

Medical practitioner fined, disqualified for professional misconduct

20 April 2015

The WA State Administrative Tribunal has fined Dr John Barry Myers \$10,000 and disqualified him from applying for registration as a medical practitioner for five years.

The WA tribunal decision relates to an incident that occurred in June 2012.

In July, 2012, to protect the public, the WA Board of the Medical Board of Australia suspended Dr Myers so he could not practise.

In December 2012, the Board referred the matter, involving allegations of sexual abuse and boundary violations, to the WA tribunal. In October 2014, the WA tribunal found that Dr Myers had behaved in a way that constituted professional misconduct in relation to sexual misconduct and boundary violations with a deeply vulnerable patient who had been admitted to hospital with anxiety, depression and suicidal ideation. Dr Myers was not the patient's treating doctor.

In its decision on penalty, handed down in February 2015, the tribunal determined that Dr Myers':

- actions represented a persistent inability to recognise the appropriate boundaries between a medical practitioner and a patient
- pattern of boundary violations dated back to 2004, and
- conduct in this matter (as compared to his previous disciplinary record) shows an escalating pattern of conduct.

The tribunal found that Dr Myers had failed to be deterred by a caution, counselling or a fine and posed too great a risk to the public to be able to practise any longer.

The tribunal disqualified Dr Myers from applying for registration as a health practitioner for five years, fined him \$10,000 to reflect the seriousness of his conduct, and ordered him to pay the Board's costs.

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

When the WA tribunal handed down its finding, Dr Myers' registration had already been cancelled from a separate case in Victoria. The Victorian Civil and Administrative Tribunal found Dr Myers had engaged in professional misconduct, cancelled his registration and disqualified him from applying for registration for one year from October 2013. This decision is also listed on [AustLII](#).

For more information

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- For media enquiries: (03) 8708 9200