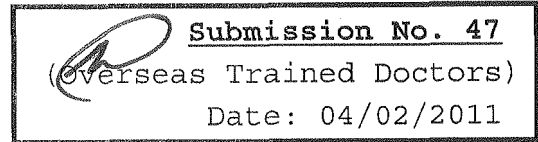


Dr Anatole Kotlovsky

31 January 2011

c/- Mr Blair Anderson

Committee Secretary
Standing Committee on Health and Ageing
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600



Inquiry into Registration processes and support for Overseas Trained Doctors

Dear Sir/Madam,

Thank you for the opportunity to make a submission to the Inquiry into Registration processes and support for Overseas Trained Doctors (OTD).

As an Australian citizen and overseas-trained surgeon, who has faced barriers on the pathway to professional recognition and registration through the Royal Australasian College of Surgeons (RACS/College), I would like to make input to the Inquiry.

I respect the role of the College in training surgeons and confirm that I am professionally committed to the standards of surgical training and practice in Australia.

However, despite my professional competency to these standards having been demonstrated and continually acknowledged by many supervisory surgeons during almost 15 years within Australian Health system, my own efforts and perseverance toward gaining professional recognition/registration through the RACS have come to naught.

My professional case is not an isolated instance and is similar to that of many other Overseas Trained Surgeons who have demonstrated compliance with the standards of surgical practice but have been prevented from gaining professional recognition and registration. To my knowledge, there are at least 15 surgeons who have been restricted in their ability to make an effective professional contribution in meeting the growing demand for provision of surgical services in Australia.

The issues I would therefore like to bring to the attention of the Inquiry concern the lack of equity, objectivity and accountability in assessments and associated processes by the RACS through which Overseas Trained Surgeons have to confirm their suitability for professional registration.

What I would like to highlight in my case is that factual evidence of professional competency may be omitted in College assessments and the resultant adverse decisions can be based merely on opinions of assessors supported only by hearsay rather than objective criteria of clinical/surgical practice. Furthermore, in making such adverse decisions, it is possible for the College to fail to follow due process and to impede and abandon the following appeal.

My legal counsellors, [REDACTED] from Brisbane and [REDACTED] from Slater & Gordon in Melbourne, confirm respectively that the College processes in my case have been "*blatantly restrictive*" and "*cast a poor light on administration of the specialist medical profession in Australia*".

Given the above, I believe that, a review of the circumstances impeding my professional recognition/registration in the current professional recognition and registration scheme is of public interest and of relevance to the Inquiry, specifically, in Terms of Reference 1 and 3.

MY PROFESSIONAL BACKGROUND

After graduation from the 2nd Moscow State Medical School N.I. Pirogov (now Russian Medical University) in 1981, I completed five years specialist training in Paediatric Surgery. As a qualified paediatric surgeon, I subsequently, worked at the Filatov's Hospital in Moscow in an academic position from 1987-1991. A summary of my training and working experience in Russia is at Enclosure 1.

After migrating to Australia, I sought professional recognition/registration through the pathway of the RACS in accordance with the Australian Medical Council (AMC) guidelines since 1993.

I therefore faithfully undertook the RACS stipulated peer review, examinations, selections into training programmes in Rural Surgery 1998, 1999 and 2004, Paediatric Surgery 1999 and General Surgery 2001 and 2005 and eventually training in General Surgery 2006-2008.

During the period 1993 to 2008 I trained and worked as a surgical registrar under temporary registration, mainly in General Surgery. Throughout my professional services I provided patient care and performed surgical procedures (around 3000 major operative cases and a similar number of intermediate and minor cases) in accordance with the AMC/RACS standards of medical/surgical practice. I also successfully completed the RACS requisite Exams and upgrading courses/workshops. I also conducted three surgical research projects.

My professional performance and qualities were reviewed and were confirmed by many supervisory surgeons (Fellows of the RACS) as consistent with the Australian standards of surgical practice.

A summary of my efforts to gain professional recognition through the College is at Enclosure 2 and excerpts from my references, assessments and reports are at Enclosure 3.

IMPEDIMENTS TO MY PROFESSIONAL RECOGNITION AND FULL REGISTRATION

Despite my professional competency, safe record in surgical practice, compliance with the College requirements and surgical research achievements, I found over time that my path to professional registration was repeatedly blocked in the College processes:

- ▶ No opportunity for the vocational assessment and appropriate examinations in my speciality - Paediatric Surgery was ever provided to me.
- ▶ Over many years the entry to the formal training programmes in Rural and General Surgery, where, with the support of my respected mentors/referees (Fellows of the RACS), I was developing my career, was also closed for me without any observance of equity and transparency in the selection processes.
- ▶ In 2006, having been accepted to the training programme in General Surgery, I was placed on a rotation scheme of the Princess Alexandra Hospital on the Brisbane south-side where my admission to the training had for some reason been previously opposed. I, however, was prevented from undertaking training on the north-side rotation scheme of the Royal Brisbane Hospital supporting me.
- ▶ In 2008, my training at the Princess Alexandra Hospital was terminated on the grounds of two unsatisfactory assessments despite their considerably conflicting nature.

From the outset, the College processes of assessments/interviews and subsequent decision-making against my professional recognition were carried out without application of objective criteria and with a total disregard for my professional background, actual performance, input into the clinical/surgical services and scientific achievements:

- None of the relevant and significant documentation with the factual evidence confirming my professional commitment and competency was taken into consideration by the College (such as my credentials, satisfactory assessments/reports, commendatory references, logbooks of operative experience, clinical audits and other relevant documentation).
- Instead, largely adverse documentation based merely on hearsay and unverified with the factual evidence was relied upon by the College. (To my knowledge, there is no documented evidence in the medical or administrative records to establish the veracity of this adverse documentation).

Furthermore, the same College procedures were uniformly conducted without adherence to due process and in the absence of any transparency:

- No opportunity was ever given me to address the above mentioned adverse documentation. In certain instances, the documents containing negative information in relation to me were withheld from my perusal until my requests for release of the College files material (in 2003 and 2009).
- No clear professional feedback or/and written reasons for the unsuccessful interviews and unsatisfactory assessments were ever provided to me.
- No opportunity to present my perspective regarding the subsequent adverse decisions against my professional recognition or advice of my right to appeal these decisions was ever provided to me.

In addition, my initiated appeal against the decision for my dismissal from the training programme in General Surgery in 2008 was impeded and finally abandoned by the College.

The above outlined irregularities have been independently verified by my legal counsellors [REDACTED] as:

- I Lack of objectivity and impartiality
- II Failure to follow due process
- III Failure to conduct appeal.

LACK OF ACCOUNTABILITY FOR PROCEDURAL IRREGULARITIES IN MY PROFESSIONAL CASE

I have sought from the College a rectification of the procedural irregularities and statement of reasons for their adverse decisions against my professional recognition without any satisfaction. The issues raised in my submissions to the College have been left unaddressed.

I have since then approached the ACCC, Minister for Health and Aging and the Australian Medical Council (AMC) raising the subject of my issues with College processes. However, not one has accepted responsibility for oversight of the RACS, or provided any assistance for a fair and equitable solution to my situation. This is despite State Health Ministers and the Australian Consumer Competition Commission (ACCC) having previously (in 2000-2003) raised serious concerns regarding “*transparency, accountability, fairness and consistency of the College [RACS] processes*” (Reference).

RELEVANCE OF CIRCUMSTANCES RESTRICTING MY PROFESSIONAL REGISTRATION

My experiences in attempting to gain professional recognition through the RACS demonstrate how procedural irregularities and errors in the assessments of Overseas Trained Surgeons may lead to the unjustified adverse decisions restricting their professional recognition and registration. This may then be further complicated by obstructing the attempted appeals against those decisions. It also shows that such errors/irregularities may occur despite the College obligations to the principles of natural justice and procedural fairness and transparency endorsed in its own Guidelines, Regulations and other relevant documents.

The identification and exploration of these procedural errors/irregularities with regard to Terms of References 1 and 3 will demonstrate the necessity for reform of the RACS assessments and associated processes in order to remove such impediments to professional recognition/registration of Overseas Trained Surgeons.

IN CLOSING

I fully support the intent of this Inquiry and would appreciate the opportunity to provide more information regarding my experiences in attempting to gain professional recognition and full registration as a surgeon in Australia.

I am committed to cooperation with the Inquiry and able, on request, to provide all relevant documentation to support my submission.

I would also appreciate the opportunity to share my views on how the assessment processes of Overseas Trained Surgeons could rationally be improved with regard to your Terms of Reference 3.

Out of the Inquiry, I hope for fair and equitable treatment in a professional, objective and respectful manner, for all Overseas Trained Doctors including Surgeons. I therefore look forward to having a real opportunity to appropriately gain my professional recognition and continue my contribution to the Australian Health system in accordance with the professional standards.

Thank you very much for your consideration.

Yours sincerely,

Dr Anatole Kotlovsky

Reference:

ACCC Determination, 30 June 2003, re RACS's application for authorisation.

Enclosures:

1. My Credentials and professional background in Russian Federation.
2. My Efforts to gain professional recognition through the RACS.
3. Excerpts of commendations on my professional performance in the References/Assessments/Reports.

ENCLOSURE 1

CREDENTIALS AND PROFESSIONAL BACKGROUND IN RUSSIAN FEDERATION

QUALIFICATIONS

- ▶ Certificate of Specialist-Paediatric Surgeon 1986
- 2nd Moscow State Medical School N.I. Pirogov (now Russian Medical University)
- ▶ Degree in Medicine and Surgery 1981
- 2nd Moscow State Medical School N.I. Pirogov

AWARDS

- ▶ Ph Degree in Paediatric Surgery 1987
- Supreme Examination Board, USSR Council of Ministers
- ▶ Authors copyright certificates (3) on surgical techniques of magnet compression anastomosis in surgery of gastro-intestinal and urinary tracts, Nos. 1361753; 1277452; 1025420, 1983-1987
- Discoveries and Inventions State Committee, USSR Council of Ministers

EDUCATION & TRAINING

- ▶ Training in Paediatric Surgery (2-year Basic and 3 year Advanced) 1981 - 1986
- 2nd Moscow State Medical School N.I. Pirogov, Filatov Children's Hospital, Moscow
- ▶ Undergraduate study in Medicine, General Surgery 1974 - 1981
- 2nd Moscow State Medical School N.I. Pirogov

CLINICAL PRACTICE IN PAEDIATRIC SURGERY AND UROLOGY AS REGISTRAR IN TRAINING 1981-1986 AND AS SPECIALIST SURGEON 1987 – 1991

- ▶ Provision of safe, comprehensive surgical care for patients on team approach
- ▶ Operative experience - comprising around **350-550** procedures per year
- ▶ Supervision and teaching of junior doctors and medical students
- ▶ Co-ordination of clinical practice and research developments
- ▶ Commendatory references from then Chief Paediatric Surgeon in Russia Prof. E.A. Stepanov and then vice president of Academy of Medical Science, Prof. Y. F. Isakov (Excerpts of these are provided in Enclosure 2).

INVOLVEMENT IN SURGICAL RESEARCH PROJECTS AS PRINCIPAL INVESTIGATOR

- ▶ Urinary tract reconstruction/diversion in children 1987-1991
- ▶ Ureteric reimplantation with use of constant magnets in children with megaureter
- ▶ Magnet-compression anastomosis of small bowel
** Results of these research projects published as 8 scientific papers and 8 abstracts in peer reviewed journals, and also delivered at 7 "podium" presentations.*

ENCLOSURE 2

EFFORTS TO GAIN PROFESSIONAL RECOGNITION THROUGH THE RACS 1993-2008

SUCCESSFUL COMPLETION OF REQUISITE EXAMINATIONS

- ▶ OSCE, Part 1 Clinical Examination, RACS, 1998
- ▶ Occupational English test, 1993

CLINICAL PRACTICE AS SURGICAL REGISTRAR WITHIN AUSTRALIAN SURGICAL WORKFORCE

- ▶ Provision of safe, comprehensive surgical care for patients (according to the standards of the AMC and RACS)
- ▶ Operative experience - comprising around **3000** major procedures. (approximately half of these as a primary operator) and a similar number of intermediate and minor procedures
- ▶ Supervision and teaching of junior doctors and medical students
- ▶ Presentation of morbidity/mortality audits
- ▶ Participation in continuous professional education and training
- ▶ Satisfactory assessments/reports (total 26) and commendatory references (total 15) testifying my professional knowledge, communication, leadership, clinical judgment and operative skills as consistent with the required standard and on many occasions at the level of "performance better than expected" (Excerpts of these are provided in Enclosure 2)

SUCCESSFUL COMPLETION OF UPGRADING/TRAINING WORKSHOPS AND COURSES

- ▶ CLEAR course (Critical Literature Evaluation and Research), RACS, Brisbane 2008
- ▶ Communication Skills, Workshop McPhee Andrewartha Pty Ltd, RACS, Brisbane 2007
- ▶ Teaching on the Run Workshop, University of WA, Toowoomba Hospital 2006
- ▶ CCRISP (Care of the Critically Ill Surgical Patient Course), RACS, Brisbane 2006
- ▶ Mastering Consent Workshop, Cognitive Institute, Mater Hospital, Brisbane 2006
- ▶ Laparoscopic Surgery Practical Skills Workshop, Mater Hospital, Brisbane 2006
- ▶ Foundations of Laparoscopic Surgery Course, RACS, Royal Hobart Hospital 1997
- ▶ EMST (Early Management of Severe Trauma Course), RACS, Herston, Brisbane 2002.

INVOLVEMENT IN SURGICAL RESEARCH PROJECTS AS PRINCIPAL INVESTIGATOR

- ▶ Bio-Mechanical Study for Laparoscopic Mesh Fixation, 2003-05
- ▶ More Physiological Biliary Reconstruction, 2001-02
- ▶ Continent Valvular Constructions for Urinary Diversion, 1994-95.

** Results of these research projects were published as 2 scientific papers and 6 abstracts in peer reviewed journals, and also delivered at 11 "podium" and 4 "poster" presentations.*

ENCLOSURE 3

EXCERPTS OF COMMENDATIONS IN THE REFERENCES/ASSESSMENTS/ REPORTS

1. *"...performed his professional duties with a genuine commitment and reliability."*
- Prof Y Isakov, Vice-President of Russian Academy of Medical Science, Moscow 1993
2. *"I find Dr Kotlovsky to be a man of genuine integrity with a very competent knowledge of paediatric surgery."* - Dr D McGuckin, FRACS, Royal Children's and Mater Children's Hospitals, Brisbane 1993 - 1995.
3. *"His knowledge of paediatric surgery was consistent with his previous specialised training...basic operative technique was consistent with that of an experienced surgeon."* - Drs P Riddell, FRACS; P Carson, FRACS, Royal Darwin Hospital 1993.
4. *" He rapidly adapted our form of work showing well above average diligence...has held the greatest respect of his patients, peers, nursing staff and those he has worked with."* - Dr G Corkill, Director of Neurosurgery, Royal Hobart Hospital 1996.
5. *"His performance was more than satisfactory and I would be happy to employ him at the future time."* - Dr S Wilkinson, FRACS, Director of Surgery, Royal Hobart Hospital 1997.
6. *"...general surgeons in Australia do a lot of commoner paediatric procedures and although I knew how to do them I certainly learnt from Toly [Anatole]. He was very neat and tidy in this area."* - Dr K Clezy, FRACS, Burnie Hospital, 1999.
7. *"Dr Kotlovsky was very conscientious and diligent in the performance of his duties... punctual and reliable ...very honest and forthright."* - Dr L LeRay, Director of Clinical Services, Ipswich Hospital, 2002.
8. *"He enjoyed working in the operating theatres...competently performed [paediatric cases]...participated actively in teaching tutorials."* - Dr M Muscio, FRACS, Director of Surgery, Ipswich Hospital, 2000.
9. *"His persistence in this process indicates great determination. I would give him a go!"* – Dr B McGowan, FRACS, Director of Surgery, Logan Hospital, 2001.
10. *"Dr Kotlovsky displayed the clinical skills and acumen of a qualified paediatric surgeon ...clinical skills and clinical judgement are at a level certainly of consultant standard"* - Dr I Martin, FRACS, Princess Alexandra Hospital, Brisbane, 2002.
11. *He has demonstrated safe laparoscopic and open operative skills and is sound in post-operative care."* - Dr D Wall, FRACS, Deputy Director of Surgery, Princess Alexandra Hospital, Brisbane, 2002.
12. *"He has been respectful, conscientious, organised...He is capable in emergency circumstance...a skilled operator"* - Dr D Wall, FRACS, Deputy Director of Surgery, Princess Alexandra Hospital, Brisbane, 2003.
13. *"I have found Dr Kotlovsky's clinical skills to be extremely sound...He has a mature attitude coupled with compassionate nature affording a good bedside manner...I am happy to attest his clinical acumen and solid surgical skills"* - Dr I Martin, FRACS, Princess Alexandra Hospital, Brisbane, 2005.

14. *"I have known Dr Kotlovsky to act competently and properly. He has very good clinical abilities and judgement...sound surgical skills...works well within a team...hard working and reliable and demonstrates a real commitment to his patients."* - Dr R Bryant, FRACS, Royal Brisbane Hospital, 2005.
15. *"His clinical judgement is sound...technical skills are very good...He has proven to be diligent and reliable in the workplace."* - Dr B O'Loughlin, FRACS, Director of Surgery, Royal Brisbane Hospital, 2005.
16. *"Very competent clinical skills and general knowledge and trustworthy"* - Dr T Nano, FRACS, Royal Brisbane Hospital, 2005.
17. *"Outstanding clinician Constantly aware and responds to patient, self and team members"* - Dr M Egerton, FRACS, Toowoomba Hospital, 2007.
18. *"Accurate and efficient Insightful perspective..."; "Sound surgical techniques and knowledge"* - Dr E. Donaldson, FRACS, Toowoomba Hospital, 2007.
19. *"Enthusiastic worker with good clinical knowledge and excellent technical skills"* - Dr R Aseervatham, FRACS, Director of Surgery Nambour Hospital, 2007.
20. *"Clinical skills good, Reliable, on time, Competent surgeon"* - Dr D Colledge, FRACS, Nambour Hospital, 2007.
21. *"Satisfactory surgical trainee with good all round knowledge and range of skills...very hard working, generally punctual, reliable, conscientious"* - Dr B McGowan, FRACS, Director of Surgery, Logan, 2007.