



THE SHAME OF THE MEDICAL PRACTITIONERS BOARD OF VICTORIA, AUSTRALIA, AND THE INABILITY OF THE MEDICAL PROFESSION TO SAY SORRY.

This is a true story about the pain and suffering our medical profession has inflicted whilst clinging to the empty belief that they were acting in accordance with their values and ethics. My story begins in 1974...

The Death of My First Husband

My first husband died tragically some ten months after we married in late 1973. He was 35. We had just celebrated the birth of our first born son who was 3 weeks old at the time.

I wanted to find out exactly what had caused my husband's death. I wanted to know about the symptoms which led to his hospitalization. An autopsy was held but I was denied the result. The death certificate was completed before the autopsy. The treating Doctor refused to see me or discuss my husband's condition and death with me. He said it was confidential.

I was concerned that because my first husband suffered an hereditary disease, it could have been passed on to my son. I believed that as my son grew up, he would ask questions I could not answer. It was my responsibility to obtain that information.

The wall of silence I confronted could not deter me and so I lodged a complaint with the **Medical Board of Victoria**. The Board eventually told me they had considered my complaint and after communicating with the treating Doctor, it was their opinion that I should refer my enquiries to the Medical Superintendent of the Hospital concerned.

But where were my answers to why my first husband had died?

I followed the Board's suggestion but got nowhere with the Hospital. I sought the intervention of the Ombudsman, but to no avail.

After more than 2 years of searching for answers, I had come up empty. A poor widow was no threat to these Institutions.

Remarriage and the Resumption of My Search for Answers

I remarried in 1981 and had a second son in 1982. I had resigned myself to the powerless of my situation and the pain that this was causing me until 1992 when I decided to take advantage of the Victorian Freedom of Information Act 1982. I was unaware of the utility of this Act to my situation, until then.

With the support of my new husband and after spending some \$5,000.00 in legal fees, I finally obtained a copy of the Autopsy Report and correspondence between the treating Doctor and the Board. I also obtained other relevant documents. This process had taken 18 long years of my life!

The Board Responds

The documents I saw and the conduct along the way of representatives of the Board, made it clear to me that I had been treated unfairly and that my complaint had not been properly investigated. I again appealed to the Ombudsman for help.

I continued to agitate for a meeting with the Board and in 1993 I finally achieved this - but not before I had been threatened with security guards and Police if I and my second husband did not leave the Board's premises and untrue statements had been made by the Board's Secretary about conversations he allegedly had with me.

The meeting however was a failure. The Board would not agree to reopen the inquiry into my first husband's death and was not prepared to do anything further for me.

As if this was not bad enough, the Board's letter to me following this meeting, which was signed by its Secretary - a man that had given me much grief - gratuitously urged me to seek "professional counselling" and "professional help" before pressing forward with any further action.

How About a Fair Go?

In my wildest dreams, I could not imagine what happened next. I felt well and truly by this stage that the Board and its Secretary had not behaved in an accountable fashion. It was time someone was called to account.

I lodged a complaint with the relevant Government department about the way I had been treated. The way in which this investigation was handled was nothing short of Byzantine. The initial investigator, who had great sympathy for my position, was removed midway through her tasks and without warning. Silly her, she had become too close to the subject of her investigation (or so her supervisor thought). The investigation was subsequently short-circuited by a Senior Departmental Officer. Staff members of the investigation unit were disciplined for speaking out in my support.

And yet again, a member of the Board when speaking to the "replacement" investigator described me as being "seriously psychiatrically disturbed" - I had never even met this man!

The investigation led nowhere and I again used the FOI Act to obtain documents relating to the conduct of the investigation. The documents finally released to me, after another lengthy and extremely expensive Court battle told me much of the above information and revealed a new document which alleged I had used foul and abusive language in speaking with a Departmental Officer. The language attributed to me is abhorrent and is not language I use. My efforts to set the record straight unfortunately failed.

For good measure, two of the Departmental Officers concerned sought to obtain Restraining Orders against me and my second husband because of our attempts to communicate with them about why they were taking such a harsh, uncharitable and untrue line against me. Although they obtained Interim Orders, in our absence before the Court, they abandoned their positions once we challenged them and the facts upon which the Interim Orders were made. They were not sustainable. The Court Orders made were discharged and a significant costs order in my second husband's favour was also made.

Enough is Enough

The years of conflict with all and sundry to achieve no more than a fair hearing and relevant information were taking their toll. The Court battles were particularly draining.

I decided that the time had come to adopt a "gentler" approach. In March 1999, my second husband and I approached the newly established **Medical Practitioners Board of Victoria** to request a "kind letter" to relieve the trauma which was badly affecting my family. We offered to waive all legal rights we still had in exchange for this letter. I did however request the resignations of the President and Secretary of the Board.

A dialogue with the Board's newly appointed Chief Executive Officer was opened which started off encouragingly. My second husband and I were told that "no scalps" would be taken but that our position would be considered. We submitted a draft of a simple letter of apology to the CEO, being the "kind letter" we wanted.

And what were we met with? Six months of "dancing semantics" over nearly each and every sentence with the Board and its lawyer! Both we and our lawyer were involved in this process and the frustration of it all was incredible. So what did we finish up with? The most carefully worded letter which falls well short of the genuine apology we were seeking despite our offer to waive all legal rights and to keep any "settlement" confidential.

We have now reached an impasse with the Board. No deal has or can be done. I fear that everything that has happened since 1992 has been primarily caused by the "disinformation" that has been spread about me; the Board has been forced into a position where to right the wrongs of the past would cause them too great a loss of face and would force them to act against their own. They cannot afford to admit they were wrong.

What a thorn I must be to them all; I persisted when others would have given up and I guess they continued to hope I would go away.

My Plea

WHY, when the days of the witch doctor are long gone and the mysteries of illness and death are fast receding, is our medical profession still so secretive? Why is it that anyone who questions them is dismissed as a basket case or a troublemaker? And this from the so-called healing profession!

Thankfully, the medical profession no longer operates unchecked. Patients have rights now and a forum in which to complain. But our biggest problem remains who watches over the **Medical Practitioners Board of Victoria**? Who pulls them up when they step out of line? Who fights for the individual who only wants fair treatment, honesty and decency? Who can make them understand that "saying sorry" is not the hardest thing in the world to do? (Maybe they're all related to our Prime Minister!)

These people appear to be untouchable, unaccountable, and unable to accept responsibility for the damage caused to me and my family.

How can Doctors assert someone needs professional help and counselling and is seriously psychiatrically disturbed in the absence of a formal clinical examination? The irony of it all is that in a recent case brought by the Board against one of its own, expert medical testimony given for the Board was very much to the effect that the statements made about my "mental well-being" ought not to have been made from "mere observations" of me!

ONE PERSON ALONE MAY NOT BE ABLE TO CHANGE ANYTHING. BUT MANY TOGETHER MIGHT. IF YOU HAVE ENDURED A SIMILAR EXPERIENCE TO ME, LET ME KNOW AND MAYBE, JUST MAYBE, WE CAN MAKE A DIFFERENCE TOGETHER.

"Protection of the public" is not a throwaway line or a vague responsibility.

— **Gwen Woodford**