

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

This is the annexure marked "**EMC-13**" mentioned and referred to in the Statement of **ERICA MARY COHN** dated this 17th day of May 2005.

27.07.04

MINUTES, ORDINARY MEETING OF THE MEDICAL BOARD OF QUEENSLAND HELD AT THE OFFICES OF THE BOARD, FLOOR 19, FORESTRY HOUSE, 160 MARY STREET, BRISBANE, ON 27 JULY 2004 COMMENCING AT 5:00 PM

ATTENDANCE

Dr L A Toft, Chairperson in the Chair
Mr M Clare
Dr M Cohn
Dr G FitzGerald
Ms P Frampton
Dr V Kalyanasundaram
Dr M D Mahoney
Dr J Waller
Dr I S Wilkey

Mr J O'Dempsey)
Mrs R Scholl) Board staff in attendance
Ms L Todd)
Mr K Hudson)

APOLOGIES

Professor L Geffen

MINUTES

RESOLVED that the Minutes of the meeting held on 13 July 2004 be confirmed.

BUSINESS ARISING OUT OF MINUTES

REGENCY OF PRACTICE (M421)

The Board discussed a draft discussion paper prepared by Dr FitzGerald on competency to practice medicine and a submission dated 19 July 2004 from the Executive Officer attaching a draft discussion paper on recency of practice.

The Board noted that the issues raised in the draft discussion paper prepared by Dr FitzGerald were broader than the discussions to be held relating to recency of practice and were a subject which required further exploration, particularly after feedback from stakeholders in respect to the recency of practice discussion paper had been received. The Executive Officer also advised the Board that preliminary approaches to the Legislative Projects Unit, Queensland Health, regarding a non-disciplinary avenue for management of competency issues has been received favourably.

There was general discussion with respect to the draft discussion paper on recency of practice. The Board noted that once the discussion paper had been approved by the Board, it would be forwarded to Cabinet for approval, followed by consultation with stakeholders. On receipt of stakeholder feedback, a report would

SMITH (981984/1724)

of a complaint by Mr (formerly Dr) Smith against Dr Mitchell indicating there is no evidence of unsatisfactory professional conduct and recommending the Board take no further action.

RESOLVED that:-

- (i) pursuant to Section 115(5) of the *Health Practitioners (Professional Standards) Act 1991* the Board adopt the investigator's report as its own;
- (ii) subject to the Health Rights Commissioner's comments, the Board is of the opinion there is no evidence of unsatisfactory professional conduct;
- (iii) the reasons for this decision are as outlined in the analysis, findings and recommendations contained within the report;
- (iv) pursuant to Section 116(3) of the Act, the report be forwarded to the Health Rights Commissioner for comment.

DR M STUMER / MRS
MICHELLE ZUNKER
(706132/1684)

The Board considered the preliminary report of the investigation of a complaint by Mrs Zunker against Dr Stumer indicating there is no evidence of unsatisfactory professional conduct and recommending the Board take no further action in relation to Dr Stumer but to raise the concerns relating to systemic issues at Bundaberg Hospital with the Health Rights Commission before the commencement of conciliation between the hospital and Mrs Zunker.

RESOLVED that:-

- (i) pursuant to Section 115(5) of the *Health Practitioners (Professional Standards) Act 1991* the Board adopt the investigator's report as its own;
- (ii) subject to the Health Rights Commissioner's comments, the Board is of the opinion there is no evidence of unsatisfactory professional conduct;
- (iii) the reasons for this decision are as outlined in the analysis, findings and recommendations contained within the report;
- (iv) pursuant to Section 116(3) of the Act, the report be forwarded to the Health Rights Commissioner for comment.

MR J GLUER (794435/1641)

The Board considered a briefing note dated 24 June 2004 considered by the Complaints Advisory Committee at its meeting on 6 July 2004 and copy of complaint made by Dr Michael.

**MINUTES, ORDINARY MEETING OF THE MEDICAL BOARD OF QUEENSLAND
HELD AT THE OFFICES OF THE BOARD, FLOOR 19, FORESTRY HOUSE, 160
MARY STREET, BRISBANE, ON 23 NOVEMBER 2004 COMMENCING AT 5.30PM**

DR M B STUMER (706132)

The Board considered a submission dated 15 November 2004 from the Executive Officer, correspondence dated 17 November 2004 from the Health Rights Commissioner regarding the Board's investigation in the matter of Dr Stumer, and correspondence dated 19 November 2004 from Gilshenan and Luton.

The Board noted the Health Rights Commissioner's concerns related not to the Board's decision but to the reasons provided for that decision and the process by which the Board's conclusions were reached.

In view of the advice provided by the Board's lawyers, the Board considered it would be appropriate to more clearly articulate the evidence preferred by the Board and why that evidence was accepted over that provided by Dr Guest, in view of the systemic issues identified.

RESOLVED that:-

- (i) the Executive Officer draft correspondence to the complainant and Dr Stumer explaining the Board's decision and processes in reaching the decision, to be settled by the Chairperson and the Deputy Chairperson;
- (ii) the Health Rights Commissioner be given the opportunity to review the correspondence to be forwarded to the complainant and Dr Stumer.

**ATTENDANCE: Dr L A Toft, Mr M Clare, Dr M Cohn, Dr G FitzGerald,
Ms P Frampton, Professor L Geffen, Dr V Kalyanasundaram, Dr M D Mahoney,
Dr J Waller, Dr I S Wilkey.**

MINUTES, COMPLAINTS ADVISORY COMMITTEE MEETING OF THE MEDICAL BOARD OF QUEENSLAND HELD AT THE OFFICES OF THE BOARD, FLOOR 12, FORESTRY HOUSE, 160 MARY STREET, BRISBANE, ON TUESDAY, 5 OCTOBER 2004 COMMENCING AT 5.30 PM.

OTHER BUSINESS

Dr Malcolm Stumer (706132/1684)

The Committee noted a briefing note submitted by Fiona Jackson dated 29/9/04 regarding the preliminary report in this matter.

The Committee resolved to recommend that the Board forward correspondence to Mr Kerslake advising him of the following amendments to its report:

- The insertion of a paragraph explaining the reason the Board obtained three expert opinions.
 - The insertion of additional information about Mrs Muysken's condition.
 - The insertion of a paragraph explaining why the Board chose not to accept Dr Guest's opinion that Dr Stumer's actions were unsatisfactory.
 - The resolution to amend its overall finding to insufficient evidence of unsatisfactory professional conduct rather than no evidence of unsatisfactory professional conduct.
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