

# Professional boundaries

MPS



Putting members **first**

Advice correct as of May 2014

The doctor–patient relationship is based on trust: the Medical Council of Hong Kong (MCHK) says it is “essential to the practice of medicine”. Its *Code of Professional Conduct* emphasises the importance of self-governing and high standards of proper conduct, with patients’ trust placing a duty on all doctors to be trustworthy and accountable.

## Keeping relationships professional

The MCHK states: “Any form of sexual advance to a person with whom the doctor has a professional relationship is professional misconduct. The Council takes a serious view of a doctor who uses his professional position to pursue a personal relationship of a sexual nature with his patient or the patient’s spouse.”

The nature of medical practice means that, in some cases, patients can become emotionally dependent on their doctors. There must be an awareness of this possibility in such situations; any doctor who takes advantage of this dependency is potentially abusing responsibility and trust, and leaving themselves open to allegations of misconduct.

## Communicating with patients

Good communication between doctors and patients is fundamental to the delivery of safe and good quality patient care. This includes giving full and detailed information about all relevant aspects of a service, to ensure patients are able to make informed decisions about their healthcare.

The MCHK warns that persons seeking advice on medical services for themselves or their families are particularly vulnerable to persuasive influence; therefore, misleading advertisements and practice promotion in an overly commercial manner should be avoided. The MCHK says that such practices are likely to undermine public trust in the profession.

The MCHK says that such service information should not:

- Be exaggerated or misleading
- Be comparative with or claim superiority over other doctors
- Claim uniqueness without proper justifications for such claim

- Aim to solicit or canvass for patients
- Be used for commercial promotion of medical and health related products and services (for the avoidance of doubt, recommendations in clinical consultations are not regarded as commercial promotion of products and services)
- Be sensational or unduly persuasive
- Arouse unjustified public concern or distress
- Generate unrealistic expectations
- Disparage other doctors (fair comments excepted).

## Chaperones

The MCHK recommends that any intimate examination of a patient should be conducted in the presence of a chaperone, with the full knowledge of the patient. If the patient declines the use of a chaperone, you should record this decision in the medical records. For more information on the use of chaperones, read the MPS factsheet on *Chaperones* ([www.medicalprotection.org/hongkong/factsheets/chaperones](http://www.medicalprotection.org/hongkong/factsheets/chaperones)).

## Personal behaviour

The public hold the medical profession in high regard. You should ensure that you observe proper standards of personal behaviour, not only in professional activities but at all times. For this reason, a criminal conviction may lead to MCHK disciplinary proceedings, even if the offence does not involve professional misconduct.

## Further information

- Medical Council of Hong Kong, *Code of Professional Conduct* – [www.mchk.org.hk/](http://www.mchk.org.hk/)

**Medicolegal and membership enquiries**

T 800 908 433 (Freecall)  
E [querydoc@mps.org.uk](mailto:querydoc@mps.org.uk)

**Principal advisers – during office hours:**

Mayer Brown  
JSM – Solicitor  
T (2) 843 2211  
F (2) 845 9121

Howse Williams  
Bowers  
T (2) 803 3688 or

Kennedys  
T (2) 848 6300  
F (2) 848 6333

**For medicolegal advice outside normal working hours please call:**

**+44 113 243 6436**

**or email us at: [querydoc@mps.org.uk](mailto:querydoc@mps.org.uk)**

[www.medicalprotection.org](http://www.medicalprotection.org)

This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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