

COMMISSION OF INQUIRY NO. 1 OF 2005  
MEDICAL BOARD OF QUEENSLAND

This is the annexure marked "**MDG-5**" mentioned and referred to in the Statement of **MICHAEL STEVEN DEMY-GEROE** dated this 17<sup>th</sup> day of May 2005.

"MDG-5"

**FAXED**  
24/3/05



**Queensland  
Government**

Queensland Health

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File Number:  
Our Ref: 0181-0345-005

HEALTH PRACTITIONER BOARDS  
30 MAR 2005  
RECEIVED

Mr Jim O'Dempsey  
Executive Officer  
Medical Board of Queensland  
19<sup>th</sup> Floor Forestry House  
Mary Street  
BRISBANE Q 4001

Dear Jim,

I wish to formally bring to your attention and seek assessment of the performance of Dr Jayant Patel who is the Director of Surgery at Bundaberg Hospital. Dr Patel is an 'area of need' registrant who was first registered in April 2003.

In February, I was requested to undertake a clinical audit of general surgical services, following concerns raised by staff with the District Manager, Mr Peter Leck. Those concerns related to a perception of a higher rate of complications from his surgery, the conduct of complex operations at the hospital which are beyond the capability of relevant support services at Bundaberg Hospital and a tendency to retain patients for too long at Bundaberg Hospital when optimal practice would dictate earlier referral to a facility where there is a higher level of expertise.

There is evidence that the outcomes of those complex operations (namely oesophagectomies), were relatively poor, with at least two of the patients dying in the immediate post-operative period. In addition, data produced during the audit demonstrated a significantly higher rate of complications than the peer group average, however, we have not been able to exclude the impact of differential severity on this complication rate.

In addition, concerns were raised about his relationship with key members of staff, including some nursing and some medical staff. I think these matters would not reach a threshold for disciplinary action by the Board, and have referred these to the District Manager to deal with.

My investigations to date have not been able to determine if Dr Patel's surgical expertise is deficient, however, I am concerned that the judgement exercised by Dr Patel may have fallen significantly below the standard expected. This judgement may be reflective of his decision to undertake such complex procedures in a hospital that does not have the necessary support, and in his apparent preparedness to retain patients at the hospital when their clinical condition may warrant transfer to a higher level facility.

I would be grateful for the Board's consideration of this matter.

Yours sincerely

Dr Gerry FitzGerald  
Chief Health Officer  
24/03/2005

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