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**Queensland  
Government**  
Queensland Health

BR017812  
Refers  
DA 03457  
Update

**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

mini  
file  
Email DLO  
Email SDU  
Email MCM

Revisions and current  
brief -> Minister so  
that complete picture  
is available  
AMS  
3/16/03

**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

**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*

## 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.

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

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

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

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

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

It should be noted that:

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

The Board's concerns were subsequently confirmed 10 months later through the extensive assessment process undertaken through the Australian Medical Council by the Royal Australian and New Zealand College of Psychiatrists.

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 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.

**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

... 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.

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 CINICAL 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 27<sup>th</sup> 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 base have a mental illness. Any at risk patients have been identified and managed

James  
3/10/03