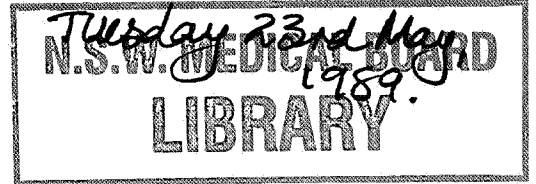


MEDICAL TRIBUNAL OF NEW SOUTH
WALES



DEPUTY CHAIRMAN : His Honour Judge H.H.Bell

Dr. T. I. Robertson

Dr. B. J. Pollard

Ms. J. Mc Clintock

In the matter of Alan Herbert Bilton, a registered Medical Practitioner, and the Medical Practitioners Act, 1938.

HIS HONOUR AND MEMBERS

Two complaints, both dated 11/11/1988, have been made by The Secretary of the Health Department relating to the Respondent, Dr. Alan Herbert Bilton who has been registered in N.S.W. as a Medical Practitioner since 1972.

The first complaint alleges professional misconduct, in that on 27/9/87 at Griffith Base Hospital he did self administer pethidine whilst on duty to anaesthetise (for) a patient at the said hospital.

The second complaint alleges that he has been addicted to a deleterious drug. Though the complaint does not stipulate it, the deleterious drug is pethidine.

On 8/5/1989 the Respondent by his Counsel, Mr.Murray, Solicitor, admitted both complaints and conceded that the appropriate order is that

his name be removed from the Register, having perused the material presented in support of the complaints, and in the light of these concessions, we made that order on that day and now, by arrangement, deliver our reasons.

FIRST COMPLAINT

The first complaint discloses that on Sunday night, 27/9/1987

the Respondent was rostered for duties at the Griffith Base Hospital where he was employed as a Locuma naesthetist/General Practitioner. He drew up the anaesthetic drugs in preparation for an operation but failed to attend for duty. He was later found asleep in a lavatory, apparently affected by alcohol and/or a drug.

Despite his initial denials, he later admitted to having injected himself with pethidine which almost certainly came from the hospital's drug supply.

He was clearly unfit to perform his duties on that occasion and soon afterwards his visiting rights to the hospital were withdrawn and his employment terminated.

On 27/6/1988 he pleaded guilty at Griffith Local Court to administering to himself a prohibited drug, to wit pethidine.

He placed before that Court reports from two psychiatrists, Dr.Barclay and Dr.Dawson. He gave a history

of poor physical health and mental depression due in part to the illness of his girlfriend. (She eventually died in March, 1988, and is variously described in reports as his girlfriend, his fiancée and his wife).

The Local Court was told that he had on 13/1/1988 received the benefit of s.556A of The Crimes Act, 1900 with a two year recognizance for driving with the prescribed concentration of alcohol in his blood. Nevertheless, the Court refrained from recording a conviction in respect of the drug charge though it found the offence proved and required him to enter a further recognizance to be of good behavior for three years.

The hopeful prognoses given by the two psychiatrists (see below) must be seen in the light of the evidence led in support of the second complaint.

SECOND COMPLAINT

This evidence reveals that in June, 1981, he was seen to administer pethidine to himself during an operation at which he was the Anaesthetist at The Wakefield Memorial Hospital in South Australia.

He later admitted to Dr.Perks, in whose practice he was

employed as Locum Tenens/Anaesthetist from 1/6/81 to 17/6/81 that he was and had since 1979 been addicted to pethidine and had been administering it to himself. It seems that he had on many occasions taken the drug from the hospital on the pretence of use as an anaesthetic.

He was dismissed from his employment and returned to N.S.W. It appears that no proceedings were ever taken against him in South Australia, though there was clear evidence both by way of admission and of an actual sighting of his actions by a nurse who was in attendance.

From the Curriculum Vitae that he presented to the Griffith Base Hospital, it appears that after his return from South Australia he worked for some time in General Practice with his father in Orange, coming to Sydney in 1983. He then gained employment at Royal Prince Alfred Hospital as "Director of Staff Health" and was attached to the Hospital's Pain Control Unit.

The records of Royal Prince Alfred Hospital are vague as to the precise nature of his employment there but it does appear that on 18/4/1983 he was acting as Anaesthetist at the King George V Memorial Hospital. Dr.Thornberry, the Anaesthetic Registrar, noticed that the respondent's breath smelt of alcohol but she thought him "fully in control". The patient's husband however complained that he was under the influence of alcohol and other medical

staff assumed control of anaesthesia. It also appeared that he had misappropriated a quantity of pethidine which was ostensibly for use as an anaesthetic.

Following that incident he was sent on sick leave and was seen over a period of months at the hospital's Drug and Alcohol Unit. He was eventually re-appointed to a "non clinical area". However, it seems that he continued to exhibit strange behavior and he was suspended from duty on 2/8/1984. After that he did not re-present for work though no formal action was ever taken against him by that hospital.

So far as we can ascertain his next employment was in general practice in Glebe during 1985 and 1986 after which he appears to have returned to Orange. Nothing is known about his behaviour during that period except that he told Dr.Barclay that the Glebe practice was "not viable" and that he had been defrauded, while the Orange practice was not large enough to support two doctors. He took a Locum position on the Central Coast and then went for a holiday overseas, returning, apparently, in about September, 1987.

His employment at Griffith commenced on 24th September, 1987 and concluded on 15th October, 1987. The Chief Executive Officer states that the Respondent's "professional competency and character was checked quite extensively prior to the appointment being granted; no unfavourable references were received". We are not aware what checks were carried out. We note that the Curriculum Vitae which he presented in Griffith

omitted reference both to his period in South Australia and to the circumstances in which his employment at the Royal Prince Alfred Hospital was terminated.

On 23/5/1988 after some treatment to which reference will be made in due course, he gained employment as Medical Registrar at Liverpool Hospital. He "presented credentials and these and his previous work experience were noted and accepted". We are not told what information he furnished about himself but it would appear that he must at some time, have disclosed that he had a problem since the hospital staff were in contact with the respondent's psychiatrist. Following complaints about his drinking, he resigned on 11/10/1988, having on the previous day agreed in writing that he would not take drugs or alcohol while on duty and that he would undergo blood/alcohol or urine/drug screening tests if necessary.

OPINION OF PEERS

Professor Torda has expressed the view that the conduct described "would draw the opprobrium of his peers". This is something of an understatement and we need no opinion evidence to persuade ourselves of the gravity of this conduct

MENTAL HEALTH

The Respondent consulted two psychiatrists in March, 1988, presumably in preparation for the hearing in the Griffith Local Court. Dr.Barclay then considered that the Griffith incident was an isolated event which had "absolutely nothing at all to do with drug abuse and does not indicate in any way that Dr.Bilton has a drug problem..."

Dr.Dawson also stated on 24/6/1988 that she has "confidence in his resolve never to abuse substances in the future".

With great respect to these eminent psychiatrists, we feel that they were deceived by the Respondent who while giving a detailed family history apparently made no reference to any pre-existing drug problem. With this history should be compared the admission that the respondent made to Dr.Perks (see above).

We were however impressed by the percipience shown in the brief handwritten note of Dr.Mann of Liverpool Hospitalwho when asked by the Director of Medical Services to comment on the Respondent's ability, answered on 5/8/1988 "Not my Registrar but does strike me as emotionally unstable and therefore potentially dangerous."

Between 4/3/1989 and 15/3/1989 the Respondent was an in-patient of Mosman and District Community Hospital. He was there treated as alcohol dependent. His history was

that his drinking had escalated 18 months previously when he had ceased using pethidine. He had stated that he first self administered pethidine 11 years previously, "amount and regularity unknown" and that he became addicted to alcohol at the same time. This history is to be read with what he had told Dr.Perks in Adelaide after the discovery of "innumerable puncture wounds"; namely that he was a pethidine addict and was frequently administering to himself pethidine obtained from recovery room narcotic supplies.

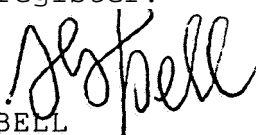
The drug and alcohol counsellor at Mosman speaks most optimistically of the respondent's future. Another Counsellor at the Chatswood Drug and Alcohol Co-Ordination Unit states that the Respondent appreciates the need for "on-going therapy".

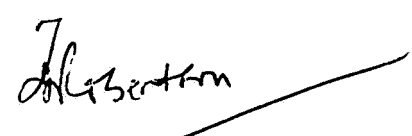
Dr. Eric Fisher thought in March, 1989 that the Respondent would be unfit for practice for three months and on 5th May, 1989 he recorded the Respondent's desire to be de-registered. He is pleased with the Respondent's progress but adds: "It is important (that) therapy continue(s)"


In the light of the above we have no doubt at all that removal of his name from the register is the appropriate order. We consider that such an order would have been justified on either complaint and when both are viewed together is unavoidable, notwithstanding his medical qualifications as noted in his Curriculum Vitae. We have no reason to doubt these.

We note that the Complainant does not seek costs and accordingly there will be no order as to costs.

We confirm the order made in open Court on 8th instant that the Complaints are found to have been made out and that the name of the Respondent is to be removed from the register.


H.H. BELL
Deputy Chairman


Dr. T. I. ROBERTSON


DR. B. J. POLLARD

MS. J. Mc CLINTOCK

