

Queensland Public Hospitals Commission of Inquiry

26 September 2005

NOTICE OF POTENTIAL ADVERSE RECOMMENDATIONS

Dr Jayant Mukundray Patel
c/- Quinn and Scattini Lawyers
GPO Box 2612
BRISBANE QLD 4001

By facsimile: (07) 3221 5350

Attention: Damian Scattini

Dear Dr Patel

Queensland Public Hospitals Commission of Inquiry

The Queensland Public Hospitals Commission of Inquiry has received evidence and heard allegations that are critical of you. The evidence concerning you is evidence which this Inquiry will consider in finalising its report. Please be advised that pursuant to term of reference 2(a), 2(b) and 2(e), this Inquiry will consider making adverse findings and recommendations regarding your employment and conduct at the Bundaberg Base Hospital ("the Hospital") with respect to the following:

1. With respect to term of reference 2(a), that you knowingly misled the Medical Board of Queensland and Queensland Health by failing to disclose disciplinary action against you in the United States of America, and falsifying your work history specifically the period during which you worked in the two years prior to December 2002.
2. With respect to term of reference 2(b):
 - (a) That you performed surgical procedures that you had been restricted from performing in the United States of America.
 - (b) That you performed surgical procedures at the Hospital that were:
 - i. beyond your competence, skill and expertise,
 - ii. Beyond the capacity of the Hospital and its staff to provide adequate post-operative care, and
 - iii. Unnecessary.

Commissioner
Hon Geoffrey Davies AO

Counsel Assisting
David Andrews SC
Richard Douglas SC
Errol Morzone
Damien Atkinson

Secretary
David Groth

Level 9
Brisbane Magistrates Court
363 George Street
Brisbane Qld 4000
PO Box 13147
George Street Qld 4003
Telephone: 07 3109 9150
Facsimile: 07 3109 9151
Toll Free No: 1800 610 558
Email:
gphic@gphci.qld.gov.au
Website:
www.gphci.qld.gov.au



Queensland Public Hospitals Commission of Inquiry

- (c) That as a result of paragraph (b) above, 13 patients died and numerous others suffered adverse outcomes.
 - (d) That you unreasonably failed to transfer patients to a tertiary referral hospital within an appropriate timeframe, causing adverse outcomes for many of those patients.
 - (e) That you failed to adequately record in patient files the true details concerning:
 - i. The surgical procedures undertaken,
 - ii. Complications arising from surgery,
 - iii. Wound dehiscence,
 - iv. Infections,
 - v. The course of post-operative care,
 - vi. Reasons for post-operative return to surgery.
 - (f) That you failed to conduct appropriate surgical auditing including the holding of effective morbidity and mortality meetings.
 - (g) That you failed to refer 13 reportable deaths to the Coroner.
 - (h) That you unreasonably failed to consult other medical practitioners.
 - (i) That you claimed \$3547.00 reimbursement for your return travel to the United States of America when you were entitled to claim only \$3,400.00.
 - (j) That you held yourself out as a surgeon when you held general registration only and not specialist registration.
3. With respect to term of reference 2(e)(i) that as a result of the matters referred to in paragraph 1 above that your conduct should be referred to the Queensland Police Service for further investigation of the following criminal offences:
- (a) Fraud – s408C *Criminal Code*;
 - (b) Attempts to procure unauthorised status – s.502 *Criminal Code*
4. With respect to term of reference 2(e)(i) that as a result of the matters referred to in paragraphs 2(a) to 2(d) above that your conduct should be referred to the Queensland Police Service for further investigation of the following criminal offences:
- (a) Assault – s.335 *Criminal Code*
 - (b) Assault Occasioning Bodily Harm – s.339 *Criminal Code*
 - (c) Negligent Acts Causing Harm – s.328 *Criminal Code*
 - (d) Manslaughter – s.303 *Criminal Code*

Queensland Public Hospitals Commission of Inquiry

5. With respect to term of reference 2(e)(i) that as a result of the matters referred to in paragraph 2(i) above that your conduct should be referred to the Queensland Police Service for further investigation of the following criminal offence:

(a) Stealing – s.398 *Criminal Code*

6. With respect to term of reference 2(e)(iii) that as a result of the matters referred to above your conduct should be referred to the Medical Board of Queensland for further investigation of the following offence:

(a) Taking of a restricted specialist title – s.158 *Medical Practitioners Registration Act 2001*

You are invited to provide a written statement and to attend and to make submissions to the Inquiry with respect to the allegations discussed above, and why the Inquiry should not make recommendations with respect to those matters.

Should you wish to avail yourself of the opportunity to give evidence, please telephone me on 3109 9154 in order to arrange a time for you to give evidence.

Should you wish to provide a statement I ask that you email that statement to qphci@qphci.qld.gov.au.

Should you wish to make submissions, please provide those submissions in writing by close of business on 7 October 2005.

Yours faithfully



Jarrod Cowley-Grimmond
Principal Lawyer