

Dr Emil Penev

22 December 2010

SUBMISSION to PARLIAMENTARY INQUIRY

I the undersigned Dr Emil Penev give permission to the Committee to use all the information in this submission for their final report.

I qualified in 1985 in the Medical Academy –Sofia, Bulgaria, obtaining qualification as Magister Physician.

From 1985 to 1990 I practice medicine in Bulgaria in various places including GP positions.

In 1991 I emigrated to South Africa, did an internship rotations in the major departments of Tembisa hospital before commencing duties as Principal Medical Officer in Accident an Emergency department, Outpatients Department and Orthopedics until June 1999. My qualifications in South Africa were evaluated to be equivalent to MBCHB .

In July 1999 I took my first employment in Australia - in Rockhampton, Queensland as a solo GP in Bidjerdii Aboriginal and Tortes Strait islanders clinic for 18 months.

In December 2000 I returned back to South Africa for personal reasons and was gladly employed by my previous employer – Tembisa hospital as a Principal Medical Officer in A&E department.

In April 2002 I returned back to Queensland subcontracting to Family Care Medical Services as an After Hours Deputizing GP, providing after hours GP care in Brisbane and Sunshine Coast.

In December 2007 I received a letter from the Medical Board of Queensland (MBQ) that a decision was made in March 2007 (I was informed 9 months later!!!) that I'll be given 4 years to obtain FRACGP or AMC ,if not I will be deregistered. Without knowing about this decision I undertook the RACGP exam in 2007 unsuccessfully.

Since then MBQ kept changing the interim requirements for registration adding more and more conditions, the last being in the beginning of 2010 to undertake structured clinical interview (SCI).MBQ motivated it's decision outlining the fact that I failed once RACGP exam in 2007 and the Board wanted to be satisfied that I am a safe practitioner. MBQ knew very well that I was already enrolled for the RACGP exam ,which was to be completed by May 2010 . SCI was to be conducted by ACRRM and results given to MBQ by 16'th of April 2010 At the meantime I prepared extensively for the RACGP exam and was given the dates 10'th and 13'th of May 2010 to complete VIVA and ECV components –the final two parts of the Practice Based Assessment (PBA) in attempt to achieve fellowship with RACGP.

The principal medical director from Family Care Medical Services [REDACTED] wrote a letter on my behalf to MBQ, asking them to take into consideration my RACGP exam dates and postpone the SCI for a later date. That request was ignored by MBQ.

I contacted ACRRM ,asking them to appoint a date for the SCI which will not interfere with the PBA dates, that was not only ignored, but I was given ironically date 7'th May – Fridayjust before my big PBA exam on the following Monday – 10'th of May.

On arrival at the SCI I was greeted with the comment from the chair of the panel :“ ACRRM only make recommendations, the MBQ makes the decisions”, which indicated to me that the outcome of the SCI was already made.

After not even an hour interview ACRRM panel marked me down to be unsuccessful.

I was shocked to see that I even failed components like not understanding the Australian culture, without being asked a single question about it. I was marked down on not having communication skills and understanding of Australian idioms.I was never assessed in those areas in the SCI at all ,but I was marked down !

Furthermore I contacted both MBQ and ACRRM asking them to provide me with the reasoning behind the recommendations. Both parties refused to supply me with the above.

I wrote an appeal to MBQ and ACRRM ,stating that all the clinical scenarios I was given were way out of the position description registration being sought and is very hard to believe that one could be recommended as unsuitable for the job that has been doing for some 8 years without problems !!!

Dr Beres Wenck also wrote another letter to MBQ expressing her concerns the way SCI is conducted. Again there was no reply from MBQ –just complete ignorance.

Further I received a request from MBQ to “show cause notice” why do I think I should still be registered. Then I contacted my medical indemnity insurer for assistance, but same was denied as such matters were not covered in my policy I was told.

I appointed privately solicitors to act on my behalf, which in total was about \$ 6000 in fees.

My solicitors requested again the reasoning behind the SCI recommendation from MBQ and ACRRM and again both parties refused to release it stating that same scenarios will be used in future and the matter is commercial in confidence ignoring the fact that this was my exam and my money and every self respecting institution would give a feed back.

The response to the show cause notice was turned down by the Queensland branch of the new National Medical Board and AHPRA . The motivation for this decision was that I failed SCI. The Medical Board completely ignored the fact that I practiced in Australia as a GP in area of need for more than 10 years without problems ,ignored the annual reports from my supervisor [REDACTED] where I was marked at the expected level in all areas of assessments for all this years. The Board also ignored numbers of compliment letters from patients I obtained over the years and letters of support from colleagues, previous supervisors and managers from Family Care Medical Services. On the 26'th of August I received a phone call just an hour before starting my duties from my solicitors to inform me that I'm not a registered practitioner any longer.

I was also advised that I have 28 days to leave the country being a temporary resident or to take the Med Board to court which would have involved between \$ 30 000 – 50 000 legal cost.

Shortly after the RACGP was kind enough to release my exam results before the due date where I passed one part and marginally failing two parts of the PBA exam. I strongly believe that there was some communication between ACRRM and RACGP and my results from the PBA were influenced. It would have been the scandal of the year if ACRRM fails me on Friday and RACGP recognizes me as specialist on Monday!

Being a single parent I could not afford the financial luxury to challenge the Med. Board in court and obeying the immigration law I permanently left the country on 26'th of September 2010.

I'm a single parent, my 14 years old son was born in South Africa, but he grew up in Australia, he was only 3 years old when we firstly arrived in 1999. He did all his schooling in Australia from year 1 . Unfortunately he couldn't complete the last term of year 8 as we had no choice ,but leaving the country, he lost all his mates (but still speaks with an Australian accent) ,he suffered enormous psychological trauma and probably will be a long time before he gets over it. Changing to different country educational system will be another huge trauma for him.

Subsequently I suffered loss of employment and income, relocation expenses and great difficulties to find a new job and country to live for my son and myself.

I still cannot believe that I was deregistered without doing anything wrong after 10 years hard work as GP in areas of need. I was well respected by the patients, the community and colleagues, but the medical authorities did not give me any credit for it.

I'm in a possession of supportive documents for all of the above statements outlined in this submission. If you have any queries, please do not hesitate to contact me.

Sincerely yours,
Dr Emil Penev