

Box 453

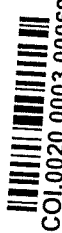
Bay 65.

INVESTIGATION
Townsville Health Service District

Alleged impersonation of a doctor by
Mr Victor Berg

**STRICTLY
CONFIDENTIAL**

CLOSED



COI.0020.0003.00069

AUDIT AND OPERATIONAL REVIEW BRANCH

Investigations File Review Status

File No.	0337S602	Trish No.	1442
District	Townsville Health Service District		
Subject	Alleged impersonation of a doctor by Mr Victor Berg		

[illegible]

GPO Box 3123
Brisbane Qld 4001

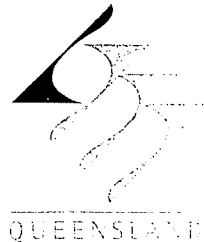
Tel: (07) 3360 6060
Fax: (07) 3360 6333

Toll Free:
1800 061 611

E-mail
mailbox@cmc.qld.gov.au

www.cmc.qld.gov.au

Your Reference: 0337S602
Our Reference: 520/02/12/178 / KMS
Contact Officer: Ms K Smith



9 April 2003

RECEIVED

15 APR 2003

AUDIT & OPERATIONAL
REVIEW BRANCH

OFFICE OF THE
Assistant
Commissioner
Misconduct

Level 3, Terrica Place
140 Creek St
(Cnr Creek and Adelaide)
Brisbane, Queensland

Mr Michael Schafer
Director
Audit and Operational Review
Queensland Health
GPO Box 48
BRISBANE Q 4001

Dear Mr Schafer

RE: CONCERNS ABOUT VINCENT VICTOR BERG

I refer to previous correspondence concerning former Queensland Health employee Vincent Victor Berg.

I also refer to Mr Robert Walker's and Complaints Officer Keily Smith's telephone conversations with Max Wise of your office of 3 March and 28 March 2003.

It is noted that Mr Berg is no longer employed by Queensland Health and that disciplinary action cannot be considered in relation to his behaviour.

However, it is considered the concerns about Mr Berg's behaviour may involve possible criminal activity. After considering the principles which must apply under the Act when performing its misconduct function, the CMC has decided to refer the possible criminal activity to the Queensland Police Service to deal with.

The CMC has no further requirements of Queensland Health in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Walker'.

ROBERT WALKER
Executive Legal Officer
Receivals and Assessments Unit
Complaints Services

→ CLARKE

15/04/03

for file.



**Queensland
Government**
Queensland Health

MEMORANDUM

To: Director-General

From: Mr M Schafer,
Director, Audit and Operational Review

Contact No: (07) 323 40835
Fax No: (07) 323 41528

Subject: File Submitted For Closure - Alleged forgery of Russian medical qualifications by Dr Victor Berg

File Ref: 0337S602

Audit-in-Confidence

I have reviewed the attached file, which is submitted for closure following the completion of a Queensland Police Service (QPS) review.

Allegation

In December 1999 Dr Berg received 12 month conditional registration from the Office of Health Practitioner Registration Boards (OHPRB) to enable him to undertake training in psychiatry at Townsville General Hospital from January 2000 – January 2001. Questions have since been raised as to the authenticity of the Russian qualifications submitted to the OHPRB by Dr Berg.

Investigation

The matter was assessed by the Queensland Health – QPS Liaison Officer, who was not able to identify any breaches of the Queensland Criminal Code. However, providing misleading information in relation to an application for registration is a breach of the legislation administered by the OHPRB. Inquiries with the OHPRB indicate that no prosecution action was contemplated by that agency due to an inability to establish the qualifications were in fact forgeries. Mr Berg's present whereabouts are also unknown to the OHPRB.

Outcome

As Dr Berg only occupied a training position within the District, his work was closely supervised during his employment. Regardless of this, the District has reviewed all the patients he had contact with during January 2000 – January 2001. The OHPRB has also advised that steps have been taken to make it "practically impossible" for Dr Berg to obtain any further form of registration within Australia without providing the necessary original documentation. (The OHPRB provided a Ministerial brief on 4 December 2002).

The Crime and Misconduct Commission has been advised of the outcome and has no further requirements of the Department.

There being no further issues, I request your approval to close this file.

M. Schafer
Michael Schafer

Director

Audit and Operational Review

30/1/03

APPROVED

30 JAN 2003

[Signature]
DR. R L STABLE
DIRECTOR GENERAL


COI.0020.0003.00072

(29)

Max Wise - Email Confirmation

From: <postmaster@cmc.qld.gov.au>
To: <Max_Wise@health.qld.gov.au>
Date: 29/01/2003 5:39 PM
Subject: Email Confirmation

Thank You.

Your mail message "Re: 520-02-12-178 - Berg file" dated Wed, 29 Jan 2003 17:38:24 +1000 has been received by the Crime and Misconduct Commission mail server.

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Please contact Desktop_Services@cmc.qld.gov.au if you require further assistance.


COI.0020.0003.00073

(28)

Max Wise - Re: 520-02-12-178 - Berg file

From: Max Wise
To: Robert Walker
Date: 29/01/2003 5:38 PM
Subject: Re: 520-02-12-178 - Berg file

Thanks for getting back to me Robert.

The matter has been reviewed by QH's in-house QPS officer, who has not identified any Criminal Code breaches in relation to Mr Berg's application for registration - therefore no investigation is proposed.

Following discussions with the medical registration board it has also been established that that agency does not intend initiating prosecution proceedings due to a lack of evidence to establish it was misled by Mr Berg. However, steps have been taken such that it is now "practically impossible" for Mr Berg to obtain registration as a medical doctor in Australia.

The Department intends taking no further action in relation to this matter and will now proceed to the file.

Regards

Max

Max Wise
 Manager Investigations
 Audit and Operational Review Branch
 Queensland Health

P: (07) 3234 0589
 F: (07) 3234 1528
 E: max_wise@health.qld.gov.au

>>> "Robert Walker" <Robert.Walker@cmc.qld.gov.au> 28/01/2003 >>>
 Dear Max,

Thanks for your e-mail concerning this matter and I apologise for the delay in replying.

The reference to "disciplinary issues" in my letter to you of 3 January 2003 was not appropriate given the fact Mr Berg is no longer the holder of an appointment in a unit of public administration.

I recall when we assessed the matter we considered the department may wish to look at the matter from the point of view of any process or systems issues which may be raised. I further indicated in my letter the department may wish to consider providing relevant information to the Medical Practitioner Registration Boards.

I don't suggest the department should embark on a disciplinary investigation and I apologise for the misunderstanding.

Regards,

Robert Walker

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 COI.0020.0003.00074

Max Wise - 520-02-12-178 - Berg file

From: "Robert Walker" <Robert.Walker@cmc.qld.gov.au>
To: <max_wise@health.qld.gov.au>
Date: 28/01/2003 5:40 PM
Subject: 520-02-12-178 - Berg file

Dear Max,

Thanks for your e-mail concerning this matter and I apologise for the delay in replying.

The reference to "disciplinary issues" in my letter to you of 3 January 2003 was not appropriate given the fact Mr Berg is no longer the holder of an appointment in a unit of public administration.

I recall when we assessed the matter we considered the department may wish to look at the matter from the point of view of any process or systems issues which may be raised. I further indicated in my letter the department may wish to consider providing relevant information to the Medical Practitioner Registration Boards.

I don't suggest the department should embark on a disciplinary investigation and I apologise for the misunderstanding.

Regards,

Robert Walker

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Max Wise - Jim O'Dempsey 52512

From: John Cross
To: Wise, Max
Date: 21/01/2003 8:25 AM
Caller: Jim O'Dempsey
Phone: 52512

John Cross
Senior Internal Auditor (Investigations)
Audit and Operational Review Branch
Queensland Health
Phone: (07) 3234 1968
Fax: (07) 3234 1528

21/1/03

- 1) JOD advised that it is now practically impossible for Victor Berg to be registered in any state.
- 2) He also advised that no prosecution action had been initiated in relation to the apparent offence as it was never ~~at~~ definitively establish that the documents were forged.


21/01/03

Max Wise - Victor Berg

From: Max Wise
To: Jim O'Dempsey
Date: 20/01/2003 4:07 PM
Subject: Victor Berg

Security: Confidential

Hello Jim

Just a couple of questions in relation to the above:

1. I note in your Ministerial briefing that on 16 October 2001 the RANZCP wrote to "the Australian Medical Council and the Boards" advising that Berg's documents were forgeries. Does this mean that it is now practically impossible for Berg to gain registration?
2. Presumably at some point Berg committed an offence against the registration legislation by submitting forged documents - was any prosecution action contemplated as a result of this?

Thanks
Max

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

P: (07) 3234 0589
F: (07) 3234 1528
E: max_wise@health.qld.gov.au


COI.0020.0003.00077



**Queensland
Government**
Queensland Health

MEMORANDUM

To: Mr M Wise, Manager, Investigations, Audit and Operational Review Branch

Copies to:

From: Det Snr Sgt G D Clark, Investigations,
Audit and Operational Review

Contact No: (07) 323 40576
Fax No: (07) 323 41528

Subject: Alleged impersonation of a medical doctor by Victor Berg.

File Ref: 0337S602

Audit-in-Confidence

This file relates to Victor Berg, who was apparently a Russian citizen who moved to Australia in December 1992 and was granted refugee status. In July 1999, Berg applied to the Office of Health Practitioner Registration Boards for registration as a clinical observer at the Gold Coast Hospital.

In September 1999, Berg was appointed to the position of Registrar – Psychiatry at the Townsville General Hospital, subject to obtaining registration with the board. In December 1999, Berg applied for conditional registration with the Board, seeking to undertake training at Townsville. The Board approved conditional registration for a 12 month period effective from 4th January 2000.

In February 2000, Berg was asked to explain discrepancies in his documentation. The Board discovered that all of the professional certificates Berg supplied were in another name and had been altered to 'BERG'. Berg explained that he had changed his name from that which appeared on the certificates to 'BERG'.

The certificates were found to be forgeries in October 2001, but by that time Berg had departed Queensland due to the Board not granting registration after continued applications because of concerns regarding his documentation.

A perusal of the Queensland Criminal Code fails to find any criminal offence relating to the Berg attempting to obtain registration as a Doctor/Psychiatrist. There is also some doubt as to whether or not he actually committed an impersonation of a doctor, as during his employment in Queensland, he was a Clinical Observer at the Gold Coast Hospital and undertaking training at Townsville General Hospital. Even so, there is still no known offence of impersonating a doctor under the Queensland Criminal Code.

It is assumed that his applications for registration as a doctor would have contravened legislation governing such registrations. It is also assumed that in these applications, Berg declared certain issues were true and correct before a person authorised by law to take or receive declarations. This

(25)

could subject Berg to a charge under Section 194(1) of the Queensland Criminal Code, 'False Declarations'. As Berg is no longer a resident of Queensland, it is unlikely he would face a Court as it is not considered extradition for the offence/s would be approved.

Due to the obvious difficulties in obtaining satisfactory evidence of forgery of documentation from the Russian Voronezh University, combined with the fact that Berg no longer resides in Queensland, it is submitted that it is not in the public interest continuing the investigation into Berg's actions.

A perusal of the CMC documentation relating to this matter reveals that it is appropriate to refer the matter to Qld Health. Under Section 44(3)(b) of the Crime and Misconduct Act 2001, *"If the public official is satisfied that (b) dealing with the complaint would be an unjustifiable use of resources; the public official may take no action or discontinue action taken to deal with the complaint."*

Submitted for approval to cease investigations into the matter.



G D Clark

Detective Senior Sergeant

Investigations,

Audit and Operational Review

20 / 01 / 2003

(iii) any results of the action that are known at the time of the response.

(8) However, the commissioner of police is not required to give a response to the person—

- (a) if the person has not given his or her name and address or does not require a response; or
- (b) if the response would disclose information the disclosure of which would be contrary to the public interest.

Subdivision 2—Other units of public administration

43 Responsibility of public officials, other than the commissioner of police

A public official, other than the commissioner of police, has a responsibility to deal with a complaint about, or information or matter involving, official misconduct that is referred to it by the commission.

44 Dealing with complaints—public officials other the commissioner of police

(1) This section does not apply to the police service.

(2) A public official must deal with a complaint about, or information or matter (also a “**complaint**”) involving, official misconduct in the way the public official considers most appropriate, subject to the commission’s monitoring role.

(3) If the public official is satisfied that—

- (a) a complaint—
 - (i) is frivolous or vexatious; or
 - (ii) lacks substance or credibility; or
- (b) dealing with the complaint would be an unjustifiable use of resources;

the public official may take no action or discontinue action taken to deal with the complaint.

(4) A public official may, in an appropriate case, ask the commission to deal with a complaint in cooperation with the public official.

CHAPTER 20—MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY

False statements in statements required to be under oath or solemn declaration

193.(1) Any person who, on any occasion on which a person making a statement touching any matter is required by law to make it on oath or under some sanction which may by law be substituted for an oath, or is required to verify it by solemn declaration or affirmation, makes a statement touching such matter which, in any material particular, is to the person's knowledge false, and verifies it on oath or under such other sanction or by solemn declaration or affirmation, is guilty of a crime, and is liable to imprisonment for 7 years.

(2) The offender cannot be arrested without warrant.

False declarations

194.(1) A person who makes a declaration that the person knows is false in a material particular, whether or not the person is permitted or required by law to make the declaration, before a person authorised by law to take or receive declarations, commits a misdemeanour.

Maximum penalty—3 years imprisonment.

(2) In this section—

“**declaration**” includes a statement and an affidavit.

Evidence

195. A person cannot be convicted of any of the offences defined in sections 193 and 194 upon the uncorroborated testimony of 1 witness.

Contradictory statements—false statements or declarations

195A. If, on the trial of a person for an offence defined in section 193

Max Wise - Email Confirmation

From: <postmaster@cmc.qld.gov.au>
To: <Max_Wise@health.qld.gov.au>
Date: 07/01/2003 3:28 PM
Subject: Email Confirmation

Thank You.

Your mail message "520-02-12-178/LM G - Berg File" dated Tue, 07 Jan 2003 15:24:33 +1000 has been received by the Crime and Misconduct Commission mail server.

Note : If you have contacted us through our Contact Form, then your message has been received and is being attended to. If your message was addressed to a specific officer or a specific section it will be delivered shortly. If it cannot be delivered, you will receive an error message and be asked to check the address.

Please contact Desktop_Services@cmc.qld.gov.au if you require further assistance.


COI.0020.0003.00082

(19)

From: Ken Whelan
To: Wise, Max
Date: 11/12/2002 7:28:43 am
Subject: Re: Victor Berg

Morning Max

Thanks very much for your prompt response and clarification on this matter. I realise my description of the events leading up to the discovery that Mr Berg allegedly is not qualified to practice medicine was a bit sketchy. Should more detailed information be required as I am sure it will be the person to contact at Townsville is Dr Andrew Johnson. Andrew is the Townsville Medical Super and can provide any further information that may be required.

Regards

Ken Whelan

>>> Max Wise 12/10/02 02:02pm >>>
Ken

I have been handed your email to Michael Schafer of 9 Dec 2002 in relation to the above.

Impersonation of a doctor is in fact a criminal offence and therefore constitutes "suspected official misconduct" under the Crime and Misconduct Act 2001. This also means that his actions should be reported to Audit Branch under the Department's IRM 3.1-5 (I have attached a copy for your reference).

We have an "in-house" Queensland Police Detective working in Audit, so I will allocate the matter to him. I will also make the necessary inquiries with the Medical Board.

Regards

Max Wise

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

P: (07) 3234 0589
F: (07) 3234 1528
E: max_wise@health.qld.gov.au

4/12/02
clarky you have a file on Victor Berg on the way.
Max

Max Wise - Victor Berg

From: Max Wise
To: Helen Little
Date: 11/12/2002 4:24 PM
Subject: Victor Berg
CC: Graham Clark

Helen

Dr Buckland has requested Ken Whelan to refer concerns in relation to the above to Audit. I have allocated the matter to our in-house police officer, Det Snr Sgt Graham Clark, for investigation as it may involve breaches of the Queensland Criminal Code.

I have also made some initial inquiries with the Medical Board, but have been advised that they have already provided a lengthy briefing on the matter to yourself. Could you please forward a copy of the briefing to me as soon as possible as it may be of assistance to our investigation.

Regards

Max Wise

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

P: (07) 3234 0589
F: (07) 3234 1528
E: max_wise@health.qld.gov.au

For file,
Max
11/12

17
Max Wise - Fwd: FW: Berg brief

From: Jill Pfingst
To: Max Wise
Date: 12/12/2002 8:09 AM
Subject: Fwd: FW: Berg brief

Max
Here is the Berg brief that you requested from MBQ.
The Dept also prepared a briefing and I am in the process of tracking it down.
Regards
JILL


COI.0020.0003.00085

Max Wise - FW: Berg brief

From: "Bruce Picard" <Bruce.Picard@ministerial.qld.gov.au>
To: "Jill Pfingst" <jill_pfingst@health.qld.gov.au>
Date: 05/12/2002 2:35 PM
Subject: FW: Berg brief

-----Original Message-----

From: Jim ODempsey [mailto:ODempseyJ@healthregboards.qld.gov.au]
Sent: Wednesday, 4 December 2002 11:30 AM
To: Bruce Picard
Subject: Berg brief

<<bergbrief.doc>>

Jim O'Dempsey
Executive Officer
Office of Health Practitioner Registration Boards

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COI.0020.0003.00086

Ministerial Brief – Vincent Berg

Berg wrote to the Board on 10 June 1999 seeking registration, preferably as a psychiatrist. He indicated he was prepared to update his clinical professional knowledge by undertaking postgraduate study and advised that:

- He was born in 1952 and had graduated with a Doctor's Degree in Psychiatry from the Medical Faculty of Voronezh State University (Russia) in 1977.
- He also claimed to have been awarded a PhD in Psychology and worked as a senior lecturer at the University until April 1982 and as a psychiatrist until August 1986.
- His medical career ceased in Russia when he was arrested by the KGB in August 1986 in connection with his political and religious beliefs.
- He arrived in Australia in December 1992, was granted protection as a refugee in October 1993, and subsequently gained permanent residency in 1994.

Berg had apparently been attached to the Gold Coast Hospital as a clinical observer and registration for this purpose was sought by the Gold Coast Hospital on 12 July 1999. At its meeting on 24 August 1999, the Board declined to approve conditional registration for Berg to work as a clinical observer at the Hospital on the basis that such an activity did not require registration.

On 29 September 1999, Townsville General Hospital, with the approval of the Chief Health Officer, appointed Berg to the position of Registrar – Psychiatry, subject to Berg obtaining registration with the Board.

On 13 December 1999, Berg applied for conditional registration seeking to undertake training in psychiatry at Townsville General Hospital. Conditional registration for this purpose, for a period of 12 months, was subsequently approved by the Board effective from 4 January 2000. A training program, nominating Dr John Allan FRANZCP as his supervisor, was received on 10 May 2000.

On 16 February 2000, Berg was given notice by the Board to explain discrepancies in his documentation within 14 days or his registration would be cancelled. A review of the file had identified that all claimed professional certificates were in fact in another name and had been manually altered to the name 'Berg'.

Documentation obtained from the Department of Immigration under Freedom of Information by Berg appeared to confirm that in 1996 he had declared a change of name from the name in the documents to the name 'Berg'. A decision was made by the Board not to pursue this matter further.

In July 2000, Berg complained to the Board regarding alleged inconsistencies in his circumstances compared to those of another unnamed overseas trained psychiatrist alleging discrimination. He was informed that the issue he raised should more properly be addressed by the Royal Australian and New Zealand College of Psychiatrists or his employer.

On 4 December 2000, Berg applied for conditional registration as a specialist psychiatrist in Queensland. He cited his qualification from Voronezh State University as the basis of his application. On 4 January 2001, the Board determined not to approve his application as the qualification was in a name other than the applicant's name and the qualification was in any case not recognized. It was also noted by the Board that with regard to the confirmation that Berg was one and the same person as the person named in the documents, the Department of Immigration had subsequently acknowledged that the Department would not have made enquiries relating to any qualification allegedly held by the person.

The Board determined that the Department be requested to make enquiries through the Moscow office as to whether the person named in the documents was in fact a graduate of the Voronezh State University in 1977. Berg was formally notified on 5 February 2001 of the Board's refusal of his application for conditional registration as a specialist (psychiatrist) and he was informed of his appeal rights. It should be noted that Berg's conditional registration to undertake training in this specialty was time limited and expired on 3 January 2001.

Berg wrote to the Board on 12 February 2001 seeking reconsideration but the Board reaffirmed its decision and suggested he submit his qualifications and experience to the Australian Medical Council for assessment by the Royal Australian and New Zealand College of Psychiatrists.

On 17 March 2001, Berg requested the Board issue a Certificate of Good Standing to the Northern Territory covering the period of his Queensland registration. Subsequently on 23 January 2001, the New Zealand Medical Board sought advice regarding Berg as he had sought registration in that country and on 31 July 2001 a further Certificate of Good Standing was sought by the Australian Medical Council, apparently in connection with the assessment of Berg's specialist qualification. In this regard, Berg had made an application to the Council for such an assessment as he had been advised to do by the Board on 12 February 2001.

While the Board had no proof that the qualifications relied on by Berg were fraudulent documents, it had sufficient concern not to issue a Certificate of Good Standing and in lieu only issued a Certificate of Standing. This is an indication to other regulatory authorities that the application should be carefully assessed.

The assessment undertaken by the Australian Medical Council, through the College, was extensive given the concerns raised by the Board and other regulatory authorities about the standing of the qualifications relied on Berg.

On 16 October 2001, the College wrote to the Australian Medical Council and the Boards advising that it had directly contacted Voronezh State University in an attempt to confirm Berg's qualifications. The University denied that the Certificates related to a graduate of that institution and stated that the documents were in fact forgeries.

There is no evidence that Berg has been registered in any Australian State or Territory since the College advice was received in October 2001.

It should be noted that:

- Berg was conditionally registered to undertake training in psychiatry at Townsville General Hospital from 4 January 2000 to 3 January 2001.
- The Board did not renew this conditional registration and refused Berg's application for conditional registration as a psychiatrist on the basis of its concerns about his documentation.
- The Board referred Berg to the Australian Medical Council for a detailed assessment of his qualifications through the Royal Australian and New Zealand College of Psychiatrists.
- The Board's concerns were subsequently confirmed 10 months later through the extensive assessment process undertaken through the Australian Medical Council by the Royal Australian and New Zealand College of Psychiatrists.

Enquiries to: Det Snr Sgt Clark,
Investigations,
Audit and Operational Review
Telephone:
Facsimile:
File Number: 0337S602
Our Ref:
Your Ref:

Ms H Couper
Chief Officer and Deputy Director
Complaints Section
Official Misconduct Division
Crime and Misconduct Commission
GPO Box 3123
BRISBANE Qld 4001

Dear Ms Couper

RE: Alleged Official Misconduct Involving Impersonation of a Doctor at Townsville Health Service District

I refer to the above and make the following report of suspected official misconduct pursuant to section 38 of the *Crime and Misconduct Act 2001*.

On December 9 Audit received information relating to a former Queensland Health employee, Mr Vincent Victor Berg, a Russian who attained refugee status.

It is alleged that Mr Berg, after receiving provisional registration as a Doctor from the Australian Medical Board, was employed by the Townsville Health Service District as a non-training Psychiatric Registrar for a period of eleven months, when in fact he was not, and had never been a qualified medical doctor.

Pursuant to the Commission's standing request, the following personal details are provided in respect of Mr Vincent Victor Berg.

Name in Full: Vincent Victor Berg

Occupation: Former Non-Training Registrar in Psychiatry, Townsville Health Service District.

Date of Birth: 19 February 1952

Office
Queensland Health
147 - 163 Charlotte Street
BRISBANE QLD 4000

Postal
GPO Box 48
BRISBANE QLD 4001

Phone
(07) 323 40839

Fax
(07) 323 41528



COI.0020.0003.00090

11

The matter has been allocated to Audit's Queensland Police Liaison Officer for investigation.

Yours sincerely



Michael Schafer
Director
Audit and Operational Review

/ /

Cleared and Proofed By:



Max Wise
Manager
Investigations
Audit and Operational Review Branch

7/12/02

COI.0020.0003.00091

Max Wise - 520-02-12-178/LMG - Berg File

From: Max Wise
To: mailbox@cmc.qld.gov.au
Date: 07/01/2003 3:24 PM
Subject: 520-02-12-178/LMG - Berg File

Attention Robert Walker

Dear Robert

I refer to your letter of 3 January 2003 in relation to the above.

In your letter you acknowledge that Mr Berg is no longer a QH employee - he now lives interstate - but go on to say that "it has been decided that it is appropriate to refer the matter to you to deal with any disciplinary issues".

Given that disciplinary processes can only commence at the conclusion of an investigation, could you please clarify your expectations in relation to this matter. In other words, despite the fact that the matter was referred to QPS and the Medical Board in mid-December 2002, are you suggesting that QH officers should still travel interstate to investigate the matter with a view to initiating disciplinary action that may not have a legal basis (as Mr Berg left the Qld Public Service sometime ago)?

Regards

Max Wise

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

P: (07) 3234 0589
F: (07) 3234 1528
E: max_wise@health.qld.gov.au

Clarky
Pls place on Berg file.
Max

2/1/03

Box 3123
Brisbane Qld 4001

Tel: (07) 3360 6060
Fax: (07) 3360 6333

Toll Free:
1800 061 611

E-mail
mailbox@cmc.qld.gov.au

www.cmc.qld.gov.au

Your Reference: 03375602
Our Reference: 520-02-12-178 / LMG
Contact Officer: Linda Trewin



3 January 2003

OFFICE OF THE
Assistant
Commissioner
Misconduct

Level 3, Terrica Place
Creek St
(Cnr Creek and Adelaide)
Brisbane, Queensland

Mr Michael Schafer
Director
Audit and Operational Review
Queensland Health
GPO Box 48
BRISBANE QLD 4001

Dear Mr Schafer

**RE: CONCERNS ABOUT FORMER QUEENSLAND HEALTH EMPLOYEE,
MR VINCENT VICTOR BERG - IMPERSONATION OF A DOCTOR,
TOWNSVILLE HEALTH SERVICE DISTRICT**

I refer to your letter dated 17 December 2002 in which you notified the Crime and Misconduct Commission of the above matter concerning Mr Vincent Victor Berg.

All the information provided by you has been considered and it is understood the matter of concern is that Mr Berg, after receiving provisional registration as a Doctor from the Australian Medical Board, was employed by the Townsville Health Service District as a non-training Psychiatric Registrar for a period of eleven months, when he was not, and has never been, a qualified medical doctor.

Under the *Crime and Misconduct Act 2001* (the Act) one of the roles of the Crime and Misconduct Commission (CMC) is to help units of public administration in Queensland deal effectively and appropriately with "misconduct".

Having regard to the principles in section 34 of the Act for performing its misconduct functions, and your advice that the matter has been reported to the QPS, it has been decided that it is appropriate to refer the matter to you to deal with any disciplinary issues. The Commission further advises that you may wish to consider providing relevant information to Medical Practitioner Registration Boards.

As you are aware, section 44 of the Act provides that, upon referral by the CMC, a public official must deal with a matter involving possible official misconduct in the way the public official considers most appropriate, subject to the CMC's monitoring role. As you will note "deal with" as defined in Schedule 2 of the Act includes "investigate" and "take other action, including managerial action, to address the complaint in an appropriate way". Under section 44 (3), a public official may decide to take no action in the prescribed circumstances.

If you require any advice or assistance in relation to this matter, or you wish to request the CMC to deal with the matter alone or in cooperation with you (section 46(2)(f)), please do not hesitate to contact the Principal Complaints Officer on 3360 6286, or the Executive Legal Officer, Receivals and Assessments Unit on 3360 6287.

*Max, Can you discuss please.
I cannot see how Q11 can do anything
other than refer the matter to Detective
Senior Sergeant Graham Clark for
attention of any possible charges.
m. J. J. J.
21/1/03*

File Number: 520-02-12-178 Received Date: 23-DEC-2002

Matter Type: Complaint

Method of Lodgement: Correspondence from department or public sector agency

Concerned Parties: Mr Michael F. SCHAFER (Notifier)

Persons of Interest: Mr Vincent V. BERG (Subject)
Department Of Health

Precis: Director, Audit & Operational Review, Qld Health, reports allegation that the subject officer after receiving provisional registration as a Doctor from the Australian Medical Board, was employed by the Townsville Health Service District as a non-training Psychiatric Registrar for a period of eleven months, when in fact he was not, and had never been a qualified medical Doctor.

Allegations

No	Subject	Type	Sub-type/Other details	Conduct Category	Complainant
1	Mr Vincent V. BERG (Subject)	Other Criminal Act or Omission (not specified elsewhere)	Alleged impersonation of a Psychiatric Registrar for a period of 11 months. Alleged impersonation of a Psychiatric Registrar for a period of 11 months.	Official Misconduct	Mr Michael F. SCHAFER (Notifier)
Status					
Referral to the UPA to deal with the complaint - outcome advice only.					
Endorsement Comment					
Allegation could, if proved, amount to OM (breach of trust, fraud). Having regard to the advice of the UPA that the allegations have been referred to QPS, the matter is suitable for referral to the UPA to deal with the disciplinary issues. (Robert WALKER)					
Date					
24-DEC-2002					

05

Max Wise - Registration check

From: Max Wise
To: Victoria O'Brien
Date: 10/12/2002 11:38 AM
Subject: Registration check

Victoria

I imagine that as the Complaints Co-ordinator the registration side of things isn't your specific area but, in short, I am attempting to find out whether one of our employees is in fact registered as a doctor. His name is: Victor Berg.

Can you assist?

Thanks

Max

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

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COI.0020.0003.00097

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Max Wise - Victor Berg

From: Max Wise
To: Ken Whelan
Date: 10/12/2002 2:02 PM
Subject: Victor Berg

Ken

I have been handed your email to Michael Schafer of 9 Dec 2002 in relation to the above.

Impersonation of a doctor is in fact a criminal offence and therefore constitutes "suspected official misconduct" under the Crime and Misconduct Act 2001. This also means that his actions should be reported to Audit Branch under the Department's IRM 3.1-5 (I have attached a copy for your reference).

We have an "in-house" Queensland Police Detective working in Audit, so I will allocate the matter to him. I will also make the necessary inquiries with the Medical Board.

Regards

Max Wise

Max Wise
Manager Investigations
Audit and Operational Review Branch
Queensland Health

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COI.0020.0003.00098

Max Wise - Fwd: Potential Criminality

From: Michael Schafer
To: Max Wise
Date: 10/12/2002 8:26 AM
Subject: Fwd: Potential Criminality

For your attention

(52)

From: Ken Whelan
To: Schafer, Michael
Date: 09/12/2002 7:08:22 pm
Subject: Potential Criminality

Afternoon Michael

Steve Buckland suggested I contact you about the following:

Back in January 2000 to January 2001 this district employed a NON training registrar in Psychiatry named Victor Berg the story is a long one but the short version is that this chap was apparently a russian who attained refugee status in Australia. He was given provisional registration from the Australian Medical Board and was employed in this district as a psych reg. Apparently when he left here he was even given references from exisitng specialists.

The down side is the district has now found out that apparently this chap is not and never has been a doctor. Dr Andrew Johnson my Med Super found this out accidentally when discussing another case with the college. Apparently this chap is still in Australia but not in Queensland.

I have some clinical staff reviewing all the patients he saw to try and establish the extent of the problem. I guess the good news is because he was a registrar his work was supervised it does raise the question about how a non doctor could work with specialists for a year and not be be sprung.

The question I guess is impersonating a doctor is no doubt a criminal offence but given the person is no longer in Queensland is this a matter for us ? Queensland police ? or the medical Board to follow up. I am led to believe that as a public servant if we suspect criminality we have an obligation to report ?

For obvious reasons we are keeping this strictly confidential at present we need total control of the facts before the media get involved.

Your advice would be appreciated.

Regards

Ken Whelan

District Manager

File Edit Insert Records Window Help

16 Jul 2002 9:27:04

File Number: 03375602

District: Health Service/Corporate Office/RHA

Facility/Area: TOWNVILLE GENERAL HOSPITAL

Details: ALLEGED IMPERSONATION OF A DOCTOR BY VICTOR BERG

Allegation Type: FRAUD

Location of File: CLARK

Status:

Special Investigation

Stream

Fraud Type: PROFESSIONAL SERVICES

Action Officer: CLARK

Adhoc

New Running Sheet Entry

Preview Running Sheet

Print Running Sheet

Running Sheet by Officer

CJC Date referred

SHANGU/HACC

Whistle Blower

QPS

Date Received: 10/12/02

Report Completed:

Suspended - with Pay (yes) without pay (no)

Bring Up Date:

Date Finalised:

Date of Suspension:

Closure result:

Restitution:

Active

Latest Status/Outcome

QPS INVESTIGATING

Trist 1442

COI.0020.0003.00101

Record: 611 of 611