

Medicolegal File

Who is using the drugs I prescribe?

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QUESTION

I am prescribing methylphenidate (Ritalin®) for a boy with attention deficit hyperactivity disorder. A woman claiming to be his aunt called to say that his father is selling these drugs on the street. Should I report this to the police? What else should I do?

ANSWER

Like so many legal and ethical issues, your question has many more facets than appear at first. As a physician, your primary obligation is to ensure that your patient is given proper care. If you are prescribing a particular medication for a valid reason, you should satisfy yourself that your patient is, in fact, taking the medication as directed and obtaining the expected benefit. Regular reassessment of your patient's condition and asking about proper use of the medication are part of good medical care.

If your patient is not receiving the medication and is thereby being exposed to some degree of harm, or at least being prevented from obtaining the proper care for his condition, you should ensure that the adult responsible for him is aware that the medication needs to be given properly and that the child could be at risk if he is not receiving it.

If it appears to you that the child is still not receiving the medication, the

responsible adult might not be providing necessary or adequate care. You should then consider whether the law in your province or territory requires you to report this situation to a child protection agency.

With regard to reporting such situations to the police, you are in a rather difficult position. You have no first-hand knowledge, nor do you know the identity of the person who telephoned you or the motivation for that call. In any case, you have no obligation to report possible misbehaviour on the part of others. If you make a report to the police based on inadequate or false information, you might find yourself faced with an allegation of defamation. It might be reasonable to suggest to the caller that he or she pass the information on to the police, because he or she apparently has direct knowledge of the facts.

In summary, your obligation is to your patient, the child being treated. You should ensure that he is getting proper treatment and take action to protect him if necessary. Of course, you should always make sure the condition has been adequately diagnosed, your prescriptions are appropriate for the condition, and the patient is being properly monitored. If the patient is being deprived of proper treatment, you might have an obligation to report that fact to an appropriate agency. ♣

Although laws governing medical practitioners are similar across the country, they can vary greatly from one jurisdiction to another. Specific answers to questions cannot be given in a national publication. While the information in this article is true in general, it is intended to bring issues to your attention, not to give specific advice. You should consult a lawyer if you have specific concerns. Members of the Canadian Medical Protective Association can contact the Association at 1-800-267-6522.

Readers may submit questions on medicolegal issues by fax to **Dr Philip Winkelaar** at (613) 725-1300. They will be considered for future Medicolegal Files.

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