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QUEENSLAND**COMMISSIONS OF INQUIRY ACT 1950****BUNDABERG HOSPITAL COMMISSION OF INQUIRY****STATEMENT OF DR MARK PETER MATTIUSSI**

1. I, **DR MARK PETER MATTIUSSI**, District Manager and District Director Medical Services, Logan-Beaudesert Health Service District, of c/- of Logan Hospital, cnr Loganlea & Armstrong Rds Meadowbrook Qld 4131, acknowledge that this written statement by me is true to the best of my knowledge and belief.
2. This statement is made in response to a Notice of Allegation from the Commission dated 27 June 2005 and received by me on 28 June 2005.

Appointment as Investigator under Part 6 Health Services Act

3. On 14 April 2005 I was appointed by Dr Steve Buckland the Director General of Queensland Health ("QH") as an investigator under section 52 of the Health Services Act ("HSA"). A copy of the appointment document is attached and marked "MPM 1".
4. Dr Buckland also appointed Dr John Wakefield, Adjunct Assoc. Prof. Leonie Hobbs and Assoc. Prof Peter Woodruff as investigators under the same instrument.
5. The appointment of myself and the other investigators was to conduct a review of the clinical services at Bundaberg Hospital. Our report was to be provided to Dr Buckland and Dr Gerry Fitzgerald the Chief Health Officer.
6. One of the powers I have as an investigator is to call for and examine documents relevant to the instrument of appointment as set out in sec 56 HSA.
7. One of the responsibilities I have as an investigator is the observance of the confidentiality and non disclosure of information that comes into my knowledge or possession during the course of my investigation. This duty is set out in section 57 HSA. I am not at liberty to disclose such information without the force of law or the written direction of the Director General.

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Terms of Reference of Review of Clinical Services at Bundaberg Hospital.

8. The 'Terms of Reference' of the review were established by Dr Buckland on the advice of Dr Gerry Fitzgerald. The 'Terms of Reference' were as follows:

1. Examine the circumstances surrounding the appointment, credentialing and management of Dr Patel.
2. Review the clinical cases of Dr Patel where there has been an identified adverse outcome or where issues related to his clinical practice have been raised.
3. Analyse the clinical outcomes and quality of care across all services at Bundaberg Hospital. Compare with benchmarks from other states or other like hospitals and identify any areas requiring further review to these systems.
4. Review the Risk Management framework as it relates to the provision of direct services at Bundaberg Hospital to determine its effectiveness. Make recommendations in relation to improvements to these systems.
5. Examine the way in which the Service Capability Framework has been applied at Bundaberg Hospital to determine that the scope of practice is appropriately supported by clinical services.
6. Consider any other matters concerning clinical services at Bundaberg that may be referred to the review by the Director-General.
7. Should the review team identify other areas of concern outside the scope of these Terms of Reference, the Director-General is to be consulted to extend the Terms of Reference if considered appropriate.

A copy of the instrument establishing the Terms of Reference is attached and marked 'MPM 2'. That document also incorporates a written authorisation from Dr Buckland pursuant to sec 57(4)(a)(ii) directing that Dr Gerry Fitzgerald was authorised to receive information from the investigators.

The Bundaberg Hospital Review

9. The Bundaberg Hospital Review Report was released by Dr Buckland to the Commission on 29 June 2005. The Report sets out in section 2 the methodology of the review. Appendix B is a schedule of the persons interviewed by the review team. Dr Peter Miach was interviewed on 21 April 2005 by myself, Dr Peter Woodruff and Dr John Wakefield. This interview was conducted during the course of the review team's first site visit to Bundaberg Hospital between 19 April 2005 to 22 April 2005.

During the course of the second site visit to Bundaberg Hospital between 9 May 2005 to 13 May 2005, I conducted a review of all of the personnel files of the senior medical staff and visiting medical officers ("medical officers"). I conducted the review to ensure that the medical officers were appropriately registered and employed in accordance with contemporary QH policy, awards and industrial agreements. Medical officer's personnel files included a print out of their Medical Board of Queensland ("MBQ") current registration details which appeared to have been obtained by Bundaberg Hospital staff from the MBQ public access internet site. After reviewing the printout of Dr Miach's registration

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details, it did not appear that he had specialist registration. I subsequently rang the MBQ. The MBQ officer I spoke to confirmed that he did not at that time hold specialist registration in Queensland.

Allegation 1 – Access of the file of Dr Miach without authority

10. I regarded the Terms of Reference as including in its scope an examination of Bundaberg Hospital's medical workforce. During the course of a discussion with Dr Buckland prior to the first site visit he said to me words to the effect that he wanted me to make sure there was not another Patel at Bundaberg Hospital. I understood him to mean that he expected the review team to examine the qualifications and registration status of the medical officers at Bundaberg Hospital, to ensure there were no concerns as to their qualifications and registration.
11. I reviewed all of the medical officers' personnel files. No person was singled out. I regarded the instrument of appointment and the Terms of Reference as providing me with clear authority to conduct such an examination.
12. I did not act outside of the Terms of Reference, dishonestly abuse my position nor violate Dr Miach's privacy without due cause or authority.

Allegation 2 – Publication of Dr Miach's registration details

13. The details of Dr Miach were published in both the interim as well as the final report as I considered this information to be within the terms of reference. I regarded one of my responsibilities was to report on any anomalies found within the hospital's systems and structures.
14. I did not include the details of Dr Miach's registration in the interim report by way of a deliberate attempt to embarrass Dr Miach. The details were included to report a finding of an anomaly in Dr Miach's registration to highlight a significant system issue of employment practices and a disconnection between Health Insurance Commission provider number and medical registration details.
15. Dr Miach was interviewed before his personnel file was examined. I could not reveal to Dr Miach the subsequent finding of an anomaly with his registration due to the effect of sec 57 HSA.

Allegation 3 – Dr Miach's registration details to Mr Parnell

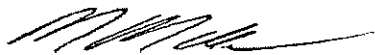
16. I have never met nor communicated with Mr Parnell. I did not provide Mr Parnell with any information about Dr Miach.

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Allegation 4 – Interim report information to Mr Parnell

17. I have never met nor communicated with Mr Parnell. I did not provide Mr Parnell with any information about the interim report.

Signed at Brisbane on 18 July 2005.



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DR MARK PETER MATTIUSSI,
District Manager and District Director Medical Services,
Queensland Health

Bundaberg Hospital Commission of Inquiry

Statement of Mark Peter Mattiussi

Attachment MPM1

'MPMI'



**Queensland
Government**
Queensland Health

RECEIVED
13 APR 2005
SB022584

SUBMISSION TO THE DIRECTOR-GENERAL

DATE: 12 April 2005

PREPARED BY: Ruth Reinhard, A/Principal Policy Officer **Contact No:** 3234 0579

CLEARED BY: Dr Gerry FitzGerald, Chief Health Officer **Contact No:** 3234 1137

SUBMITTED THROUGH: Click, enter Name and Position **Contact No:** Click, enter Contact No.

DEADLINE: 13 April 2005 **File Ref:** Click, enter File Ref.

SUBJECT: Appointment of staff members as Investigators (Health Services Act 1991, Part 6-Administration, Sections 52-57) for a term of appointment from 18 April 2005 – 30 June 2005 for the purpose of the Bundaberg Hospital Services Review

APPROVED/ NOT APPROVED

COMMENTS

DR STEVE BUCKLAND
Director-General

14/04/05

PURPOSE:

To seek the Director-General's approval for the appointment of the following officers as investigators pursuant to the Part 6 Sections 52 – 57, *Health Services Act 1991*, for the purpose of the Bundaberg Hospital Services Review—

- Dr Mark Mattiussi, District Manager & District Director of Medical Services, Logan and Beaudesert Health Services
- Dr Peter Woodruff, Consultant Vascular Surgeon, Surgical Expert, Royal College of Surgeons
- Dr John Wakefield, A/Executive Director, Patient Safety Centre
- Ms Leonie Hobbs, Executive Director, Women & Newborn Services, Royal Brisbane and Women's Hospital

BACKGROUND:

The Minister for Health announced on 9 April 2005, a comprehensive review of safety and quality at the Bundaberg Base Hospital as a result of recent allegations regarding a doctor from the Hospital. The Minister also announced that a review panel would be given investigative powers under the *Health Act* by the Director-General.

ISSUES:

Terms of Reference for the review are—

- Examine surgical cases identified by staff to determine if the clinical care is appropriate and if anything further needs to be done and make recommendations in relation to these cases.
- Examine Clinical Risk Management at Bundaberg Base Hospital to determine what systems are in place to ensure safety and quality of services and make recommendations in relation to these.
- Examine the application of the service capability framework to ensure clarity on the scope of services at Bundaberg Base Hospital.
- Examine the clinical outcomes and quality of care at Bundaberg base Hospital and identify any areas requiring further review.
- Produce a report for consideration by the Minister.

ATTACHMENTS:

Instruments of appointment

RECOMMENDATION(S):

That the Director-General approve the appointment of the following officers as Investigators under Part 6, sections 52-57 of the *Health Services Act 1991*—

- Dr Mark Mattiussi
- Dr Peter Woodruff
- Dr John Wakefield
- Ms Leonie Hobbs



Queensland
Government
Queensland Health

I, Dr Steve Buckland, Director-General, Queensland Health, hereby appoint:

Dr Mark Mattiussi

as an Investigator, pursuant to Part 6, of the *Health Services Act 1991*
for the period 18 April 2005 until 30 June 2005

A handwritten signature in black ink that reads "Steve Buckland".

Dr Steve Buckland
Director-General

14 /04/ 2005

ATTACHMENT 1



Queensland
Government
Queensland Health

I, Dr Steve Buckland, Director-General, Queensland Health, hereby appoint:

Dr John Wakefield

as an Investigator, pursuant to Part 6, of the *Health Services Act 1991*
for the period 18 April 2005 until 30 June 2005

Dr Steve Buckland
Director-General

14/04/2005

ATTACHMENT 1



I, Dr Steve Buckland, Director-General, Queensland Health, hereby appoint:
Dr Peter Woodruff
as an Investigator, pursuant to Part 6, of the *Health Services Act 1991*
for the period 18 April 2005 until 30 June 2005

Dr Steve Buckland
Director-General

14/04/2005

ATTACHMENT 1



**Queensland
Government**
Queensland Health

I, Dr Steve Buckland, Director-General, Queensland Health, hereby appoint:
Adjunct Associate Professor Leonie Hobbs
as an Investigator, pursuant to Part 6, of the *Health Services Act 1991*
for the period 18 April 2005 until 30 June 2005

A handwritten signature in black ink, appearing to read 'Steve Buckland'.

Dr Steve Buckland
Director-General,
/aL/ 2005

ATTACHMENT 1

Bundaberg Hospital Commission of Inquiry

Statement of Mark Peter Mattiussi

Attachment MPM2



**Queensland
Government**
Queensland Health

COPY

MEMORANDUM

To: Dr Steve Buckland, Director-General

Copies to:

From: Dr Gerry FitzGerald
Chief Health Officer

Contact No: (07) 323 41137
Fax No: (07) 322 17535

Subject: Review of Clinical Services, Bundaberg Hospital

File Ref:

Please find attached the terms of reference for the Review of Clinical Services at Bundaberg Hospital for your consideration and endorsement.

Your authorisation is also sought under section 57 (4) (a)(ii) of the *Health Services Act 1991* for the Chief Health Officer to receive information from the appointed Investigators of the Review of the Clinical Services at Bundaberg Hospital.

My report of the Clinical Audit into the Care of Surgical Patients at Bundaberg Hospital has been reviewed by the Director, LALU, who has advised that there are no FOI exemptions in the report, and as such may be released (attached email). I have no objections to the report being released.

Dr Gerry FitzGerald
Chief Health Officer

16/4/05

REVIEW OF CLINICAL SERVICES BUNDABERG BASE HOSPITAL

Background:

Following concerns raised by staff of the Bundaberg Base Hospital the Chief Health Officer Dr Gerry FitzGerald with the assistance of Mrs Susan Jenkins of the Office of the CHO conducted a clinical audit of surgical services at Bundaberg Hospital. Before this audit could be completed, the matter was raised in parliament and the Director of Surgery named as a cause of significant mortality and morbidity. The matter has subsequently been the subject of extensive public attention.

The clinical audit revealed four broad issues of concern.

1. That Dr Patel appeared to practice outside the scope of practice of Bundaberg Hospital. Specifically he undertook operations which the hospital was not in a position to support. Some of these patients did not survive. In addition he appeared to retain patients whose condition deteriorated when they would best be transferred to a hospital with higher capacity.
2. That Dr Patel appeared to have a higher complication rate than other hospitals of similar standing.
3. That there appeared to be a lack or failure of systems and structures that would support the quality and safety of health care.
4. That as a result of these issues, there is considerable disharmony at the Bundaberg Hospital.

The Minister and Director-General upon receipt of that advice determined that a further review should occur into the issues raised in the clinical audit so as to ensure that the standard of clinical care at the hospital was consistent with accepted standards.

Purpose:

To ensure that the clinical outcomes at Bundaberg Hospital are in accordance with accepted professional standards.

Authority:

The review has been authorised by the Minister and the Director-General. The Members of the review panel are appointed as Investigators in accordance with Part 6 of the Health Services Act.

Membership:

The review panel shall comprise:

Dr Mark Mattiussi, District Manager and District Director of Medical Services at the Logan-Beaudesert Health Service District.
Dr Peter Woodruff, Vascular Surgeon at the Princess Alexandra Hospital
Dr John Wakefield, A/Executive Director of the Queensland Health Patient Safety Centre.
Adjunct Associate Professor Leonie Hobbs, A/Executive Director for Women's and Newborn Services RBWH.

(Dr Mattiussi will lead the team).

Terms of Reference

1. Examine the circumstances surrounding the appointment, credentialing and management of Dr Patel.
2. Review the clinical cases of Dr Patel where there has been an identified adverse outcome or where issues related to his clinical practice have been raised.
3. Analyse the clinical outcomes and quality of care across all services at Bundaberg Hospital. Compare with benchmarks from other states or other like hospitals and identify any areas requiring further review or improvement.
4. Review the Risk Management framework as it relates to the provision of direct services at Bundaberg Hospital to determine its effectiveness. Make recommendations in relation to improvements to these systems.
5. Examine the way in which the Service Capability Framework has been applied at Bundaberg Hospital to determine that the scope of practice is appropriately supported by clinical services.
6. Consider any other matters concerning clinical services at Bundaberg that may be referred to the review by the Director-General.
7. Should the review team identify other areas of concern outside the scope of these Terms of Reference, the Director-General is to be consulted to extend the Terms of Reference if considered appropriate.

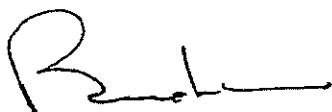
Process:

The panel will commence its considerations by the 18th April 2005 and will provide a report through the Director-General to the Minister by the end of June 2005.

The Panel will work closely with the management and staff of the Bundaberg Hospital.

The Panel will consult with key stakeholders, community representatives and staff in undertaking its consideration and preparing its findings and report.

~~APPROVED / NOT APPROVED~~



Dr Steve Buckland
Director-General

18 10/2005

I, Dr Steve Buckland, Director-General, Queensland Health, hereby authorise:

Dr Gerry FitzGerald, Chief Health Officer

Pursuant to section 57(4)(a)(ii) of the *Health Services Act, 1991*, to receive information from the appointed Investigators of the Review of the Clinical Services at Bundaberg Hospital.



Dr Steve Buckland
Director-General

18 04 /2005