

Medicolegal File

Reporting drug seekers

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QUESTION

A patient known to be a drug seeker is obviously getting narcotics from many different doctors. Should I report this to the police or should I just throw this patient out of my office?

ANSWER

One of the primary obligations of a doctor-patient relationship is confidentiality. Legislation and College policies in most jurisdictions emphasize this obligation. Doctors also have a duty of care to the patients they see. That duty of care includes obtaining an adequate history, performing an adequate examination, and advising patients appropriately.

It is important to remember that the Narcotic Control Regulations¹ require patients to tell doctors what narcotics they have obtained in the last 30 days.¹ It is equally important for doctors to inquire, before prescribing narcotics, whether patients have recently received any narcotics, and if so, what kind and how much. Patients' answers to these questions should be clearly documented.

These questions should, of course, be asked of every patient and about all medications before prescribing, but documenting the question and a negative answer from the patient is very important in this situation. Although patients are not always forthright about drug use, you are not expected to be a private investigator. You are, however, expected to ask the appropriate questions and

take appropriate action. If you were to have evidence, for example from a hospital emergency department or a walk-in clinic, that a patient was lying, you should consider confronting him or her with that evidence. If you are not reassured by the response, you might want to inform the patient of your and his or her legal obligations and refuse to prescribe the medication.

Some patients are labeled "drug seekers." This can interfere with objective assessment of their health. A patient who has sought drugs can develop genuine symptoms; for example, a patient claiming he or she has renal colic to get narcotics might, on a subsequent visit, suffer from right lower quadrant pain due to appendicitis. The duty of care requires that doctors assess each patient appropriately. Failure to make the correct diagnosis might lead to a bad clinical outcome for a patient and subsequently to a lawsuit against the doctor that could be difficult to defend.

Dealing with apparent drug seekers is always difficult. You cannot report to the police because that

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.

would be a breach of confidentiality, and you can terminate your care of a patient only if that patient's condition is not medically urgent or you have made arrangements for another physician to take care of him or her. If you prescribe only those drugs you believe necessary for a patient's condition, however, you will fulfil your responsibility to that patient. ❖

Reference

1. Narcotic Control Regulations, C.R.C., c. 1041, s. 3.(3).

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