecting patient safety*. It is scheduled for another review in August 2025. Any changes to the law before that review may make parts of this statement obsolete.

⁷ Under section 118(f) of the Health Practitioners Competence Assurance Act 2003, one of Council's functions includes receiving information from any person about the practice, conduct and competence of a doctor, and to act on that information if it is appropriate.