

Medical Practitioners Disciplinary Tribunal

*PO Box 5249 Wellington Telephone (04) 499-2044 Facsimile (04) 499-2045
All Correspondence should be addressed to The Secretary*

DECISION NO: 95/99/47C

IN THE MATTER of the Medical Practitioners
Act 1995

-AND-

IN THE MATTER of a charge laid by a
Complaints Assessment
Committee pursuant to
Section 93(1)(b) of the Act
against **MILES ROGER
WISLANG** medical
practitioner of Auckland

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Mrs W N Brandon (Chair)

Dr F E Bennett, Dr R S J Gellatly,

Associate Professor Dame N Restieaux, Mrs H White (Members)

Ms G J Fraser (Secretary)

Mrs G Rogers (Stenographer)

Hearing held at Auckland on Thursday 7 October 1999

APPEARANCES: Ms K G Davenport for a Complaints Assessment Committee ("the CAC")
Dr Wislang represented himself

ORDER OF THE TRIBUNAL:

Dated 8 October 1999

TO: Dr Miles Roger Wislang
AND TO: The Complaints Assessment Committee
(Counsel, Ms K G Davenport)
AND TO: The Medical Council of New Zealand

TAKE NOTICE THAT pursuant to Section 104 (1)(a) of the Medical Practitioners Act 1995 ("the Act") notice of disciplinary proceedings against him was given to Dr Miles Roger Wislang on 25 May 1999 and by service of an amended Charge on 3 September 1999 received by Dr Wislang on 18 September 1999 AND the Tribunal being satisfied that it is necessary or desirable to do so having regard to the health or safety of members of the public **HEREBY ORDERS:**

- 1. THAT** the registration of Dr Miles Roger Wislang be suspended until the disciplinary proceedings in respect of which the Notice was issued have been determined.

FOR THE FOLLOWING REASONS:

2. **THE** Charge against Dr Wislang alleged that he has practised medicine without holding a current practising certificate and/or that this amounts to professional misconduct and/or that Dr Wislang practised medicine outside the extent permitted by, or not in accordance with the conditions of, his registration or any practising certificate held by him.
3. **DR** Wislang has entered a plea of guilty to the Charge.
4. A hearing as to the penalty which this Tribunal ought to impose was convened in Auckland on Thursday, 7 October 1999. In the course of the hearing Dr Wislang stated, *inter alia*:
 - (i) That he had not held a practising certificate since 1994;
 - (ii) That during the period April 1994 to April 1998, notwithstanding that he was aware that he had not obtained a practising certificate he had carried on his medical practice, which practise included carrying out hair transplants operations; advertising his medical services in the Yellow Pages and elsewhere; treating patients, including prescribing and administering drugs; and charging fees for medical services rendered in the course of his medical practice.
 - (iii) That he had obtained prescription medicines, drugs used in local anaesthetics and such other drugs as he considered necessary for his practice from pharmacists and drug suppliers in the knowledge that such pharmacists and drug suppliers thought that he had a practising certificate, and otherwise were acting in the belief that he was legally entitled to obtain said drugs and medications.

(iv) That when he had pleaded guilty to the Charge he was unaware that:

- The amended charge incorporated Section 109(f) of the Act. This was notwithstanding that the Tribunal, by letter dated 3 September 1999, gave Dr Wislang written advice of that fact AND that a copy of the Act had previously been provided to him by the Tribunal AND that he was again advised by the Tribunal to seek legal advice; and
- As a result of the amendment he was, by virtue of the operation of Section 110(2)(b), at risk of the Tribunal making an Order that his name be removed from the register of medical practitioners, i.e. that he could be struck off the register.

5. **DR** Wislang claimed that he had not received a copy of the Bundle of Documents to be produced at the hearing and that he was unaware that the documents contained in the Bundle had been provided to the Tribunal. The Bundle had been forwarded to him by the Tribunal Secretary under cover of a letter dated 3 August 1999, which letter included the advice that the Bundle was “**enclosed**”. Dr Wislang confirmed receipt of that letter and had a copy of that letter in his possession at the hearing. At no time did Dr Wislang advise the Tribunal that he had not received the enclosed Bundle.

6. **DR** Wislang also told the Tribunal that he was a bankrupt and that he had been ordered by the Official Assignee to cease trading as a sole practitioner in April 1998 and he had not sought employment as a medical practitioner because he preferred to work alone, and that he was not willing to work as an employee medical practitioner.

7. **DR** Wislang advised the Tribunal that he has applied to the Medical Council for a practising certificate to enable him to recommence medical practice on his own account.

8. **AS** a result of the evidence given by Dr Wislang the Tribunal has determined that Dr Wislang has demonstrated a lack of insight, judgment and ability to organise his affairs such that it is necessary and/or desirable having regard to the health or safety of members of the public that Dr Wislang's registration be suspended pending the determination of the disciplinary proceedings against him.

ADVICE TO DR WISLANG:

PURSUANT TO Section 105 of the Act you may apply to the Tribunal for a revocation of this Order at any time. Any such application must be made in accordance with the requirements of Section 105.

DATED at Auckland this 13th day of October 1999

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W N Brandon

Chair

Medical Practitioners Disciplinary Tribunal