

Dr Helen Tsigounis  
18 Longview Avenue  
East Bentleigh, Melbourne, 3165  
Victoria, Australia

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## **SENATE INQUIRY INTO MEDICAL COMPLAINTS REGIME**

**Independent Senator Nick Xenophon (South Australia)**

**Independent Senator John Madigan (Victoria)**

**Committee**

**This Submission with its attachment will be forwarded by email to both Senators and forwarded to secretariat of the committee**

Dear Independent Senators of this committee, I note the **Terms of Reference** to this inquiry and would like to state that this submission is highly relevant.

In particular it covers a, c, d, g and h of the terms of reference

This is a horrific story, where I have been targeted and persecuted by the Medical Profession in Australia.

### **A SUMMARY OF MY PERSONAL AND REGISTRATION HISTORY**

My name is Helen Tsigounis and I am Australian born from Greek parents who migrated to Australia with my grandparents in the 1950s.

I attended High School at Korowa Anglican Girls School in Melbourne

I completed a medical degree at Monash University in 1997 [MBBS]

I worked as an Intern at Frankston Hospital in Melbourne in 1998

I left Australia and went to Greece in 1999

I passed reciprocity medical exams in Greece in 2000

I worked as an Anaesthetic and ICU registrar in Athens in 2001, 2002.

I returned to Australia with the hope that I could live and work in the country that I was born.

I was employed at the Townsville Hospital in Queensland in 2002, 2003

The Medical Board of Queensland (MBQ) made a decision to Barr me indefinitely from the medical Profession based on incompetence.

I Appealed the Boards Decision in Legal action which began in 2003 and ended in 2007..

I have since, not been able to work as a doctor in my country and have been extremely traumatised by the events.

Some of the actions against me by members of the medical profession and members of the Medical Boards can be defined by law as "corrupt conduct" under the "*Criminal code Act 1995*" (Common Law) and "Criminal" under "*the Crimes Act 1914*"

I would firstly like to alert the Committee to a private publication of a book that I wrote to which I will be making references to, "***The Red Back Web Book***", ISBN: 978-960-93-2463-2. **Reference 1.**

It comprehensively sets out the Medical Boards conduct in my matter, the complaints levelled against me which became court evidence, and other relevant issues to this Inquiry.

All the references made in this document to particular sections of this book can be found in Court evidence in the Case of (Dr Helen Tsigounis v Medical Board of Queensland0 [D1136 of 2004].)

The Book dialogue has the references to the court evidence.

For convenience I will be referring to this book instead of directly referring to the court evidence.

"*The Red Back Web Book*" is technically a legal document as it stands on its own, and because it has previously been submitted to State Parliament.

I would also like to refer to the Senators to 3 published articles on my matter in "*Independent Australia*" by Investigative Journalist, David Donovan. **Reference 2.**

## **1. FRANKSTON HOSPITAL AND THE MEDICAL BOARD OR VICTORIA (1998, 1999)**

**Abuse of Power.**

**Bullying and Harassment,**

**Trivial complaints**

**Singled out,**

**Witch-Hunting.**

**Denial of Natural Justice,**

**Lack of Due Process**

**Lack of transparency.**

The evidence to my claims is in a *Memorandum of the Events at the Frankston Hospital* written by a lawyer during that period and exhibited as evidence in the District Court Case .

This evidence is copied in *(Ch3, pp113-130)*. **Reference 1**

## **2. TOWNSVILLE HOSPITAL AND THE MEDICAL BOARD OF QUEENSLAND (2002-2007)**

**Abuse of Power**

**Institutionalised Bullying**

**Harassment**

**False complaints**

**Trivial complaints**

**Delayed Complaints**

**Malice**

**Intent to cause harm**

**Administrative errors**  
**Administrative irregularities**  
**Administrative inconsistencies**  
**Denial of natural justice**  
**Lack of procedural fairness**  
**Flawed procedure and process**  
**Reckless Mismanagement**  
**Lack of Transparency**  
**Lack of Accountability**  
**Fraud**  
**Failure of the MBQ to comply with the legislation which governs it, *The Medical Practitioners Registration Act of Queensland 2001* (“the Act”)**

“The Act” states (s11) that the function of the Medical Board is to monitor and enforce compliance to “the Act” and to register persons who satisfy the requirements of registration.

It further states that the Board must act independently, impartially and in a way that is consistent and with a proper consideration of the issues at hand.

It is clear from the following that the MBQ was in many ways in breach of “the Act”

- (i) MEDICAL BOARD OF QUEENSLAND - Failure to Register, Flawed MBQ Process and Procedure, Administrative errors, irregularities and inconsistencies, lack of transparency and accountability and failure to comply to “the Act”**

At the time I resigned from the Townsville Hospital on the 12<sup>th</sup> May 2003, all my official reports and Assessments by my supervisors revealed an above average performance.

These reports were sent to the MBQ by the hospital and by myself in April of 2003 in support of an application in which I made for a higher level of Registration.

In fact, as is clear from court documents, the Hospital assumed that my application would succeed and promoted me in this new position as an RMO (Resident Medical Officer).

Instead of granting me this new registration based on official documents, the MBQ sent a delegate, Dr Karen Yuen to the hospital, a few days after I resigned, to inquire about my performance and Competency.

Dr Karen Yuen spent 2 days investigating me and then wrote a report which was included in the MBQs Show Cause Notice (June 11<sup>th</sup> 2003) .In her report she informs me that MBQ rejected my registration based on incompetency. She stated the complaints against me as she discovered during her “visit” to the Townsville Hospital.

During the next 10 months, the MBQ continued their investigation into my performance, coming up with more complaints against me and presenting them to me in an ad hoc manner throughout this period.

The complaints were not brought to my attention whilst I was employed at the Townsville Hospital. The Medical Board's decision was made on the 23 March 2004 to cancel my registration as a doctor indefinitely based on incompetency.

They presented me the final complaints that they would rely on to justify their decision.

The Annexure to Ch. 1 pp74-77 of *The Red Back Web Book* reveals the MBQ's process and procedure illustrating the above stated flaws. **Reference 1**

## (ii) THE MBQ COMPLAINTS

The complaints levelled against me by the MBQ and its witnesses are all included in signed Affidavits before the District Court of Townsville and are referred to in my Book.

**“The Acute Bacterial Meningitis Patient”, as it was referred to by the MBQ.  
The most serious of the complaints as stated by the MBQ during the Court Hearing**

Dr Karen Yuen's Evidence (MBQ) (June 11<sup>th</sup> Show Cause Notice) (pp245,,246 of **Reference 1**)

Dr Karen\_Yuen states the following

*“Dr Tsigounis saw a patient with meningitis in the Emergency Department. A lumbar puncture was performed, the patient was given a stat dose of antibiotic and sent home. The patient was later recalled when the lumbar puncture results indicated bacterial meningitis”*

This is the only information that was given to me in relation to this incident.

The patient's name was not identified and his medical records were not made available.

How was I to respond to this statement?

My lawyers sent repeated letters to the MBQ over a 10 month period asking for more details.

The MBQ refused to comply.

The Medical records of this patient were made available on the first day of the court hearing (23/8/2004) in compliance to a subpoena.

The patient was identified as patient “JY. His Medical Records were exhibited as evidence during the Court Process( pp251-262 of **Reference 1.**)

What was revealed was horrendous, this patient did not have bacterial meningitis but a simple Headache. All tests performed were normal excluding the diagnosis of bacterial meningitis..

I did not perform a lumbar puncture, but this procedure was performed by another doctor the next day when JY represented with his headache.

The lumbar puncture results were negative and excluded the diagnosis of bacterial meningitis as did all other tests performed during this second visit to the Emergency Department.(ER)

It was revealed from the medical records that JY had many presentations to the (ER) with exactly the same symptoms as when I had seen him. Comparing the notes it was revealed in Court that my treatment of this patient was exactly the same as previous doctors that had seen him in the years prior to this particular admission.

Surely Dr Karen Yuen looked at the medical files of this patient during her 2 day visit and investigation. It was revealed in the evidence of the court case that medical records of patients are easily available to doctors.

Dr Karen Yuen either invented the complaint or falsified the truth from the medical records.

Despite having the Medical Records before them on the first day of the court hearing, the MBQ continued to maintain their claim in relation to this patient.

In fact they disclosed the false information to the Townsville Bulletin on day one of the District Court Hearing and it was reported on the front page of this newspaper the next day as a *bacterial meningitis Patient*.

It is clear that the Medical Board had intent to deceive and mislead the court and the public.

Dr Karen Yuen commits ongoing fraud in relation to her complaints against me as in the June 11<sup>th</sup> Show Cause Notice of 2003.

She states the following (p246 of Reference 1):

*“Dr Tsigounis discontinued her Emergency Department term after 2 weeks and Dr Hodges arranged another term for Dr Tsigounis. Following this, Dr Tsigounis showed no apparent insight into the implications on the work load of the Other Emergency Department Medical Staff”*

It was revealed by Hospital records that were subpoenaed from the Townsville Hospital that I worked in the Emergency Department for 18 weeks, a normal rotation being 10 weeks as revealed by “the Act” (Court Evidence-Exhibit)

Dr Yuen makes this statement despite having had access to the Medical Records from Medical Administration during her 2 day visit to the Hospital.

Her Claim was also stated despite the fact that these records were sent to the MBQ with my application a month previously by myself and the hospital administration in support of my application

In evidence Dr Hodges admits that Dr Yuen’s statement was false.

At the very least The Board failed to exercise its power under section 93 of “the Act” so to at least test the allegations put forth

Evidence of Dr David Cooksley (Letter to MBQ dated 22/10/2003) (p250 of Reference 1)

Dr Cooksley was one of The MBQ’s key witnesses

Dr Cooksley states the following:

*“Dr Tsigounis attended a patient with acute bacterial meningitis. She correctly diagnosed this condition and performed a lumbar puncture. One dose of Intravenous antibiotic was administered but Dr Tsigounis then discharged the patient from the emergency department without discussing the case with the registrar. The patient was then recalled to the Emergency Department and fortunately suffered no harm from the incident”*

Under cross examination, I handed Dr Cooksley the medical records of this patient, pointing out the gross falsities in his statements.

Dr Cooksley became aggressive and said he had not seen this patient nor had he seen the patient's medical records when making his statements.

He made repeated and detailed false statements over a 10 month period included in his signed Affidavit knowing the consequences of such actions

Dr Cooksley was clearly malicious with an intent to cause harm.

### **The Cervical Rectal incident complaint**

This is a complaint based on false, inconsistent hearsay material that is reported differently by each doctor's version.

This was inadmissible evidence by Australian Standards but despite this the Medical Board chose to rely on it and include it in the evidence before the Court of Law..

This complaint was also given to the Townsville Bulletin by the MBQ and was reported as fact.

I

Dr Karen Yuen reports the following - June 11<sup>th</sup> 2003 “Show Cause Notice”(p 246 of **Reference 1**)

*“A patient required a rectal swab. A rectal swab was performed, then a vaginal swab using the same swab. The patient asked, Are you a doctor?”*

Despite being specific, Dr Yuen fails to identify the patient or the medical records. In fact, neither was ever identified.

Dr David Cooksley states the following. ((22/10/2003- Letter to MBQ) (p 262 of **Reference 1**)

*Dr Tsigounis attended a female patient who required a high vaginal swab. Dr Tsigounis took the patient to the paediatric room. This was an inappropriate location for undertaking that kind of procedure, as a dedicated gynaecology room is available. Whilst attempting to take the vaginal swab, Dr Tsigounis inserted the swab into the woman's rectum before using the same swab for the high vaginal specimen. The patient asked DrTsigounis if she was actually a doctor”*

During his cross examination Dr Cooksley said he had not seen the patient but had heard about it from a nurse he could not remember to identify..

Dr Julia Ashley (MBQ Witness) makes a statement to the Board which she includes in her signed Affidavit.

She states the following (p 263 of **Reference 1**)

*"A lady was taken to the paediatric room for a pelvic examination and according to the nurse Helen swabbed the rectum before using the same swab for the cervix"*

When cross-examined in Court she could not remember who the nurse was who told her this information, nor could she identify the name of the patient or the medical files.

Dr Mark Elcock, MBQ Witness, states the following:  
(Letter to MBQ dated 11/2003 ) (p 264 of **Reference 1**)

*"PV(Vaginal) examination without chaperone.  
Inserted speculum into anus accidentally and apparently then inserted pv once patient told her it was in the wrong spot"*

Once again no patient was identified nor any medical records made available. He could not remember who told him this information during cross-examination.

Dr Niell Small was on leave when I worked at the Townsville Hospital.

When this was pointed out to him during his cross examination, using subpoenaed hospital records, he had to accept this was the case.

Despite the above he makes the following statement to the MBQ, 10 months after I left the hospital. .  
(pp264-265 of **Reference 1**)

*"A senior nurse reported an incident in which a speculum was inserted in the anus of a patient by Helen"*

The patient was never identified nor were any medical files

A speculum is very different to a swab as I established during the court hearing.

Dr Small states the following during cross examination when asked what the difference is:

*A speculum is used to perform a vaginal examination. It has a blade about 5 inches long and 1.5 wide.*

*A swab is a small stick or a metal wire with a collecting bit of wool at the end.*

He then denies any possibility one could confuse the two.

Surely the MBQ could clearly see the inconsistency of the statements, but despite this used all 4 versions of this alleged incident to further their cause.

### ***The Trivial Complaints***

The Medical Board solicited, through their lawyers, further trivial complaints that were common practice amongst doctors (which all 4 of the expert witnesses called in court agreed to). Despite this they were accepted as complaints and later used as evidence by the MBQ. All these complaints were sent to the MBQ in February of 2004. They were all presented in signed Affidavits.

Lawyers acting for the MBQ were identified by hospital staff visiting the hospital during this Show Cause period that lasted for 10 months, looking for more complaints . This was stated by witnesses called by the MBQ when asked in evidence why they made their complaints in a grossly delayed fashion. [pp244-245- of *The Red Back Web, evidence by Nurse Webber, Nurse Lawty and Dr Lucas*] **Reference 1**

The most bizarre of these "trivial complaints was when Nurse Rachael Neill made the following formal complaint to which the MBQ accepted and included in their evidence!.

This complaint was also made in February of 2004.

This nurse stated that my L looked like a C when I wrote down a drug order. During her cross examination, I asked Nurse Neill "*Did you have your glasses on when you looked at the chart?*", whereby she answered "*I wear my glasses every day at work*" (pp 271 of **Reference 1**. Even the District Court Judge-Judge Clive Wall said during the Court Hearing that the nurse was Mistaken and that my L indeed looked like an L and not a C.

**Another bizarre complaint made by Dr Niell Small which was accepted by the MBQ and included in their evidence before the Court.**

Dr Niell Small was on leave during my employment at the Townsville Hospital. This was established by Court Documents.and before the Court that I did not improve during my time as a junior doctor at the Townsville Hospital.!

During his cross examination he admitted that he was indeed on leave and that he had never had any clinical contact with me.



### 3. THE LEGAL PROCESS

**The Judicial process was flawed involving a cover up of the corruption by the MBQ and its witnesses.**

District Court of Townsville [Dr Helen Tsigounis v Medical Board of Queensland D1136 of 2004]  
[Wall DCJ] First Part 23/8/2004-25/8/2004, Second Part 31/1/2005 -11/2/2005  
District Court Judgement:: Tsigounis v Medical Board of Queensland [2005] QDC 103 (11 May 2005)

Supreme Court of Queensland Hearing: 2006 QCA 295 (2, 3 August 2006)  
Supreme Court Judgement: Tsigounis v Medical Board of Queensland [2006]  
QCA 295 (15 August 2006).

A 10 page document with attachments of evidence was filed with the High Court of Australia alleging, cover up of MBQ corruption, legal and judicial perversion to the court of justice, uncorrected errors of Law made by previous Judges and Judgements based on Fraud.

High Court of Australia, Leave to Appeal was rejected.

High Court Judgement: Tsigounis v Medical Board of Queensland (2007) Trans 234 (24 May 2007)

A submission was made to the Chief of Justice of Queensland, The Honourable Paul De Jersey, AC on the 25 September 2013, forwarding also a copy of my book, "*The Red Back Web*" which supported my claims.

This was not responded to.

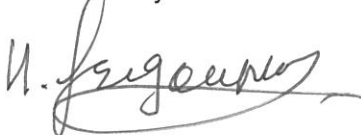
I believe my case needs to be reviewed and resolved because of a departure from the rule of law and It's gross violation of my humanity and thus the Australian Constitution.

It appears that some of these problems are widespread national issues and that my situation has similarities to other cases of doctors who have been targeted

As a final note, I would like to refer the Senators to another article published in "Independent Australia", "*Psychological False Imprisonment in Australia*" by Dr Leong Ng. **Reference 3.**

I hope my submission is of help to the Inquiry

Yours Sincerely



Dr Helen Tsigounis

## REFERENCES

1. *The Red Back Web Book* by Dr Helen Tsigounis..

This is given as a separate pdf document, an attachment to this submission.

2 .David Donovan. *Keeping the Doctor Away*, three articles.(Part 3 has links to Parts 1 and 2).  
Independent Australia.

<https://independentaustralia.net/life/life-display/keeping-the-doctor-away-part-3,4489>

(iii) Dr Leong Ng, "*Psychological False Imprisonment in Australia*". Independent Australia.

<https://independentaustralia.net/australia/australia-display/psychological-false-imprisonment-in-australia,4794>