

# Bundaberg Hospital Commission of Inquiry

## STATEMENT OF John Hugh BETHELL

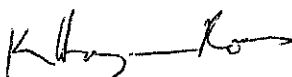
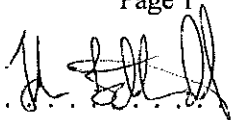
I John Hugh BETHELL of Wavelength Consulting Pty Ltd Level 1, 257a Oxford Street Paddington Sydney in the State of New South Wales

SWORN:

1. I am a Director of the Company Wavelength Consulting Pty Ltd which is company duly incorporated in the State of New South Wales with its registered office and its principal place of business located at Level 1, 257a Oxford Street Paddington Sydney New South Wales. I am a person duly authorised to act for and on behalf of that company. I have been a Director of this company for five (5) years. I am a duly qualified medical practitioner at present on the non-practising register in New South Wales.
2. Wavelength Consulting Pty Ltd is a medical recruitment firm specialising in the recruitment of doctors for placement throughout New Zealand, Australia and the United Kingdom. We have clients in each of those countries and as a result of previous dealings that we have had with those clients they will from time to time make contact with us seeking a doctor to work with them.
3. One such client is the Bundaberg Base Hospital (the Hospital) located at Bundaberg Queensland. The person that we dealt with from that client was the Director of Medical Services, Doctor Kees NYDAM.
4. On 14 November 2002 we received a verbal request from Doctor Nydam to find and refer a surgeon that we may have available for the position of Senior Medical Officer at the Hospital.
5. As a result of this request I created a Job Order on our data base and then typically we would respond to that request by notifying our candidates that fit the criteria about the position. I do not now recall if I sent an advertisement for that particular role.

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Signed: . John Hugh BETHELL. . . . .  
KING . . . . .  
Deponent

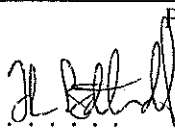


W. J. King  
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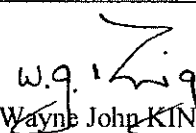
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6. What occurred in this instance was that we were contacted by a Doctor Jayant PATEL via our website in a generic application format not setting out any specific location but telling us that he had a general interest in working in Australia as a General Surgeon.
7. He was initially reviewed by a colleague of mine within the company and he was then referred to me. On being made aware of his application I reviewed his application and called him to conduct a verbal interview to find out more about his clinical background and his interest in working in Australia.
8. At this time he was located in Oregon USA. I had a telephone conversation with him and informed him of the position in Bundaberg. On 13 December 2002 I sent him some generic information on about Bundaberg and the Hospital via e-mail.
9. He expressed interest in the role and on the same day we received from him his full CV. I sent the CV to the Hospital and Dr. Nydam later informed me via e-mail that he was interested in Dr. Patel. I then arranged for Dr. Patel and Dr. Nydam to speak with each other as part of the interview process.
10. At some stage between 13 – 20 December 2002 they spoke with each other. Dr. Nydam advised me on the 20 December 2002 that the Hospital wished to offer Dr. Patel a one year contract. Prior to 20 December 2002 I had received from Dr. Patel directly six (6) open references relating to his work in Oregon USA over the previous ten (10) years.
11. On 20 December 2002 I received an e-mail from Dr. Nydam giving me permission to make an offer to Dr. Patel of the position at the Hospital.
12. On 20 December 2002 I made personal contact with two (2) of them via telephone and they were Dr. Peter FELDMAN and Dr. Bharwar SINGH. They both confirmed the content of their references and responded very favourably to my specific questions about his clinical and interpersonal skills and character. Though I do not now recall the discussion, as it is my normal practice do so I believe that I then discussed the contents of the references with Dr. Nydam.
13. On 24 December 2002 I received a copy of the Appointment Letter from the Hospital for Dr. Patel. I passed that on to Dr. Patel.
14. On 29 December 2002 Dr. Patel sent me an e-mail confirming his acceptance of the position. I informed Dr. Nydam of Dr. Patel's acceptance.

Signed: . . . . . John Hugh BETHELL



Taken by: . . . Wayne John KING



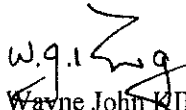
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15. On 06 January 2005 Dr. Patel completed an Application for Registration with the Queensland Medical Board (QMB). He forwarded that document to our office.
16. We also received from Dr. Patel various certified copies or original documents in support of his application as required by the QMB. These were: Passport page with photo; 2 passport sized photos certified as true likeness; Oregon Medical Licence; Current Certificate of Registration with Oregon Medical Board; Master of Surgery Certificate from Saurashtra University (India); Medical Degree from the same University; American Board of Surgery Certificate; University of Rochester Certificate of Completion of Residency Training; University of New York Buffalo – Certificate of Completion of Residency Training; and Controlled Substance Registration Certificate – US Justice Department.
17. On receipt of the copies of those documents we then forwarded them to the QMB. The QMB uses these documents to verify the credentials of the applicant doctor. On 19 January 2003, Dr. Patel faxed to us the Oregon Verification of Licensure without any attachment. He subsequently sent us the original of this document, again without the attachment. We then sent the original document to the QMB.
18. We followed our usual verification procedures in that we conducted the two (2) verbal reference checks in depth referred to previously and by obtaining all the verification documents as required by the QMB.
19. The QMB then issued us with a letter approving the doctor for Special Purpose Registration as a Senior Medical Officer on 12 February 2003. We included this document, along with The Form 55 signed by the Hospital, in an application to the Immigration Department for the issue of a temporary work visa (Class 422) for Dr. Patel. The Hospital was the formal sponsor and signatory on the visa application. Dr. Patel was required to lodge his own application for the temporary work visa in Washington DC.
20. He was subsequently granted the visa. He made his own arrangements to travel to Australia.
21. I understand that he then formalised his arrangements and registration by attending the QMB for an interview. He took up the position at Bundaberg. That completed our professional involvement with the placement. However, we did make some courtesy follow up calls at one and three month durations after his commencement.

Signed: . . . . . John Hugh BETHELL 


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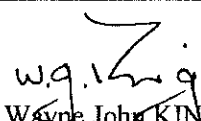
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22. The Hospital gave us very positive feedback at both time periods. The written feedback form dated 28 April 2003 returned to us by the Hospital rated Dr. Patel as "excellent" for quality of candidate.
23. In the appointment of Dr. Patel the Hospital was our client.
24. With regard to the pay rates of Overseas Trained Doctors (OTD's) all payment details can be found in the Medical Payment Awards issued by each State and Territory Government. For Medical Practitioners there is a separate Medical Practitioner's Award in each State. There is some latitude in terms of packaging in the first year at least (this applies to the first year of appointment because of relocation expenses etc and not their first year as a doctor). There can also be quite a big difference depending on the contractual arrangement and the amount of private practice that can be done (or is compensated for). This applies mainly to senior level specialists.
25. There are many other medical recruitment agencies throughout Australia and elsewhere who source medical practitioners for appointment at locations throughout Australia. I can provide a list of those agencies that we are aware of that tend to source medical practitioners for appointment in Queensland.
26. There is an agency called AMAQ Services which provides a range of services to its members including recruitment. It appears to have links with the AMA but I do not have any personal knowledge of the nature of these links.
27. The concept of "mutually recognised" doctors from other countries does not really have any meaning in our industry because, except for New Zealand, no qualifications have mutual recognition. Further the Royal Australian College of General Practitioner gives some recognition to the qualifications of the Royal College of General Practitioners in the United Kingdom.
28. All medical practitioner applicants who apply to work in this country must be assessed by a State Medical Board and possibly by the Australian Medical Council and a Specialist College if appropriate. They are then granted the right to work in Australia with varying levels of restriction (as dictated by the Board or College). In the case of Dr. Patel, it was the QMB which registered him to practise as a Senior Medical Officer.

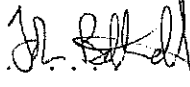
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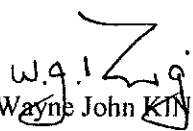
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29. In my experience doctors are recruited for positions similar to the one filled on this occasion in Bundaberg from countries other than Australia and New Zealand because no Australian or New Zealand applicants apply for such positions.
30. The fees that our company charge our clients with regard to this type of appointment are based on 15% of the first year salary package of the appointee. No further fees are charged by us if the doctor extends his contract with the employing hospital.
31. When we refer a medical practitioner candidate to be appointed to a position within Australia from overseas the employer is responsible for immigration/sponsorship issues. The employer is therefore the signatory on the documentation. Currently both the employer sponsorship application and candidate visa application are lodged in Australia. Our company assists in providing the hospital and the candidate with the relevant documents. It also maintains contact with the State Immigration Departments once the paperwork is lodged to ensure that there are no delays in the processing.
32. At the time Dr. Patel came to Australia there was a slight difference to this procedure. The sponsorship application was lodged in Australia by the Hospital and the candidate, Dr. Patel, lodged his application in the USA.
33. The immigration of the applicant requires a sponsor and confirmation of employment for it to be valid. The 422 Medical Practitioner Visa Class is specific for Doctors. The immigration of the applicant is fully dependent on his being appointed as a Medical Practitioner in this country.
34. The fee we receive for identifying and placing a candidate with a client is based on delivery of the candidate into the position applied for. If for some reason the candidate does not take up the position we refund all monies collected from the client to the client and no further invoices are issued by us.
35. Neither the faxed nor original Verification of Licensure provided to us by Dr. Patel at the time of his application had an attachment.
36. The Verification of Licensure provided to us by Dr. Patel refers to an attachment which reads "Public Order on File. See Attached." At the time of receipt of the document this did not appear to be significant, particularly in circumstances where the document stated that there were no limitations to his right to practice in Oregon.

Signed: . . . . . John Hugh BETHELL   
 . . . . . Deponent

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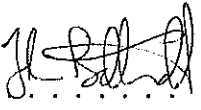
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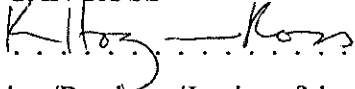
37. The Verification of Licensure is the closest equivalent the Oregon Board of Medical Examiners has to the Certificate of Good Standing (CoGS). In Australia, New Zealand and the UK the CoGS is issued or it is not, there is no need to look behind it. Our company was not aware that the Verification of Licensure could be issued with conditions attached. In other words, our understanding at the time was that if such a document was issued it implied that the doctor was, by definition, in "Good Standing".
38. I have on this date handed to the Investigator from the Commission of Inquiry a copy of all the documents that I have referred to within paragraphs 9, 10, 16, 17 and 22.

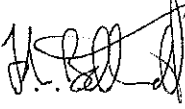
Affidavit Sworn on Friday 20 May 2005

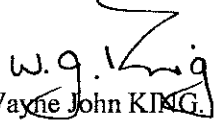
at Sydney New South Wales

in the presence of:

John Hugh BETHELL   
 .....  
 Deponent

Kerry HOGAN-ROSS  
  
 .....  
 Solicitor/~~Barrister~~/Justice of the Peace/  
~~Commissioner for Declarations~~

John Hugh BETHELL   
 Signed: .....  
 .....  
 Deponent

  
 Taken by: . . Wayne John KING . . . . .  
 Solicitor/~~Barrister~~/Justice of the Peace/  
 Commissioner for Declarations



JAYANT (JAY) PATEL, MD, FACS

Personal: • Excellent Health; Age 51; US Citizen

Home Address: • 3739 NW Bluegrass Place  
Portland, OR 97229  
Phone: (503) 629-8129  
E-mail: pateljayant@hotmail.com

Education: • AIMR.  
Passed Level 1 CFA Exam in June 2002  
Candidate for Level 2.  
• CFP Training – College of Financial Planning  
1998-2000. Passed CFP Board Certification Exam March 2000.

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Positions Held: • Kaiser Permanente  
October 1989 to September 2001  
• Clinical Associate Professor  
Department of Surgery  
Oregon Health Science University  
1992 to present.  
• Surgery Residency Program Director  
Kaiser Permanente  
July 1990 to April 1998.  
• Surgery Residency Program Director  
Emanuel Hospital/Bess Kaiser Integrated Surgery Program  
June 1992 to June 1996.  
• Clinical Assistant Professor of Surgery  
State University of New York at Buffalo  
1984 to 1989.  
• Director of Surgical Education  
Millard Fillmore Hospital, Buffalo, New York.  
1984-1989.

Professional  
Organization &  
Committee  
Membership:

- American College of Surgeons.
- Educational Club of American College of Surgeons
- Association of Program Directors in Surgery
- Portland Surgical Society
- Surgery Education Committee  
Emanuel Hospital & Health Center  
1992-1996.
- Graduate Medical Education Committee  
Legacy Portland Hospitals  
1992-1996.
- Residency Review Committee  
Oregon Health Science University
- CQI Project Team, OHSU/KP Trauma Project.
- CQI Project Co-leader, Emanuel/KP Trauma Project.
- Providence Health System/KP Transition Team for GME and CME.
- Medical Staff Committee, Doernbecher Children's Hospital.
- Critical Care Committee, Bess Kaiser Hospital  
1991-1996
- Pharmacy & therapeutic Committee, Bess Kaiser Hospital  
1990-1991.

Awards:

- 5/81 Pennwalt Award. Rochester Academy of Medicine.
- 6/81 House Staff Competition Award. Rochester General Hospital.
- 6/83 House Staff Competition Award. Erie County Medical Center.
- 6/91 Teacher of the Year. Emanuel/Kaiser Surgery Program.
- 6/92 Teacher of the Year. Emanuel/Kaiser Surgery Program.
- 11/92 Excellence in Quality Management. Kaiser Permanente.
- 11/95 Distinguished Physician Award. Kaiser Permanente.



## QUALIFICATIONS:

- Educational:
- Actively involved in Surgery Resident and Medical Student Education.
  - Member of Educational Club of American College of Surgeons
  - Recipient of the Teacher of the Year Award Given by the surgery residents 1991 & 1992.
- Academic:
- Academic appointments at the University since Completing the residency training.
  - Examiner for the Certifying examination given By the American College of Surgeons. 1996.
  - Several publications in peer review journals and Book chapters.
  - Several presentations at local, national and International meetings.
- Administrative:
- Surgery Residency Program Director. Achieved an ACGME accreditation without Citation of Emanuel/Bess Kaiser Integrated Residency program which was on Probationary Accreditation.
  - Invited to give a presentation at Association of Program Directors in Surgery meeting on "Effect of Managed Health Care on Surgery Education."
  - CQI Facilitator Training.
  - Award of Excellence in Quality Management, 1992.

## Publications:

1. SC Kukreti, PS Trivedi, JM Patel. Hydatid Disease – Report of Two Unusual Cases. *The Quarterly Journal of Surgical Sciences*. 11:136, 1975.
2. Jayant M. Patel, James S. Williams, John O. Naim, J. Raymond Hinshaw. Protection Against Pneumococcal Sepsis in Splenectomized Rats by Autotransplantation of Splenic Tissue into an Omental Pouch. *Current Surgery*. 38:323-325, 1981.
3. Jayant M. Patel, James S. Williams, Boris Shmigel, J. Raymond Hinshaw. Preservation of Splenic Function by Autotransplantation of Traumatized Spleen in Man. *Surgery*. 90:683-688, 1981.
4. Jayant M. Patel, James S. Williams, J. Raymond Hinshaw. Preservation of Splenic Function By Autotransplantation of Splenic Tissue in Human. *World Journal of Surgery*. 5:426, 1981.
5. Jayant M. Patel, James S. Williams, John O. Naim, J. Raymond Hinshaw. Protection Against Pneumococcal Sepsis in Splenectomized Rats by Implantation of Splenic Tissue into an Omental Pouch. *Surgery*. 91:638-641, 1982.
6. Jayant M. Patel, Erminio Rizzolo, J. Raymond Hinshaw. Spontaneous Subcapsular Splenic Hematoma as the Only Manifestation of Infectious Mononucleosis. *JAMA* 247:3243-3244, 1982 (English). *JAMA* 23:111-113, 1983 (Japanese).
7. James S. Williams, Jayant M. Patel, J. Raymond Hinshaw. Omental Pouch Technique for Reimplantation of Spleen. *Surg Gynecol Obstetr* 155:730-731, 1982.
8. J.M. Patel, R.J. Lanzafame, J.S. Williams, B. Mullen, J.R. Hinshaw. The Effect of Bupivacaine on Pulmonary Functions, Atelectasis and Narcotic Need Following Cholecystectomy. *World Journal of surgery*. 6:656, 1982.
9. Jayant M. Patel, Raymond J. Lanzafame, James S. Williams, Beth V. Mullen, J. Raymond Hinshaw. The Effect of Bupivacaine on Pulmonary Functions, Atelectasis and Narcotic Need Following Cholecystectomy. *Surg Gynecol Obstetr* 157:3380-340, 1983.
10. Jayant M. Patel, David P. Rigan, Camille Rataczak, James S. Cosgriff, John R. Border, James S. Williams. Experience with Splenic Salvage in a Large Community. *J Trauma* 24:676, 1984.
11. Jayant M. Patel, James S. Williams, J. Raymond Hinshaw. Splenic Tissue Implantation in Humans: An Update. *J Trauma*. 24:677, 1984.
12. Jayant M. Patel, James S. Williams, John O. Naim, J. Raymond Hinshaw. The Effect of Site and Technique of Splenic Tissue Reimplantation on Pneumococcal Clearance from the Blood. *J Pediatr Surg* 21:877-880, 1986.
13. Gennaro Salvidio, Jayant M. Patel, Neal Niesen, Jan Brentjens, Giuseppe Andres, Felix Milgrom. Glomerulonephritis in Parental Kidney Graft During Chronic GVH in F1 Mice. *Transplantation* 47:1083-1085, 1989.

14. A.Fukatsu, Y.Yuzawa, L.Olson, J.Miller, M.Milgrom, M.Zamalauski-Tucker, A.Campagnari, N.Niesen, J.Patel, T.Do, L.Striker, F.Milgrom, G.Andres. Interaction of Antibodies with Human Glomerular Epithelial Cells. Lab Inves 61:389-403, 1989

Chapters:

1. J.M.Patel, J.S.Williams, J.R.Hinshaw. Neue Hinweise für einen Schutz gegen Pneumokokkensepsis durch Replantation von Milzgewebe. In Die Splenektomie und Alternativen. Michael Durig, Felix Harder (editors). Verlag Hans Huber (Bern). 1985. pp 82-89.
2. J. Raymond Hinshaw. James S. Williams. Javant M. Patel. Immunological Functions of