



Premier of Queensland
and Treasurer

sab

Anthony J H Morris LLB(Qld)(Hons) QC,
Commissioner,
Bundaberg Hospital Commission of Inquiry,
Level 9,
Brisbane Magistrates Court Building,
363 George Street,
Brisbane, Qld, 4000.

August 3, 2005.

Dear Commissioner,

Following revelations at the Commission of Inquiry yesterday (Tuesday) regarding Vincent Berg, I asked for all documentation on this matter to be sent to me so that I could make it available to you to help in your deliberations on this matter.

I have received the following documentation this morning which I enclose:

1. A one-page Queensland Health Director-General correspondence action slip dated December 5, 2003 and numbered 034570, asking for a response to be prepared for the Director-General.
2. A one-page Ministerial memorandum dated December 4, 2002, from the Minister to the Director-General headed 'Unqualified practitioners' in which the Minister says she had received advice that day regarding two practitioners in psychiatry and in which she requests action to be taken.
3. A one-page letter from the Minister dated December 4, 2002, to Mr Jim O'Dempsey, the Executive Officer at the Office of Health Practitioners Registration Boards, saying she had requested a review of the Government's Medical Practitioners Registration Act 2001. She wrote: "...I seek urgent advice from you on what action has been taken by your office to check that there are no other unqualified practitioners treating patients in Queensland. I also seek advice on what arrangements are now in place between the Australian Medical Council, other professional representative bodies and colleges and your office to guarantee the credentials of overseas trained practitioners." I am advised that handwriting on this letter is that of former Director-General Robert Stable.
4. A three-page "possible parliamentary question" headed "Topic: bogus shrinks" and prepared on December 4, 2002.
5. A one-page Ministerial Brief from the Health Practitioners Registration Boards on Vitomir Zepinic dated December 4, 2002, which is signified as having been noted by Dr Stable on December 5.
6. A three-page Ministerial Brief from the Health Practitioners Registration Boards on Vincent Berg dated December 4, 2002, which contains a notation dated December 5, 2002, on the top right of the first page which I am advised is that of Dr Stable.

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia

Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

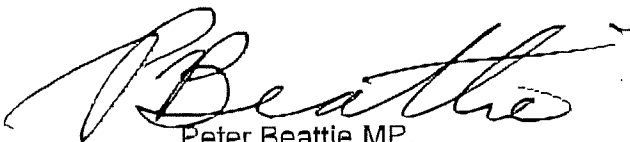
7. A three-page briefing to the Director-General dated December 17, 2002, from Norelle Deeth, acting Director-General of Queensland Health. It appears to be in response to the Minister's memo of December 4.
8. A fax message from Lorraine Bettinson in the office of the Director-General Executive Support Unit, to Ms V Coughlin-West at Townsville HSD (health service district) dated January 6, 2003, and headed 'Unqualified practitioners' in which the recipient is asked: "In regard to the above pleased (sic) note the comments made by the Dr S Buckland, General Manager Health Services and provide a ministerial briefing directly to him by 13 January 2003."
9. A fax machine confirmation that the fax had been successfully despatched.
10. A four-page briefing to the Minister dated January 9, 2003, headed: "Unqualified Practitioners". This has a handwritten note signed with a B. The note says: "This brief is incomplete."
11. A four-page Queensland Health briefing to the Minister dated January 9, 2003, headed "Unqualified Practitioners".
12. A seven-page briefing to the Minister of the same date. It contains handwritten notes, including one on the cover sheet and one on the final page, which says in part: "The process is appropriate, ethical and clinically sound given that the client base have a mental illness. Any at risk patients have been identified and managed." It is signed BGMHS which I am advised is the signature of Dr Buckland, General Manager Health Services.

I believe it is relevant to point out that it appears from the notations on the ministerial briefings that the briefings were regarded by senior executives as being incomplete and that they required additional information. It is normal practice for Ministers to receive only final versions of briefings. It appears there is no notation on these briefings by the Minister.

I request that you make this material available to the public on the Commission's website. If you are agreeable I plan to make it publicly available as soon as you have released it.

If any more information becomes available to me I will forward it to you immediately. I am determined that everybody in the State Government should co-operate with your Commission. Disciplinary action will be taken against anyone who fails to do so.

Yours sincerely,



Peter Beattie MP,
Premier and Treasurer.

URGENT

QUEENSLAND HEALTH
DIRECTOR-GENERAL CORRESPONDENCE ACTION SLIP

NUMBER: DG 034570 DATE: 5/12/02

ORIGINAL TO: 1. GMHS 2. MD 33 3. 4.

COPIES TO: 1. 2. 3. 4.

☐ Please prepare a response for
DG/GMHS/DDGPO signature by -

18/12/02

☐ Please prepare response for signature of
GMHS/DDGPO over DG's signature block
by _____

☐ Please prepare response for signature of
Branch Director/State Manager etc by

NB: The green signed file copy of the response
must be forwarded to the Executive Support
Unit - 19th Floor - QHB

Note: If a substantive response has not been
prepared by the above date an interim
response must be provided and forwarded
to the Executive Support Unit.

☐ Please coordinate your response with
_____ by close of business
on _____

☐ For discussion at a meeting scheduled for

☐ Briefing Note required by _____

☒ For appropriate action direct

☐ For information only. (NEEDS NO REPLY).

☐ Advance Copy

☐ Acknowledgment and ☐ thanks
(All acknowledgment letters are completed
in the Executive Support Unit).

Further Comments.

GMHS for response to point (B) of DG's
notation on attached memo please.

Thatis

MD33: Please see GMHS contact

at night and prepare

3 min brief for GMHS as
requested. Briefly by 13/01/02.

Thatis

See Brief from Dr

Townsville and

when it arrives

will add the Townsville
component B

03/08 2005 WED 9:20 FAX 61 7 32340095 QLD Health - DG

61 7 32340095



Hon. Wendy Edmond MP
Member for Mount Coot-tha

RECEIVED

7 DEC 2002

DG'S OFFICE



Queensland
Government

Minister for
Health

Minister
Assisting the Premier on
Women's Policy

MEMORANDUM

To: Director-General
From: Minister for Health
Date: 4 December 2002
Subject: Unqualified practitioners

I have today received advice from the Queensland Medical Board regarding two practitioners in psychiatry, one at Townsville and one at Toowoomba, both of whom apparently gained positions with Queensland Health that they were not formally qualified to hold.

Not correct exactly.

While I am aware that the Government's Medical Practitioners Registration Act 2001 did strengthen the health practitioner boards' ability to place potential registrants under greater scrutiny, I request that you review the Act to ensure that such incidences could not occur under the new registration arrangements.

(A)

If further action is necessary to protect patients and to strengthen the registration approval processes for all clinical practitioners, please provide this advice as a matter of priority.

I also seek advice on what progress has been made on reviewing the patient files of the two practitioners concerned.

(B)

Wendy Edmond MP
Minister for Health and
Minister Assisting the Premier on Women's Policy

cc. Mr Jim O'Dempsey

Ex-Ab-

Please arrange as follows:

- (A) MLP to consider and advise in conjunction with CHO
- (B) GMLB to provide a response, please

*C.C. DIRM
CHD
GMLB*

JS DB

5.12.02

Level 19 147-163 Charlotte Street Brisbane
GPO Box 48 Brisbane
Queensland 4001 Australia
Telephone +61 7 3234 1191
Facsimile +61 7 3229 4731
Email health@ministerial.qld.gov.au
Website www.health.qld.gov.au

03/08 2005 WED 9:20 FAX 61 7 32340095 QLD Health - DG

61 7 32340095



Hon. Wendy Edmond MP
Member for Mount Coot-tha



Queensland
Government

Minister for
Health

Minister
Assisting the Premier on
Women's Policy

4 December 2002

Mr Jim O'Dempsey
Executive Officer
Office of Health Practitioners Registration Boards
Level 14 Forestry House
160 Mary Street
BRISBANE Q 4000

Dear Mr O'Dempsey

I refer to your briefings today on the circumstances surrounding the registration of two practitioners in psychiatry, one at Townsville and one at Toowoomba, both of whom apparently gained positions with Queensland Health that they were not formally qualified to fill.

While I am aware that the Government's Medical Practitioners Registration Act 2001 did strengthen the Medical Board's ability to place potential registrants under greater scrutiny, in the interests of patient safety I have requested the Director-General of Health to arrange a review of the Act to ensure that such incidences could not occur under the new registration arrangements. Departmental officers will be in touch with you shortly in this regard.

In the meantime I seek urgent advice from you on what action has been taken by your Office to check that there are no other unqualified practitioners treating patients in Queensland. I also seek advice on what arrangements are now in place between the Australian Medical Council, other professional representative bodies and colleges and your Office to guarantee the credentials of overseas trained practitioners.

I thank you for your cooperation in this matter.

Yours sincerely

Wendy Edmond MP
Minister for Health and
Minister Assisting the Premier on Women's Policy

cc Director-General, Queensland Health

Bare

*- no record in
history of his degree
- however, named by
a Senior Psychiatrist*

*2001/01/01 - qualified
Med Pract. in
Tasmania*

*- post grad qual
in psychiatry
(but it is not valid)*

Level 19 247-263 Charlotte Street Brisbane
GPO Box 48 Brisbane
Queensland 4001 Australia
Telephone +61 7 3234 1191
Facsimile +61 7 3229 4731
Email health@ministerial.qld.gov.au
Website www.health.qld.gov.au

5.12.02

TOPIC: BOGUS SHRINKS

- I am aware of two incidents involving doctors claiming bogus qualifications. Both were dealt with swiftly by the Medical Board.
- I have been assured that all patient files are being reviewed and where appropriate patients have been or will be re-examined. My number one concern is the patients.
- A doctor at Toowoomba who was qualified in medicine was approved by the Australian College of Psychiatry and subsequently the Medical Board in April 2000 to work as a registrar in psychiatry. This man had been registered in other States.
- The College subsequently advised the board in March 2002 that its investigations of the man's qualifications from Yugoslavia raised doubts. The board subsequently gave the doctor a show

cause notice in April and he was deregistered in May.

- The second case involved a registrar in psychiatry at Townsville Hospital who was also subsequently suspected of having bogus qualifications. He was registered by the Medical Board in September 1999 but in October last year the Australian Medical Council raised concerns about his claimed qualifications from Russia. When questions were asked I am advised he immediately disappeared from Queensland and has not sought re-registration here. Other States have been notified.
- Mr Speaker the new Medical Practitioners Registration Act 2001 which I introduced greatly tightens up the procedures for medical registration including greater powers to investigate the past histories of applicants, including any criminal history.

03/08 2005 WED 9:20 FAX 61 7 32340095 QLD Health - DG

61 7 32340095

Page 3 of 3

POSSIBLE PARLIAMENTARY QUESTION

- But I am disappointed that the Board and the professional colleges let these two slip through the public safety net.
- I will be writing to both the board and the colleges to re-enforce that they must be vigilant in these matters.

Prepared by Bruce Picard 04.12.02

03/08 2005 WED 9:20 FAX 61 7 32340095 QLD Health - DG

5 DEC 2002 14:06

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NO.115

P.4/4

REGISTRATION BOARDS

Ministerial Brief – Vitomir Zepinic

Zepinic applied to the Australian Medical Council in May 1998 for assessment of his specialist qualifications in psychiatry. Through the Council/specialist medical College procedures for overseas trained specialists, Zepinic was required to fulfil a period of supervised clinical practice before being eligible to sit the Royal Australian and New Zealand College of Psychiatrists Section 1 examinations.

On 17 February 2000 Zepinic lodged an application with the Board seeking conditional registration to fill a training position at Toowoomba Health Service District Mental Health Service to meet the College's requirement that he undertake a period of supervised clinical practice.

On the basis that he was accredited by the College to undertake a period of supervised clinical practice, the Board approved his conditional registration for this purpose from 4 April 2000.

On 8 May 2001 Zepinic sought to renew his conditional registration to undertake further specialist training at Toowoomba Health Service District as a Senior Medical Officer – Psychiatry. On 22 May 2001 this application was approved consistent with the College's accreditation of Zepinic.

On 6 March 2000 the Board was advised by the Australian Medical Council that the College had reassessed Zepinic's qualifications and determined he had completed post graduate training in psychotherapy which was a non-medical course and, as such, he was not eligible for advanced standing in the medical specialty of psychiatry. The Council further advised that this was not identified in the College's original assessment as they were unable to contact the originating educational institution in Belgrade, Yugoslavia, due to the war conflict at that time.

The Board considered this further advice from the Council at its meeting on 9 April 2002 and immediately determined to issue Zepinic with a "show cause" notice under sections 148 and 149 of the new *Medical Practitioners Registration Act 2001*. Zepinic was asked to show cause as to why his registration should not be cancelled. The Board attempted to personally serve this on Zepinic but he had resigned from his position in Toowoomba and left no forwarding address. The Board subsequently located Zepinic in Burwood, New South Wales, and engaged process servers to serve the "show cause" notice. This was accomplished on 15 April 2002.

Zepinic responded to this "show cause" notice on 24 April 2002 and the matter was considered by the Board at its meeting on 14 May 2002, at which time it cancelled Zepinic's registration pursuant to section 88, *Medical Practitioners Registration Act 2001*.

It should be noted that:

Zepinic does have a valid registrable undergraduate qualification in medicine;

The Board has now introduced notification procedures to the Director-General, Queensland Health, for cases such as these and in instances where individuals are employed as medical practitioners but they are not registered by the Board.

NOTED

4 December 2002

05 DEC 2002


 DR. R. L. STABLE
 DIRECTOR GENERAL

03/08 2005 WED 9:21 FAX 61 7 32340095 QLD Health - DG

5 DEC 2002 14:05

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REGISTRATION BOARDS

NO. 115

P. 1/4

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'.

03/08 2005 WED 9:21 FAX 61 7 32340095 QLD Health - DG

5 DEC 2002 14:07

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NO.115 P.2/4

REGISTRATION BOARDS

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.

5 DEC 2002 14:07

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NO. 115

P. 3/4

REGISTRATION BOARDS

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.

4 December 2002

/08-2005 WED 9:22 FAX 61 7 32340095 QLD Health - DG

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**Queensland
Government**

Queensland Health

A BRIEFING TO THE DIRECTOR-GENERAL

BRIEFING NOTE NO: BR017607

REQUESTED BY: Director-General

DATE: 17 December 2002

PREPARED BY: Bernie Ridsdill-Kenny, A/Project Manager, Legislative Projects

CONSULTATION WITH: Chief Health Officer

CLEARED BY: Sue Cawcutt, A/Manager, Legislative Projects
Susan Harris, Manager, Corporate Support Services
Graham Smith A/Director, Information and Business
Management Branch

DEADLINE: 18 December 2002

SUBMITTED THROUGH: DDGPO...../...../.....
GMHS...../...../.....

SUBJECT: *MEDICAL PRACTITIONERS REGISTRATION ACT 2001 -
UNQUALIFIED PRACTITIONERS*

DIRECTOR-GENERAL'S COMMENTS:

Norelle Death
A/Director-General
/ / 2002

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PURPOSE:

To inform the Director-General of whether amendments to the *Medical Practitioners Registration Act 2001* need to be made to ensure that persons cannot obtain registration under the Act by relying on false qualifications.

BACKGROUND:

Following two incidences of persons obtaining registration as a medical practitioner under the *Medical Act 1939* by relying on false qualifications, the Minister asked the Director-General to review the *Medical Practitioners Registration Act 2001* (the Act) to ensure that such incidences could not occur under the Act.

KEY ISSUES:

Under the Act, an application for registration must be accompanied by satisfactory evidence of the qualifications that the applicant must hold to be eligible for registration.

The Act gives the Medical Board of Queensland (the Board) a range of powers that it may use to satisfy itself whether an applicant holds the qualification for which the applicant relies on for registration under the Act. These powers include:

- investigating the applicant (eg. making enquiries of an overseas registration body or educational institution);
- requiring the applicant to give the Board further information or documents to support the application; and
- requiring the further information or document to be verified by a statutory declaration.

In addition, the Act allows the time for deciding an application to be extended by 60 days if the Board considers it needs more time to make a decision on the application because of the complexity of the matters involved. As an example of when this provision might apply, the Act cites the situation where the Board is required to obtain and consider information from an overseas registration body about the applicant.

In cases where applicants for registration rely on overseas specialist qualifications, the Board seeks, via the Australian Medical Council, advice from the relevant Australian specialist college. The specialist colleges assess the sufficiency of the qualifications as a basis for registration. While the relevant specialist college could make its own enquiries about the authenticity of a particular qualification, or request the Board to make such enquiries on its behalf, the responsibility for deciding whether an applicant holds a relevant qualification rests with the Board.

The extent to which the Act is effective in preventing persons from obtaining registration based on false qualifications depends on use of the powers noted above to verify information provided by an applicant, and the administrative systems in place to assess applicants' eligibility. Legislative Projects has not been able to identify any potential amendments to the Act which would have prevented the former incidences where applicants relied on false qualifications.

It is considered that the Act provides adequate mechanisms for the Board to determine the authenticity of an applicant's qualifications for registration, and that it is not necessary for amendments to be made to the Act to ensure persons cannot obtain registration by relying on false qualifications.

03/08 '05 13:41 FAX

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03/08 2005 WED 9:22 FAX 61 7 32340095 QLD Health - DG

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RELATED ISSUES:

N/A

BENEFITS AND COSTS:

N/A

ACTIONS TAKEN/REQUIRED:

Note the above matters.

ATTACHMENTS:

Nil

03/08 2005 WED 9:21 FAX 61 7 32340095 QLD Health - DG

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FAX MESSAGE

Office of the Director-General
Executive Support Unit
Queensland Health
GPO Box 48, Brisbane Q 4001

TO:	Fax:	FROM:	Fax: (07) 3224 7870
Name: Ms V Coughlin-West		Phone: (07) 323 41158	
Organisation: Townsville HSD		Name: Lorraine Bettinson	
Date: 6 January 2003		Position: A/Senior Support Officer	

CONFIDENTIAL COMMUNICATION

SUBJECT: DG034570 - Unqualified practitioners

Pages 11 (Inclusive)

In regard to the above please note the comments made by the Dr S Buckland, General Manager Health Services and provide a ministerial briefing directly to him by 13 January 2003.

Thank you

Lorraine Bettinson

This facsimile is a confidential communication between the sender and the addressee. The contents may also be protected by legislation as they relate to health service matters. Neither the confidentiality nor any other protection attaching to this facsimile is waived, lost or destroyed by reason that it has been mistakenly transmitted to a person or entity other than the addressee. The use, disclosure, copying or distribution of any of the contents is prohibited. If you are not the addressee please notify the sender immediately by telephone or facsimile number provided above and return the facsimile to us by post at our expense.

If you do not receive all of the pages, or if you have any difficulty with the transmission, please notify the sender.

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61 7 32340095 ON RESULT REPORT (JAN 06 '03 04:28PM)

QLD HEALTH CORRESPONDENCE UNIT

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033	MEMORY TX	

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TOWNSVILLE DHS

PAGE	RESULT
11/11	OK

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**Queensland
Government**
Queensland Health

FAX MESSAGE

*Office of the Director-General
Executive Support Unit
Queensland Health
GPO Box 48, Brisbane Q 4001*

TO:	Fax:
Name: Ms V Coughlin-West	
Organisation: Townsville HSD	
Date: 6 January 2003	

FROM:	Fax: (07) 3224 7870
Phone: (07) 323 41158	
Name: Lorraine Bettinson	
Position: A/Senior Support Officer	

CONFIDENTIAL COMMUNICATION

SUBJECT: DG034570 - Unqualified practitioners

Pages 11 (Inclusive)

In regard to the above please note the comments made by the Dr S Buckland, General Manager Health Services and provide a ministerial briefing directly to him by 13 January 2003.

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**Queensland
Government**
Queensland Health

RECEIVED

13 JAN 2003

62017812

Refer D4034570

A BRIEFING TO THE MINISTER

BRIEFING NOTE NO: BR017812

REQUESTED BY: Lorraine Bettinson

DATE: 9 January 2003

PREPARED BY: Dr John Allan, Director of Integrated Mental Health Services
Ms D Fawcett, Manager of Integrated Mental Health Services
Through
Dr A Johnson, Acting District Manager, Townsville Health
Service District

CLEARED BY: Ms V Coughlin-West, Acting Zonal Manager, Northern Zone

**DEPARTMENTAL
OFFICER ATTENDING:** N/A

DEADLINE: 13 January 2003

SUBJECT: Unqualified Practitioners

MINISTER'S COMMENTS:

Wendy Edmond MP
Minister for Health and
Minister Assisting the Premier on Womens Policy

*This brief is
incomplete - while
the RANZCP opinion
is provided, the
Medical Board of
Queensland's views
must be included as
it significantly affects the
heart of this issue*

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PROPOSE:

To update the Minister in relation to the situation where an unqualified psychiatry registrar was working within the Mental Health Unit Townsville Health Service District.

BACKGROUND:

- Dr Vincent Berg applied for appointment to a Psychiatry Registrar position within the Mental Health Unit of the Townsville Health Service District in late 1999. The appointment was for the year 2000 medical intake.
- Dr Berg stated that he was Russian born and had Russian qualifications in the field.
- He stated that he had fled Russia because of political and religious persecution and claimed to have refugee status and had been in Australia since December 1992.
- He claimed to have changed his identity since moving to Australia because of concerns for his security.
- Dr Berg was granted conditional registration by the Medical Board of Queensland to undertake approved training in psychiatry under section 17C(a) of the Medical Act 1939.
- Advice and references were also sought from Dr Petchovsky of the Gold Coast with whom Dr Berg was working in an observation role.
- Dr Berg took up a position as a Psychiatric Registrar at the Mental Health Unit of the Townsville Health Service in January 2000.
- In early August of 2000, the newly appointed Executive Director of Medical Services Dr Andrew Johnson discussed issues relating to clinical and behavioural problems relating to Dr Berg with Dr John Allan, Director of the Mental Health Unit.
- Dr Allan and Dr Johnson met with Dr Berg regarding a Performance Management Plan for Dr Berg which commenced in August 2000.
- In spite of this plan, Dr Berg's clinical and behavioural problems continued for the rest of his term and he was not re-employed in 2001.

KEY ISSUES:

- During an unrelated conversation with the Registrar of the Royal Australian and New Zealand College of Psychiatrists on Thursday 28 November 2002, it was discovered that the College had investigated Dr Berg's qualifications and had discovered that his claimed psychiatric qualifications were false. Dr Berg had identified that both his undergraduate and postgraduate qualifications were from the Voronezh State University.
- The RANZCP have provided the following advice

"Dr Berg's application for Advanced Standing/Specialist Assessment via the Australian Medical Council was considered by the Fellowships Board Training and Examination Exemptions Sub-committee on 20 September 2001. As part of the standard RANZCP assessment process, applicants' overseas psychiatric qualifications are confirmed with the relevant College/University or Authority. The Voronezh State University in Russia were contacted first by email and then by fax and post to verify Dr Berg's qualification in psychiatry. Dr Berg submitted qualifications in a name he now no longer uses, attaching a Statutory Declaration dated 1 August 2001 stating the change of name to Vincent Victor Berg.

The Voronezh State University replied informing the RANZCP that they did not produce the diploma indicated in our letter and moreover the educational program stated was not in

61 7 32340095

existence at that time. The Voronezh State University reiterated this statement again in writing after reviewing the faxed documents, adding that they were crude forgeries.

The Australian Medical Council were notified of the above on 16 October 2001 and subsequent discussions with the AMC lead the College to contact the Queensland Medical Board on 23 January 2002 about the veracity of information and documentation submitted by Dr Berg for Advanced Standing/Specialist Assessment with the RANZCP."

- The Townsville Health Service had not been previously informed of these findings.
- During the time Dr Berg was employed Townsville he had seen patients in his capacity as a Psychiatry Registrar within the Acute Mental Health Unit, the Community Mental Health Unit, the Dual Diagnosis Unit (formerly Mosman Hall) in Charters Towers and had also seen patients in the Emergency Department through involvement with the intake assessment team.
- Upon becoming aware of this information the Townsville Health Service District developed and instituted an audit process. It was seen as imperative to ensure no patients were at clinical risk because of these concerns. The Audit was conducted by the THSD Director of Mental Health Services under the auspices of THSD Executive Director Medical Services.
- A total of 259 patients were identified as having been seen by Vincent Berg during his period of employment, ten of these resulted in Vincent Berg signing Mental Health Act documents which we have been advised remain valid as he was a registered Medical Practitioner at the time. It is believed that this is a reasonably accurate number of patients collated from a range of different sources however it is possible that a small number of clinical files and therefore patients seen by Vincent Berg may have been missed. We would estimate this to be no more than 10 patients.
- Of the 259 patients:
 - Six (6) have died -- the audit did not directly attribute any of these deaths to Vincent Berg
 - Ten (10) patients have been identified as "highest priority" relating to clinical risk and assessed as a "potential serious adverse event" and require immediate clinical follow up
 - Forty (40) patients have been identified as "high priority" and will require clinical follow up, as a matter of urgency
 - Leaving 203 patients where the audit identified either there was an issue that does not affect their current position or there are no particular issues. It is not possible to guarantee that other issues do not exist for some of these patients, which are not discernible from reading clinical file notes.

Identified Risks:

- There is potential for adverse media comment when the clinical review process commences.
- Although the process has been thorough, there may be patients who have been missed in the audit process.

BENEFITS AND COSTS:

N/A

ACTIONS TAKEN/ REQUIRED:

A senior Psychiatrist audited the clinical file/s of each of these 259 patients. A rating was recorded as to the clinical necessity/priority of follow up. As necessary, a second opinion from another

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Psychiatrist has been sought. Following this exhaustive process, it is the clinical opinion of the psychiatrists involved, that 50 patients require urgent clinical review for possible changes to their treatment.

PLANNED STRATEGY FOR CLINICAL FOLLOW UP

Highest Priority and High Priority Patients:

- The 50 patients or their relative be contacted by telephone by the Director of Mental Health Services and assessed as to their relative urgency / necessity for physical follow-up, and invited to appointments with a psychiatrist as required.
- The focus of these telephone contacts will be to establish whether actual harm has occurred and whether a formal assessment is required to review treatment.
- An attempt will be made to contact all these patients over a two-week period.
- A suitable time to commence this strategy would be the week beginning 27th January 2003.

Other actions required:

Many clinical staff maintain that there exists an ethical obligation on Queensland Health to inform patients that they have been receiving care from a person whose qualifications to provide that care have been found to be invalid. This raises serious concerns about the potential for adverse public comment. Direction is sought from GMHS as to whether any of the patients subject to this audit are to be informed of the validity of Vincent Berg's claimed qualifications.

DRAFT MEDIA RELEASE:

N/A

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AJJ-5



**Queensland
Government**

Queensland Health

A BRIEFING TO THE MINISTER

BRIEFING NOTE NO: DG034570

REQUESTED BY: Lorraine Bettinson

DATE: 9 January 2003

PREPARED BY: Dr John Allan, Director of Integrated Mental Health Services
Ms D Fawcett, Manager of Integrated Mental Health Services
Through
Dr A Johnson, Acting District Manager, Townsville Health
Service District

CLEARED BY: Ms V Coughlin-West, Acting Zonal Manager, Northern Zone

**DEPARTMENTAL
OFFICER ATTENDING:** N/A

DEADLINE: 13 January 2003

SUBJECT: Unqualified Practitioners

MINISTER'S COMMENTS:

Wendy Edmond MLA
MINISTER FOR HEALTH
Date:

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PURPOSE:

To update the Minister in relation to the situation where an unqualified psychiatry registrar was working within the Mental Health Unit Townsville Health Service District.

BACKGROUND:

- Dr Vincent Berg applied for appointment to a Psychiatry Registrar position within the Mental Health Unit of the Townsville Health Service District in late 1999. The appointment was for the year 2000 medical intake.
- Dr Berg stated that he was Russian born and had Russian qualifications in the field.
- He stated that he had fled Russia because of political and religious persecution and claimed to have refugee status and had been in Australia since December 1992.
- He claimed to have changed his identity since moving to Australia because of concerns for his security.
- Dr Berg was granted conditional registration by the Medical Board of Queensland to undertake approved training in psychiatry under section 17C(a) of the Medical Act 1939.
- Advice and references were also sought from Dr Patchovsky of the Gold Coast with whom Dr Berg was working in an observation role.
- Dr Berg took up a position as a Psychiatric Registrar at the Mental Health Unit of the Townsville Health Service in January 2000.
- In early August of 2000, the newly appointed Executive Director of Medical Services Dr Andrew Johnson discussed issues relating to clinical and behavioural problems relating to Dr Berg with Dr John Allan, Director of the Mental Health Unit.
- Dr Allan and Dr Johnson met with Dr Berg regarding a Performance Management Plan for Dr Berg which commenced in August 2000.
- In spite of this plan, Dr Berg's clinical and behavioural problems continued for the rest of his term and he was not re-employed in 2001.

KEY ISSUES:

- During an unrelated conversation with the Registrar of the Royal Australian and New Zealand College of Psychiatrists on Thursday 28 November 2002, it was discovered that the College had investigated Dr Berg's qualifications and had discovered that his claimed psychiatric qualifications were false. Dr Berg had identified that both his undergraduate and postgraduate qualifications were from the Voronezh State University.
- The RANZCP have provided the following advice

"Dr Berg's application for Advanced Standing/Specialist Assessment via the Australian Medical Council was considered by the Fellowships Board Training and Examination Exemptions Sub-committee on 20 September 2001. As part of the standard RANZCP assessment process, applicants' overseas psychiatric qualifications are confirmed with the relevant College/University or Authority. The Voronezh State University in Russia were contacted first by email and then by fax and post to verify Dr Berg's qualification in psychiatry. Dr Berg submitted qualifications in a name he now no longer uses, attaching a Statutory Declaration dated 1 August 2001 stating the change of name to Vincent Victor Berg.

The Voronezh State University replied informing the RANZCP that they did not produce the diploma indicated in our letter and moreover the educational program stated was not in

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existence at that time. The Voronezh State University reiterated this statement again in writing after reviewing the faxed documents, adding that they were crude forgeries.

The Australian Medical Council were notified of the above on 16 October 2001 and subsequent discussions with the AMC lead the College to contact the Queensland Medical Board on 23 January 2002 about the veracity of information and documentation submitted by Dr Berg for Advanced Standing/Specialist Assessment with the RANZCP."

- The Townsville Health Service had not been previously informed of these findings.
- During the time Dr Berg was employed Townsville he had seen patients in his capacity as a Psychiatry Registrar within the Acute Mental Health Unit, the Community Mental Health Unit, the Dual Diagnosis Unit (formerly Mosman Hall) in Charters Towers and had also seen patients in the Emergency Department through involvement with the intake assessment team.
- Upon becoming aware of this information the Townsville Health Service District developed and instituted an audit process. It was seen as imperative to ensure no patients were at clinical risk because of these concerns. The Audit was conducted by the THSD Director of Mental Health Services under the auspices of THSD Executive Director Medical Services.
- A total of 259 patients were identified as having been seen by Vincent Berg during his period of employment, ten of these resulted in Vincent Berg signing Mental Health Act documents which we have been advised remain valid as he was a registered Medical Practitioner at the time. It is believed that this is a reasonably accurate number of patients collated from a range of different sources however it is possible that a small number of clinical files and therefore patients seen by Vincent Berg may have been missed. We would estimate this to be no more than 10 patients.
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 - Six (6) have died – the audit did not directly attribute any of these deaths to Vincent Berg
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 - Forty (40) patients have been identified as "high priority" and will require clinical follow up as a matter of urgency
 - Leaving 203 patients where the audit identified either there was an issue that does not affect their current position or there are no particular issues. It is not possible to guarantee that other issues do not exist for some of these patients, which are not discernible from reading clinical file notes.

Identified Risks:

- There is potential for adverse media comment when the clinical review process commences.
- Although the process has been thorough, there may be patients who have been missed in the audit process.

BENEFITS AND COSTS:

N/A

ACTIONS TAKEN/REQUIRED:

A senior Psychiatrist audited the clinical file/s of each of these 259 patients. A rating was recorded as to the clinical necessity/priority of follow up. As necessary, a second opinion from another Psychiatrist has been sought. Following this exhaustive process, it is the clinical opinion of the

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psychiatrists involved, that 50 patients require urgent clinical review for possible changes to their treatment.

PLANNED STRATEGY FOR CLINICAL FOLLOW UP

Highest Priority and High Priority Patients:

- The 50 patients or their relative be contacted by telephone by the Director of Mental Health Services and assessed as to their relative urgency / necessity for physical follow-up and invited to appointments with a psychiatrist as required.
- The focus of these telephone contacts will be to establish whether actual harm has occurred and whether a formal assessment is required to review treatment.
- An attempt will be made to contact all these patients over a two-week period.
- A suitable time to commence this strategy would be the week beginning 27th January 2003.

Other actions required:

Many clinical staff maintain that there exists an ethical obligation on Queensland Health to inform patients that they have been receiving care from a person whose qualifications to provide that care have been found to be invalid. This raises serious concerns about the potential for adverse public comment. Direction is sought from GMHS as to whether any of the patients subject to this audit are to be informed of the validity of Vincent Berg's claimed qualifications.

DRAFT MEDIA RELEASE:

N/A

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**Queensland
Government**

Queensland Health

A BRIEFING TO THE MINISTER**BRIEFING NOTE NO:**

BR017812

REQUESTED BY:

Lorraine Bettinson

DATE:

9 January 2003

PREPARED BY:

Dr John Allan, Director of Integrated Mental Health Services
Ms D Fawcett, Manager of Integrated Mental Health Services
Through
Dr A Johnson, Acting District Manager, Townsville Health
Service District

CLEARED BY:

Ms V Coughlin-West, Acting Zonal Manager, Northern Zone

**DEPARTMENTAL
OFFICER ATTENDING:**

N/A

DEADLINE:

13 January 2003

SUBJECT:

Unqualified Practitioners

MINISTER'S COMMENTS:

Wendy Edmond MP
Minister for Health and
Minister Assisting the Premier on Womens Policy

Please note:
updated brief had to be scanned & emailed
as unable to obtain email version.

E13 26.2.03

BR017812

Refers

DA 0345

Update

min.
file
Email DL
Email SL
Email MC

Revisions and current
brief -> Minister so
that complete picture
is available

ans
3/10/03

PURPOSE:

To update the Minister in relation to the situation where an unqualified psychiatry registrar was working within the Mental Health Unit Townsville Health Service District.

BACKGROUND:**Unqualified Medical Practitioners**

In approximately June 2000, the Medical Board modified its procedures for assessing applications for registration. From that time, all applications have been assessed by the Deputy Registrar and/or Assistant Registrar prior to their consideration by a registrant member of the Board.

As special purpose registrants (previously known as conditional registrants) may not be registered for a period in excess of 12 months, they must make a full application for any further period of registration. Given this requirement the qualifications of such doctors have been fully reviewed at least once since June 2000 by the Deputy Registrar/Assistant Registrar and a registrant member of the Board.

From March 2002 the second level assessment has been undertaken by the Registration Advisory Committee of the Board in lieu of one registrant member of the Board. That Committee meets on a fortnightly basis and reviews all files and applications with particular regard to applications for special purpose registration.

The Registration Advisory Committee is currently chaired by Professor Bryan Campbell and is constituted by Dr Lloyd Toft, Dr Mary Mahoney and Mr Mike Clare (from the time of his appointment to the Board). All recommendations of this Committee are made to the full Board and if there are any doubts as to the qualification of the applicant, the application is refused. In addition, in November 2002, the Board introduced a further requirement where there are doubts in relation to an applicant's qualification. In such cases the applicant will be required, at their own cost, to have their qualifications confirmed by the Educational Commission for Foreign Medical Graduates International Credentials Services (EICS). EICS provides international medical registration boards with primary source verification of the medical credentials of foreign doctors applying for registration within their jurisdiction.

Given the modifications of the Board's procedures from June 2000 and the further enhancement of those procedures in March and November 2002, The Medical Board can assure you to the extent possible that there are no other unqualified practitioners registered in Queensland at this time. This assurance is further strengthened by the fact that all special purpose registrants must make a full application for registration at least once every 12 months.

The Medical Board can also advise that the assessment process for area of need specialists has been significantly enhanced through negotiations between the Australian Medical Council, the Committee of Presidents of Medical Colleges, State and Territory Medical Boards, the Commonwealth Department of Health and Aging, and State and Territory Health Departments. The result of these negotiations was agreement to use a standardised process, which was released in June 2002. The Board has committed to this process as it enables the Board to make more informed registration decisions and for employers and/or the College to report any concerns in relation to the registrant's practice to the Board. The Medical Board has previously provided the Minister with a copy of the *Assessment Process for Area of Need Specialists - Users Guide - 2002 Edition*.

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ISSUES:Vincent Berg

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.

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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 by 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.

The RANZCP have provided the following advice

"Dr Berg's application for Advanced Standing/Specialist Assessment via the Australian Medical Council was considered by the Fellowships Board Training and Examination Exemptions Sub-committee on 20 September 2001. As part of the standard RANZCP assessment process, applicants' overseas psychiatric qualifications are confirmed with the relevant College/University or Authority. The Voronezh State University in Russia were contacted first by email and then by fax and post to verify Dr Berg's qualification in psychiatry. Dr Berg submitted qualifications in a name he now no longer uses, attaching a Statutory Declaration dated 1 August 2001 stating the change of name to Vincent Victor Berg.

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The Voronezh State University replied informing the RANZCP that they did not produce the diploma indicated in our letter and moreover the educational program stated was not in existence at that time. The Voronezh State University reiterated this statement again in writing after reviewing the faxed documents, adding that they were crude forgeries.

The Australian Medical Council were notified of the above on 16 October 2001 and subsequent discussions with the AMC lead the College to contact the Queensland Medical Board on 23 January 2002 about the veracity of information and documentation submitted by Dr Berg for Advanced Standing/Specialist Assessment with the RANZCP."

- The Townsville Health Service had not been previously informed of these findings.
- During the time Dr Berg was employed Townsville he had seen patients in his capacity as a Psychiatry Registrar within the Acute Mental Health Unit, the Community Mental Health Unit, the Dual Diagnosis Unit (formerly Mosman Hall) in Charters Towers and had also seen patients in the Emergency Department through involvement with the intake assessment team.
- Upon becoming aware of this information the Townsville Health Service District developed and instituted an audit process. It was seen as imperative to ensure no patients were at clinical risk because of these concerns. The Audit was conducted by the THSD Director of Mental Health Services under the auspices of THSD Executive Director Medical Services.
- A total of 259 patients were identified as having been seen by Vincent Berg during his period of employment, ten of these resulted in Vincent Berg signing Mental Health Act documents which we have been advised remain valid as he was a registered Medical Practitioner at the time. It is believed that this is a reasonably accurate number of patients collated from a range of different sources however it is possible that a small number of clinical files and therefore patients seen by Vincent Berg may have been missed. We would estimate this to be no more than 10 patients.
- Of the 259 patients:
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 - Leaving 203 patients where the audit identified either there was an issue that does not affect their current position or there are no particular issues. It is not possible to guarantee that other issues do not exist for some of these patients, which are not discernible from reading clinical file notes.

Identified Risks:

- There is potential for adverse media comment when the clinical review process commences.
- Although the process has been thorough, there may be patients who have been missed in the audit process.

Vitomir Zepinic

Zepinic applied to the Australian Medical Council in May 1998 for assessment of his specialist qualifications in psychiatry. Through the Council/specialist medical College procedures for overseas trained specialists, Zepinic was required to fulfil a period of supervised clinical practice

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are being eligible to sit the Royal Australian and New Zealand College of Psychiatrists Section 1 examinations.

On 17 February 2000 Zepinic lodged an application with the Board seeking conditional registration to fill a training position at Toowoomba Health Service District Mental Health Service to meet the College's requirement that he undertake a period of supervised clinical practice.

On the basis that he was accredited by the College to undertake a period of supervised clinical practice, the Board approved his conditional registration for this purpose from 4 April 2000.

On 8 May 2001 Zepinic sought to renew his conditional registration to undertake further specialist training at Toowoomba Health Service District as a Senior Medical Officer - Psychiatry. On 22 May 2001 this application was approved consistent with the College's accreditation of Zepinic.

On 6 March 2000 the Board was advised by the Australian Medical Council that the College had reassessed Zepinic's qualifications and determined he had completed post graduate training in psychotherapy which was a non-medical course and, as such, he was not eligible for advanced standing in the medical specialty of psychiatry. The Council further advised that this was not identified in the College's original assessment as they were unable to contact the originating educational institution in Belgrade, Yugoslavia, due to the war conflict at that time.

The Board considered this further advice from the Council at its meeting on 9 April 2002 and immediately determined to issue Zepinic with a "show cause" notice under sections 148 and 149 of the new *Medical Practitioners Registration Act 2001*. Zepinic was asked to show cause as to why his registration should not be cancelled. The Board attempted to personally serve this on Zepinic but he had resigned from his position in Toowoomba and left no forwarding address. The Board subsequently located Zepinic in Burwood, New South Wales, and engaged process servers to serve the "show cause" notice. This was accomplished on 15 April 2002.

Zepinic responded to this "show cause" notice on 24 April 2002 and the matter was considered by the Board at its meeting on 14 May 2002, at which time it cancelled Zepinic's registration pursuant to section 88, *Medical Practitioners Registration Act 2001*.

It should be noted that:

- Zepinic does have a valid registrable undergraduate qualification in medicine;
- The Board has now introduced notification procedures to the Director-General, Queensland Health, for cases such as these and in instances where individuals are employed as medical practitioners when they are not registered by the Board.

BENEFITS AND COSTS:

N/A

ACTIONS TAKEN/ REQUIRED:

Toowoomba

No action required as Zepinic has a valid registrable undergraduate qualification in Medicine.

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Townsville - Action Undertaken

A senior Psychiatrist audited the clinical file/s of each of these 259 patients. A rating was recorded as to the clinical necessity/priority of follow up. As necessary, a second opinion from another Psychiatrist has been sought. Following this exhaustive process, it is the clinical opinion of the psychiatrists involved, that 50 patients require urgent clinical review for possible changes to their treatment.

PLANNED STRATEGY FOR CLINICAL FOLLOW UPHighest Priority and High Priority Patients:

- The 50 patients or their relative be contacted by telephone by the Director of Mental Health Services and assessed as to their relative urgency / necessity for physical follow-up, and invited to appointments with a psychiatrist as required.
- The focus of these telephone contacts will be to establish whether actual harm has occurred and whether a formal assessment is required to review treatment.
- An attempt will be made to contact all these patients over a two-week period.
- A suitable time to commence this strategy would be the week beginning 27th January 2003.

Other actions required:

Many clinical staff maintain that there exists an ethical obligation on Queensland Health to inform patients that they have been receiving care from a person whose qualifications to provide that care have been found to be invalid. This raises serious concerns about the potential for adverse public comment. Direction is sought from GMHS as to whether any of the patients subject to this audit are to be informed of the validity of Vincent Berg's claimed qualifications.

DRAFT MEDIA RELEASE:

N/A

I have had this discussion
on at least 4 separate
occasions with medical
and management staff including Dr Allan and
Johnson. My instructions have been clear
and have not altered. The process is
appropriate, ethical and clinically
sound given that the client has made
a mental illness. Any at-risk patients
have been identified and managed.
James
2/10/03