

NATIONAL INSTITUTE OF INTEGRATIVE MEDICINE



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TO THE SENATE COMMITTEE OF ENQUIRY INTO THE PSR

Dear Senators,

Herewith Documents for your perusal, as follows:-

- 1 A Narrative description of my 2 experiences with the PSR and its committees
2 A Questionnaire set out by the Australian Doctors Union
3 A Questionnaire from Prof Felicity Allen (Monash Univ) re psychological impact of being "investigated" by the PSA.



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after this I had Laminectomy at Epworth Hospital).

operated more like a court allowing us to present evidence and discuss the latter in detail.
In fact, we got a much better reception here, and I believe were able to present our case fairly.

One of the "hawks" from the PSR sat in the back of the court during the five day proceedings and kept interjecting to say that we weren't allowed to present "this" or "that" evidence, only to be told after a few such interjections (by the Chairman) that if he did not sit down and cease his interjections that we would be excluded from the proceedings totally.

After the five days, the tribunal was to review all the material, and according to the then in force legislation, I was to be informed of their decision within three months.

This time of waiting was again extremely stressful on myself and family, and we basically put our lives on hold.

From that day to this, I have heard NOTHING – I can only assume that the Review Tribunal found in my favour and thus they decided not to inform me.

It is of interest to note that after my session with them that they totally changed the system; removing completely the Review Tribunal and decreasing the ability to have such complete legal representation. I believe that this was done in order to ensure that they could impose their pre-conceived motion of the doctors, with NO recourse to review other than to go to Supreme Court (a very expensive exercise).

My second meeting with the new 'Star Chamber' was in October 2004. At this time they were attacking me on the basis of excessive long and prolonged consultations, and "inappropriate Pathology".

The Panel consisted of:

- Chairman: A Sydney "GP"/ Medical Politician with and AO (presumably obtained from sitting on many such panels)
- A Part-time GP/Medical Politician from Melbourne
- A GP from out-back Tasmania

Again, hardly my "True Peers". None had any experience/expertise in Nutritional/Environmental Medicine, which is what I practice.

By this time, the legislation had been changed, so that I was "forced" (against my will and conscience) to give them my patient notes. Again they were not interested in any outcomes or whether any pathology produced positive results, and were not interested in any third party evidence (such as might be given by patients) as to what had occurred at any consultation. They again expressed pre-conceived ideas as to what should have occurred at consultations and allowed little or no discussion about the time really needed in consultations to discuss diagnosis/management with patients and answer any queries that they may have.

To demonstrate the degree of ignorance of the panel, the Tasmanian member queried my ordering of Serum Insulin in patients with Insulin Resistance (where Insulin levels are elevated), saying "can't you just use a (glucose) dipstick in your room doctor". As one can imagine they pushed a pre-conceived verdict and found that ALL my long and prolonged consultations over the three month period investigation were invalid and demanded re payment of ALL fees (a sum of many thousands of dollars) and that I be not allowed to use item 36 and 44 for a period of six months.

During the most recent proceeding, my lawyers were not able to take an active part and were only there to advise me. After receiving the determination we informed them that even if the consultations were determined to be not 36 or 44 nevertheless they were consultations and that I should therefore only be liable to repay the difference between levels of consultation rather than the total fee.

They agreed to this and reduced the repayment to some \$34,000 which I then repaid at \$1000 per month plus interest.

Again I would point out that this second episode was extremely stressful to both myself and my wife. Having us basically put our lives on hold during these times. I also believe that the stress has damaged my health and may have contributed to my heart attack a few years later.

On both occasions when I was sent to the "Star Chamber" I was first visited by so-called "counsellors" who informed me that there were "concerns" about my practice portfolio and that if I did not "mend my ways" then I would be referred on.

On both of these occasions I requested that they give me detailed instructions as to just what I could or could not do, as I was only too happy to comply.

On both occasions, and also when I had written to the PSR Director asking the same, I received this stock reply:

"Oh no doctor, we can not tell you how to run your practice". Despite them being "unable" to tell me how to run my practice, obviously they were prepared to be critical of the same - it appears to be that they are really only out to "get heads" rather than really trying to improve the practice of medicine and to control costs.

Prof Robert Allen  
M.B.B.S, F.A.C.N.E.M  
Provider Number: 0164273A



GP Survey Sheet

<b>What was my experience of the Medicare Visits?</b>	
The Medicare visitor ignored by explanations?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The Medicare visitor agreed with me whilst present but later changed his mind in written responses?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other Remarks:	
<b>What was your experience of the Interview with the PSR Director?</b>	
He listened to my explanations and accepted them?	Yes <input type="checkbox"/> No <input type="checkbox"/>
He remained calm throughout?	Yes <input type="checkbox"/> No <input type="checkbox"/>
He lost his temper with me?	Yes <input type="checkbox"/> No <input type="checkbox"/>
The Director cited specific examples, with names or dates or records, of the conduct to which he referred?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other Remarks: <u>DID NOT HAVE ANY SUCH INTERVIEW</u>	
<b>What was your reaction to the offer of the Negotiated Settlement?</b>	
I was advised by my MDO not to fight with The Director as I had no chance of succeeding?	Yes <input type="checkbox"/> No <input type="checkbox"/>
The Director exerted pressure on me to settle?	Yes <input type="checkbox"/> No <input type="checkbox"/>
I felt pressured to accept the offer of the negotiated settlement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
I felt I had no choice?	Yes <input type="checkbox"/> No <input type="checkbox"/>
I was told that going further would have no chance?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other Remarks: <u>NOT GIVEN ANY SUCH OFFER - JUST REVIEW REFERRED TO "STAR CHAMBER"</u>	
<b>What was your experience of the Hearing before the PSR Committee?</b>	
They listened carefully to my explanations and accepted them?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
They were incompetent?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
They were very incompetent?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
They were incompetent about me more than four times?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
They were incompetent about me more than 20 times?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Their report told lies about me?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Their report told lies about me more than four times?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Their report told lies about me more than 20 times?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please estimate how many lies were in the PSR Report about you.	<u>in any</u>
I felt I should have been judged by true peers who understood my practice?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
I felt I was not judged by true peers who understood my practice?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did you feel that the PSR Process was fair?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
I felt that I knew their concerns and what the charges would be they would level at me?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



I had a chance to bring expert evidence?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
I had adequate legal representation?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
My lawyer was allowed to speak and address the hearing?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other Remarks:		
WHEN I TRIED TO CONVINCE THEM AS TO THEIR EXPERTISE IN THE AREAS THAT THEY WERE ATTACKING IN MY PRACTICE (EG. THE STATEMENT BY ONE MEMBER THAT I DID NOT NEED TO TEST INSULIN LEVELS IN PATIENTS WITH "INSULIN RESISTANCE" (GLUCOSE INTOLERANCE IN MY ROOMS) HE STATED THAT ALL I NEEDED TO DO IS USE THEIR REPLY WAS THAT THEY WERE NOT THERE TO ANSWER MY QUESTIONS, BUT I WAS RATHER THERE TO ANSWER THEIR QUESTIONS,		
What was your experience with the MDO - Medical Insurance Company?		
They were great - they supported me all the way?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
They hung me out to dry?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
They told me I was too expensive?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I was told that insuring me was no longer a commercial proposition for them?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I felt that my legal team at all times had my interests rather than those of my insurers at heart?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other Remarks:		
Did you Appeal the PSR Decision?		
I felt pressured not to appeal?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I was told I would have no chance on appeal?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Were you upset when you discovered that you could only appeal on matters of legal procedures used to try you, rather than your medicine?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Did you think this was fair?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other Remarks:		
THE ONLY APPEAL THAT ONE NEED HAS IS TO TAKE SUPREME COURT ON MATTERS OF LEGAL PROCEDURES AS THIS IS EXTREMELY EXPENSIVE IT IS NO PRACTICAL COMMITTEE		
Did you feel that the <del>court</del> gave you a fair hearing?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Did you feel their judgement was fair?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Other Remarks:		
Do you feel that the Medicare Review / PSR process overall is fair?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Other Remarks:		
THERE IS A NEED FOR THE REVIEW TRIBUNAL TO BE RETURNED (SEE MY COMMENTS ON MY 1 <sup>ST</sup> PSR EXPERIENCE IN 1996)		





## Experience of the Professional Services Review (PSR) Scheme

This questionnaire has been sent on behalf of a group of doctors who are concerned about the operations of both Medicare Investigators and the PSR Scheme. Dr. Stuart Reece can vouch for the authenticity of this survey.

I am a registered psychologist with AHPRA (0001117000), a member of the Australian Psychological Society (010043) and a member of the College of Health Psychologists. Please feel free to go on the appropriate websites to check my bona fides.

If you have any queries about the questionnaire, my identity, your confidentiality or the use that will be made of the data, do not hesitate to contact me on

Please note that no identifying data are being collected. All data will remain confidential and anonymous and will be disclosed only in tabulated form so that no individual can be identified.

Every effort has been made to make answering these questions easy and convenient. Simply circle the correct number for your answer, write in numbers or comments, or place an X on the space provided. You can then post the completed form to me at 54 Wellington St., St. Kilda, 3182. Alternatively, you can answer the questionnaire electronically and send it as an attachment to my Email address If you want to answer in electronic format, simply **bold** the answer that you prefer.

Felicity Allen, PhD, M.A.Ps.S.

Adjunct Associate Professor, Monash University.

**Background Data**

1. What is your gender? Male 1  
 Female 2
2. What is your year of birth? 1942
3. Your ethnic and Professional origins:

Your country of Birth		Your country of first qualification	
Australia	✓	Australia	✓
Other English speaking country		Other English speaking country	
European country		European country	
Asian country		Asian country	
South American country		South American country	
African country		African country	

4. Do you practise medicine as a GP 1  
 Specialist 2
- What is your speciality? \_\_\_\_\_
5. Do you have postgraduate qualifications? Yes 1  
 No 2
6. What did you know about the Medicare or PSR investigations before you were first contacted by them?
- I had a good understanding of their role 1  
 I had heard of them, but that was all 2  
 I had heard of Medicare but not PSR 3  
 I had never heard of either of them 4

**The Medicare Investigation Process**

7. What year(s) were you contacted by the Medicare investigators?  
 (list as many as apply) 1996  
2004
8. What reason were you given for the *most recent investigation* when you were first contacted?
- Engaging in medical malpractice 1  
 Ordering too many tests in general 1  
 Ordering particular tests (e.g., MRI/CT scans) 1



- Being an 'outlier' 1
- Concerns about my 'practice profile' 1
- Prescribing medicines 'inappropriately' 1
- Inappropriate prescribing drugs of dependence 1
- 'Over-investigating' patients 1
- Writing too many care plans 1
- Ordering too many exercise stress tests 1
- Too many long consultations 1
- Inadequate documentation for long consultations 1
- Claiming for too many patients 1
- Seeing some patients too frequently 1
- (multiple consultations)
- No reason was given to me at this time 1

Other reason \_\_\_\_\_

**Interviews**

- 9. Were you interviewed by a Medicare investigator Yes 1  
No 2
- 10. If yes, how many interviews did you experience? one (1)
- 11. How would you describe the 'tone' of the Medicare interview(s)?
  - Constructive and polite 1
  - Hostile and intimidating 2
  - Not helpful, but not intimidating 3
  - Baffling, I could not understand the problem 4
  - They just wanted more detail to incriminate me 5
  - Angry and interrogating me about medical decisions 6

Other, please describe \_\_\_\_\_

- 12. What were you told about why you were being investigated *at the interview stage*?
  - Engaging in medical malpractice 1
  - Ordering too many tests in general 1
  - Ordering particular tests (e.g., MRI/CT scans) 1
  - Being an 'outlier' 1

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- |   |     |     |
|---|-----|-----|
| Concerns about my 'practice profile'  |     | (1) |
| Prescribing medicines 'inappropriately'   |     | 1   |
| Inappropriate prescribing drugs of dependence   |     | 1   |
| 'Over-investigating' patients   |     | 1   |
| Writing too many care plans   |     | 1   |
| Ordering too many exercise stress tests   |     | 1   |
| Too many long consultations   |     | (1) |
| Inadequate documentation for long consultations   |     | 1   |
| Claiming for too many patients  |     | 1   |
| Seeing some patients too frequently<br>(multiple consultations)   |     | 1   |
| No reason was given to me at this time  |     | 1   |
|   |     |     |
| 13. Did you feel that you had a chance to explain your clinical decisions during the interview?   | Yes | 1   |
|   | No  | (2) |
|   |     |     |
| 14. If yes, did you feel that the interviewer(s) took any notice of your explanations or evidence?  | Yes | 1   |
|   | No  | (2) |
|   |     |     |
| 15. Were you asked about any specific cases?  | Yes | 1   |
|   | No  | (2) |
|   |     |     |
| 16. If yes, do you feel that these cases were then used to make unfair generalisations about your style of practice?                                    | Yes | 1   |
|   | No  | 2   |
|   |     |     |
| 17. Was this the kind of interview that you expected?   | Yes | (1) |
|   | No  | 2   |
|   |     |     |
| 18. During the interview did you notice errors in the allegations (e.g., treatments mistaken for consultations/genuine differences in medical opinion)? | Yes | 1   |
|   | No  | (2) |
|   |     |     |
| 19. At the interview(s), did you have legal representation?   | Yes | 1   |
|   | No  | (2) |
|   |     |     |
| If you had legal representation was this helpful?   | Yes | 1   |
|   | No  | 2   |

Please comment on the role of legal representation in your case



20. What was the official outcome of the Medicare/PSR interview(s)?

- I thought I satisfied their query/ies (1)
- They requested repayment 2
- They clarified the issue to me 3
- An agreement was reached 4
- Billing restrictions were imposed 5
- I was left in limbo with no clear outcome 6
- I was told my practice would be monitored (7)

Other, please describe \_\_\_\_\_

21. Did you feel that you had no choice but to accept the decision though you did not agree with it? (1)

Yes 1

No 2

22. Was the Medicare investigation followed by a PSR investigation? (1)

Yes 1

No 2

**The PSR Director Investigation**

23. What did you know about the PSR Director before you were contacted by him?

I had a good understanding of his role 1

I had heard of him, but that was all 2

I had never heard of him 3

24. What year were you first contacted by the PSR Director? NEVER

25. Were you interviewed by the PSR Director?

Yes 1

(No), by \_\_\_\_\_ name

If yes, how many interviews did you have with the PSR Director or his delegate? NONE

26. What were you told about why you were being investigated by the PSR Director?

Engaging in medical malpractice 1

6

Ordering too many tests in general	1
Ordering particular tests (e.g., MRI/CT scans)	1
Being an 'outlier'	1
Concerns about my 'practice profile'	
Prescribing medicines 'inappropriately'	1
Inappropriate prescribing drugs of dependence	1
'Over-investigating' patients	1
Writing too many care plans	1
Ordering too many exercise stress tests	1
Too many long consultations	1
Inadequate documentation for long consultations	1
Claiming for too many patients	1
Seeing some patients too frequently (multiple consultations)	1
No reason was given to me at this time	1

27. How would you describe the 'tone' of the PSR Director's (or delegate's) interview(s)?

Constructive and polite	1
Hostile and intimidating	2
Not helpful, but not intimidating	3
Baffling, I could not understand the problem	4
They just wanted more detail to incriminate me	5
Angry and interrogating me about medical decisions	6
Took a superior attitude to me/made me feel small	7

Other, please describe \_\_\_\_\_

28. Were you told to send patients' files to the PSR?

Yes	1
No	2

If yes, how many files?

100+

29. Did you get any help/reimbursement of costs for work involved in providing these records to the PSR?

Yes, I got help with the work involved	1
Yes, I was reimbursed for my costs	2
I was both helped and reimbursed	3
No, neither	4



30. Were the patients' records sent without their knowledge or consent?
- Yes (1)  
No 2
31. Were you concerned about this breach or doctor/patient confidentiality?
- Yes (1)  
Yes, but could do nothing (2)  
No 3
32. Did you believe that the PSR director (or delegate) was on a 'fishing expedition' trying to prove your guilt?
- Yes (1)  
No 2
33. Did the PSR Director (or delegate) give you factual information about his concerns?
- Yes 1  
No (2)
34. Did you feel that you had a chance to explain your clinical decisions during the interview with the PSR Director (or delegate)?
- NO INTERVIEW  
Yes 1  
No (2)
35. Did you feel that the PSR Director (or delegate) took any notice of your explanations or evidence?
- Yes 1  
No (2)
36. Were you asked about any specific cases?
- Yes 1  
No (2)
37. If yes, do you feel that these cases were then used to make unfair generalisations about your style of practice?
- Yes 1  
No 2
38. Is this the kind of interview that you were expecting?
- NO INTERVIEW  
Yes 1  
No 2
39. During the interview did you notice errors in the allegations (e.g., treatments mistaken for consultations/genuine differences in medical opinion)?
- NO INTERVIEW  
Yes 1  
No 2
40. At the interview(s), did you have legal representation?
- NO INTERVIEW  
Yes 1  
No 2
- If you had legal representation was this helpful?
- Yes 1  
No 2

Please comment on the role of legal representation in your case

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41. What was the official outcome of the interview(s) with the PSR Director ?

- I thought I satisfied their query/ies 1
- They demanded repayment 1
- They clarified the issue to me 1
- An agreement was reached 1
- Billing restrictions were imposed 1
- I was left in limbo with no clear outcome 1
- They found I was guilty of inadequate documentation 1
- Conditions were placed on my practice 1
- I lost my practice and was referred the Medical Council

Other, please describe I WAS REFERRED TO PSR COMMITTEE

42. Did you feel that you had no choice but to accept the decision though you did not agree with it?

- Yes (1)
- No 2

**Looking back at your experience of investigation**

43. How long did the process take ?

6+ months

Still ongoing     

44. How much did this experience cost you financially including legal costs, time lost and repayment?

\$ 80,000 +

45. How does the Medicare/PSR process compare to your experience with other authorities such as Medical Practitioners Boards or Courts of Law

- Better 1
- Very similar 2
- Worse (3)

46. How did this whole experience affect you:

**As a person?**

- I was extremely distressed (1)
- I felt guilty in some way 1
- I felt shamed by the experience 1
- I was deeply humiliated by it 1
- I developed anxiety/stress problems (1)



My personal relationships were impaired

1

The injustice made me furious

1

I endured years of stress

1

Other, please describe \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

As a practitioner?

My confidence was shaken

1

I lost enthusiasm for my work

1

I no longer prescribe certain drugs

1

I changed my approach to medicine

1

I moved to a different type of practice

1

I ceased medical practice

1

I lost my practice

1

My indemnity insurance costs have risen

1

I plan to cease practice as soon as possible

1

I thought of leaving the country

1

47. What other comments would you like to add?

I HAVE SINCE CHARGED PATIENTS FOR LONG  
OR PROLONGED CONSULTS BUT  
BILL THEM AS SHORTER CONSULTS —  
IN OTHER WORDS, MY PATIENTS ARE PAYING  
MORE.

I ALSO ORDER A SIGNIFICANT AMOUNT OF  
PATHOLOGY AS PRIVATE/NON MEDICARE —  
AGAIN PATIENTS PAY MORE.