

CITATION: Ladhams v Australian Health Practitioner Regulation Agency [2014] QCAT 23

PARTIES: Dr Andrew Ladhams
(Applicant)
v
Australian Health Practitioner Regulation Agency
(Respondent)

APPLICATION NUMBER: OCR005-14

MATTER TYPE: Occupational regulation matters

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Judge Horneman-Wren SC, Deputy President

DELIVERED ON: 20 January 2014

DELIVERED AT: Brisbane

ORDERS MADE: **IT IS THE DECISION OF THE TRIBUNAL THAT**
1. The application for a stay is dismissed.

THE TRIBUNAL DIRECTS THAT:

1. Dr Ladhams must serve the Application to review a decision, filed in the Tribunal on 15 January 2014, on the Medical Board of Australia, by 4:00pm on 22 January 2014;
2. The Medical Board must file five (5) copies in the Tribunal and give one (1) copy to Dr Ladhams of a written statement of reasons for the decisions and any documents in its possession or control relevant to the decision on review, by 4:00pm on 28 January 2014;
3. The matter be listed for a compulsory conference at 9.30am on 29 January 2014;
4. Dr Ladhams must file five (5) copies in the Tribunal and give one (1) copy to the Medical Board of his submissions and

any statements of evidence on which he intends to rely, by 4.00pm on 6 February 2014;

5. The Medical Board must file five (5) copies in the Tribunal and give one (1) copy to Dr Ladhams of its submissions and any statements of evidence on which they intend to rely, by 4.00pm on 13 February 2014; and
6. The matter be listed for hearing for a half day commencing at 9.30am on 20 February 2014.

CATCHWORDS:

PROFESSIONS AND TRADES – HEALTH CARE PROFESSIONALS – MEDICAL PRACTITIONERS – LICENCES AND REGISTRATION – where the Board took immediate action under *Health Practitioner Regulation National Law (Queensland)* s 156 and imposed conditions on the registrant's registration – where the registrant sought a stay of the Board's decision – whether a stay of the Board's decision should be granted

Health Practitioners (Disciplinary Proceedings) Act 1999 (Qld) s 398B, s 398ZC
Health Practitioners Regulation National Law (Queensland) s 9, s 156, s 199, s 199(1)(e), s 200

Azam v Medical Board of Australia [2013] QCAT 588
Chaudry v Australian Health Practitioner Regulation Agency [2013] QCAT 305

APPEARANCES and REPRESENTATION (if any):

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

REASONS FOR DECISION

- [1] On 15 January 2014 Dr Andrew Ladhams filed in the Tribunal an application to review the decision of the Queensland Medical Interim Notifications Group (the Committee) of 20 December 2013 to take immediate action in relation to him. The immediate action taken was the imposition of conditions on Dr Ladhams' registration.
- [2] The Committee decided to take immediate action following notifications in relation to Dr Ladhams diagnosing and treating patients by way of a

peripherally inserted central catheter (PICC) for Lyme disease. This included a notification alleging that there was a video online of Dr Ladhams treating a Jarisch-Herxheimer reaction in a patient who allegedly had Lyme disease in an environment which did not appear to be a general practice or hospital.

- [3] The conditions imposed on Dr Ladhams' registration included conditions which prevent Dr Ladhams from treating any patient with Lyme disease without first obtaining an opinion from an infectious disease specialist who is a fellow of the Royal Australian College of Physicians; inserting or requesting the insertion of a PICC or any other form of central venous catheter; and providing treatment which may cause a Jarisch-Herxheimer response outside a licensed hospital at which he has credentials to perform such treatment.
- [4] Dr Ladhams seeks a stay of the Board's decision. Pursuant to s 398ZC of the *Health Practitioners (Disciplinary Proceedings) Act 1999* the Tribunal is not able to stay the Board's decision.¹
- [5] The Tribunal has jurisdiction to review a decision to take immediate action under the *Health Practitioner Regulation National Law (Queensland)*² and Part 12A of the *Disciplinary Proceedings Act*.³
- [6] Section 398B in Part 12A of the *Disciplinary Proceedings Act* defines a reviewable decision as a decision mentioned in s 199 of the *National Law* that was made under Part 8 of that law. A decision to take immediate action is a decision mentioned in s 199, specifically s 199(1)(e), and is also a decision made under Part 8 of the *National Law*. Therefore it is a reviewable decision.
- [7] Section 398ZC in Part 12A of the *Disciplinary Proceedings Act* provides that if a registrant applies for a review of a reviewable decision made under Part 8, Division 7 of the *National Law* the Tribunal must not grant a stay of the decision.
- [8] In taking immediate action the Board has acted under s 156 of the *National Law*, which appears in Part 8, Division 7.
- [9] For these reasons the application to stay the decision must be dismissed.
- [10] While s 398ZC prevents the Tribunal from staying the Board's decision, it also requires the Tribunal to finalise the review as quickly as possible. For that reason I will make the following directions;
 1. Dr Ladhams must serve the Application to review a decision, filed in the Tribunal on 15 January 2014, on the Medical Board of Australia, by 4:00pm on 22 January 2014;

¹ See *Chaudhry v Australian Health Practitioner Regulation Agency* [2013] QCAT 305 and *Azam v Medical Board of Australia* [2013] QCAT 588.

² Section 199 and *Health Practitioner Regulation National Law Act 2009* (Qld), s 9.

³ Section 398C.

2. The Medical Board must file five (5) copies in the Tribunal and give one (1) copy to Dr Ladhams of a written statement of reasons for the decisions and any documents in its possession or control relevant to the decision under review, by 4:00pm on 28 January 2014;
 3. The matter be listed for a compulsory conference at 9.30am on 29 January 2014;
 4. Dr Ladhams must file five (5) copies in the Tribunal and give one (1) copy to the Medical Board of his submissions and any statements of evidence on which he intends to rely, by 4.00pm on 6 February 2014;
 5. The Medical Board must file five (5) copies in the Tribunal and give one (1) copy to Dr Ladhams of its submissions and any statements of evidence on which they intend to rely, by 4.00pm on 13 February 2014; and
 6. The matter be listed for hearing for a half day commencing at 9.30am on 20 February 2014.
- [11] The directions are directed to the Medical Board. This is because the proper parties to the proceeding are the person who is the subject of the decision and the National Board that made the decision,⁴ in this instance the Medical Board of Australia.