

THE ROYAL AUSTRALIAN AND NEW ZEALAND COLLEGE OF PSYCHIATRISTS

Ethical Guideline #1

GUIDE TO ETHICAL PRINCIPLES ON MEDICO-LEGAL REPORTS

1. All psychiatrists should exercise the greatest care to observe the relevant Australian and New Zealand laws and regulations concerning medico-legal assessments and reports.
2. No matter what the referral, it is a breach of the Australian National Health Services Act to knowingly itemise an account for the purpose of payments of medical benefits for a service performed for medico-legal purposes.
3. Any psychiatrist who has any doubt as to the *bona fides* of a referral should go no further with the assessment until the matter has been clarified with the patient and/or referring doctor.
4. The psychiatrist should avoid being placed in a situation in which there are both therapeutic and medico-legal aspects to an assessment. The psychiatrist should advise the patient/lawyer/referring doctor that these two aspects of management should be carried out by different psychiatrists. This does not preclude a psychiatrist from providing a treating doctor's report for a patient already under his/her care
5. Psychiatrists undertaking medico-legal assessments and preparing reports for use by the Court should familiarise themselves with the "Expert Witness Code of Conduct" relevant to the jurisdiction in which the report will be used, and ensure that the assessment and report are in accordance with any such Code that is applicable.
6. Psychiatrists preparing medico-legal or similar reports must not make disparaging or unprofessional comments about colleagues. While it might be appropriate to indicate disagreement in relation to diagnosis, treatment or management of a particular patient, such comments must be expressed in acceptable and respectful language and should not be a personal attack on a colleague, or their professionalism.
7. In expressing a professional opinion in the context of a medico-legal report, psychiatrists should not offer opinions outside their specific field of expertise; all such opinions must be within the bounds of reasonable medical certainty and the generally accepted knowledge-base of the profession.
8. It is unethical to prepare medico-legal reports about a person with whom the psychiatrist has a current, or has had a previous, personal relationship of whatever nature.
9. Psychiatrists must never amend a medico-legal report at the request of any party. If additional documentation is provided or a clarification is requested, that should be dealt with by way of a supplementary report.

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Currency: until withdrawn