

**UNEDITED TRANSCRIPT**

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON REGISTRATION OF OVERSEAS TRAINED MEDICAL PRACTITIONERS MET IN THE BURNIE COUNCIL CHAMBERS, 80 WILSON STREET, BURNIE ON WEDNESDAY, 15 APRIL 1998**

**Dr CHUANBO (JACK) CHEN**, BASED AT THE NORTH WEST REGIONAL HOSPITAL, BURNIE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIRMAN** (Mr Wilkinson) - I understand you want to give your evidence in camera, in other words in private.

**Dr CHEN** - Yes.

**CHAIRMAN** - We have no problem with that. I also understand that you have a circular or document you want handed around and I can indicate that that will not be published either so please feel free to say what you want to say, knowing that only the members of the committee will hear what you are saying and also read what you say.

**Dr CHEN** - Thank you very much.

**CHAIRMAN** - As a matter of form can I ask you to state your full name and address and the capacity in which you appear, please.

**Dr CHEN** - My name is Chuanbo Chen. I use Jack because it is more convenient for local doctors and patients; normally people call me Jack. My address is the North West Regional Hospital.

**CHAIRMAN** - And your qualifications, Jack?

**Dr CHEN** - My qualifications are MD, degree of medicine. It is qualifying ... university of medico-science in Quamchung(?) in the Peoples Republic of. China. I also completed my PhD study at Sydney University in 1995.

**CHAIRMAN** - And you are working at the North West Regional Hospital?

**Dr CHEN** - That is right.

**CHAIRMAN** - As a general practitioner?

**Dr CHEN** - No, I have been working there as a medical registrar in the medical office.

**CHAIRMAN** - Thank you. Please tell us what you wish.

**Dr CHEN** - Right. I would like to submit ..... I am sorry I do not have five copies but you might have a look. This could be published - for publication.

**CHAIRMAN** - It can be?

**Dr CHEN** - Yes.

**CHAIRMAN** - Did you want to take us through this, Jack, because I am the only one at the moment who has a copy in front of me.

**Dr CHEN** - Yes, that is right. Actually I just thought I might. I am very happy, I am really grateful to the leaders of the Burnie Hospital who brought me here to work. I have been working here for one year. Over the last one year I work very hard. I had a lot of experience before coming to Australia. I had been working in a teaching hospital which had more than one thousand beds - a very big teaching hospital in China. Once in charge as a leader in medicine, attending physician as a specialist. I was an endocrinologist, the head of the Department of Accident and Emergencies at that teaching hospital for more than ten years.

I have also had extensive publications in areas of medicine. My original papers have been published in international leaflet ... in Australia, USA, China, Italy, Germany and the UK.

I have been working as a senior RMO and medical registrar in North West Regional Hospital in Burnie for one year. I am providing an excellent service for patients and I have made a great contribution to patient care and enhanced hospital community relations. I have had positive response from the leaders of the Burnie Hospital, my colleagues and also my patients. Recently I was asked by the leaders of the Burnie Hospital to develop a protocol for the management of cardiac related chest pain, a guideline for the department of emergency. It has been demonstrated that this guideline is practical, is very useful to enhance the qualities of medical care. I have been teaching many registrars, quite senior doctors, resident medical officers, interns, undergraduates from medical - graduates from Australian medical schools.

**CHAIRMAN** - So you have a lot of experience obviously.

**Dr CHEN** - Yes, that is right. I passed the MCQ examination run by the Australian Medical Council in 1994. However, I failed the clinical exam in 1997. According to the evidence in my possession, I was treated unfairly by one of the examiners in medicine, exam in that part. I had a marginal failure in that part of the exam. Finally they made a decision - failed the whole of the clinical exam. As a result my full registration had to be prevented and this is the evidence I am going to present today: my right to appeal to the council of ... community registration, overseas-trained medical practitioners to consider my medical registration. That is all.

**CHAIRMAN** - When you say you failed your clinical examination in 1997, you said it was only a marginal failure in one area.

**Dr CHEN** - Yes, one area, and that is my stronger area.

**CHAIRMAN** - How many areas were there?

**Dr CHEN** - I think more than sixteen years.

**CHAIRMAN** - How many areas? You say you failed in one small area.

**Dr CHEN** - A small area. I can even recall from the first sentence to the last sentence of that part of the examination. ... worked with the Australian Medical Council and they know (I appeared) and they all say I did very well, I performed very well during the examination. The reason they failed me because they say my spoken English ... - one of the examiners. It is unusual to fail me in this context.

**CHAIRMAN** - You believe they failed you because of your English?

**Dr CHEN** - That is what they say.

**CHAIRMAN** - Okay. Where did you do that exam?

**Dr CHEN** - In Sydney.

**CHAIRMAN** - When you came to Australia, were you told the ground rules? In other words, were you told you were coming with a limited registration and to get full registration - please tell me if you do not understand - and to get full registration you needed to sit this exam?

**Dr CHEN** - When I came here I had no intention to stay here but after I completed my PhD study in Sydney there was a political and social and family - the usual things - and then I had to stay in Australia. Now I am an Australian citizen.

**Mr HARRISS** - Just related to that, Jack, you mentioned some PhD studies which you have completed at Sydney University.

**Dr CHEN** - That is right.

**Mr HARRISS** - Does the Australian Medical Council take into account the fact that you have completed that component of your professional qualification here in Australia?

**Dr CHEN** - I do not think so. I have no evidence to support this idea, no. But they should because - they should but they have not because my spoken English is no good. Because I am quite old it is very difficult for me to - if I spoke fluently like you ... normal actually.

**CHAIRMAN** - You speak better English than most Chinese.

**Dr CHEN** - Yes, there is a big difference between Chinese and English, a really big difference. The examiners who listened to my English they must - the examiners must understand the difficulty of the Chinese, the difference between this language. Although my spoken English is not perfect, my written English has been described as the best in this hospital. I have written out my medical records very clearly and concise, easy for anybody to follow and not one person, not one doctor or one nurse - they are happy with my written English. They say my written English is the best in RMO, in the registrar ... doctor running the consultant.

**CHAIRMAN** - Did you have a word to your examiners and say, 'Am I able to write down the answers as opposed to speak the answers?' or isn't that allowed?

**Dr CHEN** - I do not think so.

**CHAIRMAN** - So the tests you have are oral tests?

**Dr CHEN** - Oral, from the beginning to the end. The clinical examination is totally oral.

**Mr LOONE** - How long have you been in Australia?

**Dr CHEN** - Twelve years. The problem is that I spent so many years in Sydney University to do a research job and that is normally a laboratory job and I have less opportunity to talk with the local people. Actually my spoken English has much improved over the last year. When I came to this hospital possibly I cannot speak like this ... but now I have no problem at all. Now I spent most of the time in Casualty in this hospital and I have no problem at all.

**Mr SQUIBB** - Can I just clarify that? You were in Sydney basically at the university for twelve years?

**Dr CHEN** - I would say nine years or something.

**Mr SQUIBB** - There is a period here from 1986 to 1989 - three years, which is unaccounted for. What were you doing in that period of time?

**Dr CHEN** - During that period of time I did some observation at the RPA Hospital in Sydney and also to prepare for this exam actually.

**Mr SQUIBB** - So while you were in New South Wales did you practise other than in a teaching position?

**Dr CHEN** - No, just as observation because my professor said it is better to go back and practise my medicine. So he allowed me, my supervisor in Sydney University, ... to work with the registrar, my doctors in the RPA Hospital in Sydney.

**Mr SQUIBB** - So since you have been in Burnie you have been practising under provisional or conditional registration?

**Dr CHEN** - Yes, it is conditional.

**Mr SQUIBB** - How long for? How long is your registration - when does your registration expire?

**Dr CHEN** - At the end of this year.

**Mr SQUIBB** - At the end of December?

**Dr CHEN** - Yes.

**Mr SQUIBB** - Are you able to renew your temporary registration?

**Dr CHEN** - Possibly yes, possibly no. That is why I am coming here. Virtually I am not a regular reader of the local newspaper but why I come here is one of my patients, most of my patients they know me and know I have this problem. They are concerned with my registration problem and they presented the newspaper to me, forwarded it to me, 'Why not contact this council. They might help you'.

**CHAIRMAN** - Do you think that we should be able to register you, Jack, or do you think because we are not doctors we do not have the expertise to say whether you are expert or not. Do you know what I am saying?

**Dr CHEN** - I say yes because the reason I come here is I need somebody to help me and also I think I need - my patients say 'I want to see you but I'm unable to see you because your registration problem' and I have evidence but it is possibly in private. Many of my patients really highly appreciate my service. I would say over the past year I have saved at least 2 000 patients lives; they really appreciate my service.

**Mr LOONE** - Do you want to stay here in Burnie? Is it your target to stay in Burnie or do you want to get registered so you can move around various hospitals?

**Dr CHEN** - Of course I like to work here because I like the people here. Now there is an over supply of doctors, in Sydney in particular. One of my patients in Ulverstone said, 'I tried to see a GP and then the bookings are two weeks ahead. After two weeks I had to cancel my appointment because I was getting better. I don't need to see you at all'.

**Mr SQUIBB** - At the end of this year in December, if your provisional registration is not renewed, what options do you have available to you as an Australian citizen to be able to continue to practise medicine?

**Dr CHEN** - I think it is very difficulty to meet. I have no intention to use evidence to gain a ... party. Because I am still allowed to resit the examination I will try to resit the examination. This is also my goal.

**CHAIRMAN** - When would you sit the examination?

**Dr CHEN** - The written exam - the AMC have already changed the regulation; I have to sit the written exam again.

**CHAIRMAN** - Did you pass the written examination?

**Dr CHEN** - I did pass in the past. They said I needed to resit the written exam, so I will resit the written exam next October.

**Mr SQUIBB** - So you need to resit the written exam even though you have already passed it.

**Dr CHEN** - Yes, that is right.

**Mr SQUIBB** - How long ago did you pass that again? 1994, was it?

**Dr CHEN** - 1994.

**Mr SQUIBB** - Four years ago.

**Mr HARRISS** - Is there a time where the council says the written exam still is recognised? Did they say, 'If you resit the clinical within a year we still accept your written'?

**Dr CHEN** - No, they did not say it precisely like that, but to my understanding it is not recognised.

**Mr HARRISS** - You would have to do that lot regardless.

**Dr CHEN** - I would have to do it all again, yes.

**Mr HARRISS** - Even if it is only six months after?

**Dr CHEN** - Yes, that is right. They have not changed the regulations, it is tougher and tougher now.

**Mr SQUIBB** - Is it possible for you to study for those exams while you are still working at the Burnie Hospital?

**Dr CHEN** - Yes, it is possible.

**Mr SQUIBB** - Where do you actually sit the exam?

**Dr CHEN** - The written exam is possibly in Launceston. Because I might go back to Sydney they can set it in a capital city, or something like that. Here I know some of my colleagues went to Launceston to sit the exam.

**Mr SQUIBB** - Are you currently working under the direct supervision of another medical practitioner?

**Dr CHEN** - No.

**Mr SQUIBB** - So you are in charge of your own -

**Dr CHEN** - Yes, I am working independently.

**Mr SQUIBB** - Are you only taking public patients?

**Dr CHEN** - Yes, that is right.

**Mr SQUIBB** - No private patients -

**Dr CHEN** - That is right.

**Mr SQUIBB** - but you cannot get a provider number.

**Dr CHEN** - No.

**CHAIRMAN** - Jack, is part of your condition that you be able to work here that you be under supervision? I say that because I understand that is the case with some: that part of their conditional registration is that they be under supervision, and yet they are not under supervision.

**Dr CHEN** - I would say yes. In fact during the practise I am doing much better than the local doctors; I am even doing better than the specialist because we have medical care here. Possibly the interns might do better than the specialists in some cases. Overall every doctor is sharing the care of every patient;

we share together. It is hard to say. Certainly even a doctor before registration ... under supervision by the specialist, under the specialist's supervision.

**CHAIRMAN** - Do you have any questions, John?

**Mr LOONE** - Just one thing, Mr Chairman. If your registration is not renewed so you can continue to operate at Burnie, what is the alternative for you? Do you have to go back to Sydney? Can you accept a position in another hospital or do you have to apply for registration again?

**Mr SQUIBB** - That is assuming he does not do the exams.

**Dr CHEN** - I need to sit the exam.

**Mr SQUIBB** - But if you do not -

**Dr CHEN** - Possibly I have no opportunity of going back.

**Mr SQUIBB** - If you do not sit the exam or you do not pass the exam, what are your opportunities?

**Dr CHEN** - Very little. I think probably I would consider other jobs.

**Mr SQUIBB** - In another country?

**Dr CHEN** - No.

**Mr SQUIBB** - But whatever job you took in Australia, one would assume you will be in the same situation as you are now.

**Dr CHEN** - Really difficult for me. If I am searching to work in Queensland or some rural area where they need a doctor urgently; they might consider my application.

**CHAIRMAN** - You did your university in China and you did your early training in China. Is that right?

**Dr CHEN** - Yes.

**CHAIRMAN** - Are you able to go back there and train, or because you have been here for -

**Dr CHEN** - I tried. I even tried to go to Hong Kong and to China. I did try before coming to Tasmania but I found it very difficult because of the political problem in China. In Hong Kong they have a similar problem as in Australia.

**CHAIRMAN** - Right. So even though you have done your training and after you finished your training you were able to practise in China, because you came out to Sydney and did your work there, now you cannot practise in China because of the political problem and you find it difficult here unless you get full registration to continue practising in Australia.

**Dr CHEN** - That is right.

**CHAIRMAN** - It is a difficult situation.

**Dr CHEN** - That is right. I did try; I tried very hard to go back to Hong Kong and to China. You can see my visa is almost full. I went back to China, Hong Kong -

**CHAIRMAN** - There is another man here who has a full visa as well.

**Mr SQUIBB** - I have been to Hong Kong too.

**CHAIRMAN** - What ways, Jack, do you think the system in Australia can be improved? How do you think it can be improved?

**Dr CHEN** - I think, particularly in Tasmania in an area like this one, if some doctor had been working here and had been accepted by the local hospital and probably had experience and made a contribution to the Medicare of Australia and Tasmania for the benefit of the patients in the area like Burnie, or somewhere like that, they might have some change of the regulations to have this doctor have the full restriction approved.

**CHAIRMAN** - What about a prolonged conditional registration? In other words, it is only for two years now, is it not? Could it be for four years which would enable in your situation for your English to keep improving as it obviously is, as you have just said.

**Dr CHEN** - Yes, that is right. That is why I am very happy to keep working here while trying to improve my spoken English and finally I might have a chance to pass.

**CHAIRMAN** - Do you think doctors should be the only ones that are able to register you?

**Dr CHEN** - What do you mean by that?

**CHAIRMAN** - In other words, if I came to you and said, 'I want to be registered as a medical practitioner or a doctor', you are able properly to look at me at work because you are a doctor and therefore you can properly examine my work. But if you came to me - and I am not a doctor, I have training in law - and said, 'I want you to register me as a doctor', I know nothing about medicine and therefore should I be able to register you? Do you know what I am saying?

**Dr CHEN** - I understand you. The problem is the AMC who controls the registration I think in some aspects they are quite superfluous.

**CHAIRMAN** - Quite - sorry?

**Dr CHEN** - Superfluous. There is ... sort of benefit of the AMA; they would get rid of the other doctors.

**Mr SQUIBB** - Are you aware of the differences which apply between the various colleges of medicine? Some colleges set particular procedures to enable overseas-trained doctors to be registered; other colleges have a lesser -

**Dr CHEN** - I did try. I was a specialist in China. They say send the documents, they are going to have my speciality to be recognised by the Australian College of Physicians because they asked me to send more documentation, but the Chinese government refused to give me the documentation. So I just suspended that.

**Mr SQUIBB** - At this point in time you are not seeking specialist registration are you?

**Dr CHEN** - Not yet.

**Mr SQUIBB** - You are only seeking general, as a medical practitioner.

**Dr CHEN** - Yes, because I found it is really difficult for me with no documentation, although I have many publications. They said, 'Okay, if you can send some publications we might consider it', but they did not.

**CHAIRMAN** - That is in endocrinology, is it?

**Dr CHEN** - Yes, that is right.

**CHAIRMAN** - Is there anything else you wanted to say to us, Jack, because we have appreciated what you have said.

**Dr CHEN** - No, thank you very much.

**CHAIRMAN** - I wish you well with your endeavours to become fully registered. This council, though, is looking into the problems that there are in rural medicine and also the problems that people like you are experiencing and hopefully we will be able to come up with some suggestions which may be of some use.

**Dr CHEN** - Thank you very much. Thank you, everybody.

**THE WITNESS WITHDREW.**