

DCC2014 1923/05 JCO-G

MEDICAL TRIBUNAL OF NEW SOUTH WALES

DEPUTY CHAIRPERSON: JUDGE Margaret SIDIS

THURSDAY 31 MARCH 2005

IN RE DR JOSHUA DEVSAM AND THE MEDICAL PRACTICE ACT

JUDGMENT

DEPUTY CHAIRPERSON:

1. In the matter of the complaint brought by the Health Care Complaints Commission against Dr Devsam, reasons for judgment were published on 10 March 2005 and various orders made.
2. It was subsequently drawn to the attention of the Tribunal that some confusion applied as to which of the various conditions previously imposed upon the practitioner's rights of practice by the New South Wales Medical Board continued and which had been determined as a result of the orders of the Tribunal.
3. The parties have appeared before me as the Deputy Chairperson today to resolve the issues that arose. I am satisfied that the conditions referred to in paragraph 23.4 of the reasons and in order 4 do not need clarification or rectification, on the basis that in order to secure a return of any drug authority in respect of schedules 4 and 8 the practitioner will be required to make application to the Pharmaceutical Services Board and will require, in accordance with the conditions imposed, the consent of the New South Wales Medical Board to any such application.

4. As far as paragraph 23.6 of the reasons and order 6 are concerned, it is apparent that condition 9 imposed by the New South Wales Medical Board in November 2001 has been determined as a result of the decision of the Tribunal, but that condition 3 imposed by the Impaired Registrants Panel, with the consent of the practitioner, in May 1997 continues. It is therefore appropriate that paragraph 23.6 and order 6 be amended to read as follows:

"The Tribunal recommends that condition 3 imposed on the practitioner's registration as a medical practitioner in New South Wales by the Impaired Registrants Panel operated by the New South Wales Medical Board as set out in paragraph 3.3 of these reasons be varied to read as follows:

To attend for random urine drug screening in accordance with the Board's protocol (a copy of which is included in the participant's handbook). Results of the urine drug-screening to be forwarded to the Board nominated and treating practitioners and to the Board. Urine drug-screening is to be at the practitioner's expense."

5. I thank the parties for their assistance in this matter. I will have those amended orders transcribed and forwarded to each of the parties.

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