

IN THE GRAND COURT OF THE CAYMAN ISLANDS

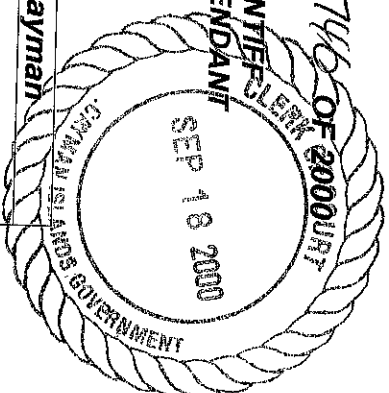
CAUSE NO. 746 OF 2000URT

BETWEEN
AND

DR. SANJIB MOHANTY
THE HEALTH PRACTITIONER'S BOARD DEFENDANT

PLAINTIFF
CLERK

APPLICATION FOR LEAVE TO APPLY
FOR JUDICIAL REVIEW OUT OF TIME



<p>To the Clerk of the Court, Law Courts, George Town, Grand Cayman</p> <p>Name, address and Description of applicant</p>	<p>Dr. Sanjib Mohanty Medical Practitioner, c/o Chrissie Tomlinson Hospital, George Town, Grand Cayman</p>
<p>Judgment, order, decision or other proceeding in respect of which relief is sought</p>	<p>Decision of The Health Practitioners Board not to register the Plaintiff as a specialist urologist as communicated to the Plaintiff on or about the 6th day of April 2000</p>
<p><u>Relief Sought</u></p>	
<ol style="list-style-type: none"> 1. An Order to extend time for the Applicant to apply for leave to apply for Judicial Review of the said decision of the Health Practitioner's Board. 2. An Order for Certiorari to remove into this Honourable Court and quash the decision of the Health Practitioners Board whereby it refused to register Dr. Sanjib Mohanty, the Plaintiff herein, as a specialist urologist. 3. A Declaration that the said Dr. Sanjib Mohanty is entitled to be registered by the Health Practitioners Board as a specialist in urology. 4. An Order for Mandamus directed to the Health Practitioners Board requiring them to reconsider the application of the said Dr. Sanjib Mohanty according to Law and to register him as a specialist in urology. 5. Damages. 6. Costs. 	
<p>Name and address of Applicant's attorneys, or, if no attorneys acting, the address for service of the applicant</p>	<p>Samson Murray Jackson Attorneys-at-Law The Ground Floor (West Wing) Sigma Building Smith/Hospital Roads George Town, Grand Cayman</p>
<p>Signed <i>Samson Murray Jackson</i></p>	<p>Dated <i>8/13/00</i></p>

GROUNDNS ON WHICH RELIEF IS SOUGHT

The factual background to these applications for an extension of time to apply for Judicial Review of the decision of the Health Practitioners Board not to register Dr. Sanjib Mohanty as a specialist in urology and thereafter for leave to apply for Judicial Review if the first application is granted, is contained in the Affidavit of the said Dr. Sanjib Mohanty that is filed with these applications and in support of them and this Affidavit will be relied on in support of the applications on the following grounds:-

1. The delay in making this application was due in part to a mistaken belief of the Applicant that the application wouldn't be out of time if made within six months of the date of the decision and in part by a communication from the Health Practitioner's Board that led him to believe that they were reconsidering their decision not to register him as a specialist in urology.
2. That even though the period of 90 days from the date of the decision has elapsed this Honourable Court should exercise the discretion which it has in favour of allowing the applicant to apply out of time for leave to apply for Judicial Review of the Board's decision because:
 - (a) No prejudice or hardship will result to the Board by extending the time for making the application;
 - (b) The applicant will suffer great prejudice if he is not allowed to make the application;
 - (c) The applicant has a strong reasonable case that the Board's decision should be quashed;
 - (d) The question and issues that will arise for determination in this matter have not been the subject of any prior adjudication by this Honourable Court and are matters which are of importance to the Medical Profession and in the public interests should be the subject of judicial pronouncement;
 - (e) An adjudication on the issues involved is important to good administration;
 - (f) No prejudice or hardship will result to any third party if the application is allowed;

- (g) *The substantive issue is so exceptional and important as to warrant the exercise of the Court's discretion in favour of allowing the matter to go forward.*
3. *The decision not to register the Applicant as a specialist in urology is unlawful and irrational, and unreasonable within the Wednesbury principles.*
 4. *The decision is ultra vires the provisions of the Health Practitioners Law (1995 Revision).*
 5. *The decision is without foundation in Law or fact.*
 6. *The Board and the Government of the Cayman Islands by holding out, and representing to the public, the Applicant as a specialist in urology and permitting him to practice as such between 1992 and 2000 (January) gave the Applicant a legitimate expectation amounting to a substantive right to be registered as a specialist in urology and that right has been wrongly and illegally denied to him by the Health Practitioners Board.*
 7. *In all the circumstances of this case the Applicant had a legitimate expectation to be registered as a specialist in urology and if the Board was minded to refuse his application to be so registered following his resignation from the Government Medical Services then the Board should have afforded him an opportunity to be heard and to make his comments before arriving at a decision to refuse his application. The Board did not do so and therefore failed to act fairly and was guilty of procedural impropriety.*
 8. *That this is a case in which it would be just and convenient for this Honourable Court to grant a declaration that the Applicant is entitled as a matter of law to be registered by the Board as a specialist in urology.*
 9. *That as a consequence of the decision of the Board the Applicant has been injured in his reputation, has sustained an appreciable loss of income and he therefore claims damages against the Board.*

NOTE: Pursuant to Order 53 R3(3) and in view of the tremendous adverse consequences for the Applicant of the Board's decision an oral hearing from Leading Counsel for the Applicant is requested before the application is considered and determined by this Honourable Court.


11. That in October 1991 I was posted as the Medical Officer in Charge of the Faith Hospital on Cayman Brac.
12. That in 1992 the Cayman Islands Health Services granted me three months study leave to complete my course of study for the Diploma in Urology.
13. That on my return to the Island upon my successful completion of the said course and the granting of the Diploma in Urology to me I was entrusted by the Cayman Islands Health Service with the responsibility of starting a Urology Service for the Health Services as no such service was then available on the Islands.
14. That from 1992 until December 1999 I single-handedly ran, managed and operated the Urology Services on these Islands.
15. That I operated the said Urology Services in addition to my primary responsibility as Medical Officer in charge of the Faith Hospital on Cayman Brac.
16. That in operating and managing the said Urology Services I was required to return to the Grand Cayman Island on a fortnightly basis.
17. That I spent many personal hours in providing the Urology Service here on Grand Cayman since it meant leaving Cayman Brac at 6:00am and traveling to the George Town Hospital and after the completion of a days work returning to Cayman Brac at around 11:00pm to get ready for the next days work at that Hospital.
18. That the Urology Services I provided on the Grand Cayman Island was done at no additional remuneration to me although this was a Specialty service that I was providing over and above my post of Medical Officer in Charge of the Faith Hospital in Cayman Brac.
19. That I trained the staff at both the George Town Hospital in Grand Cayman and the Faith Hospital in Cayman Brac to manage the Lithotripsy service, which is a very high-tech non-surgical method of removing kidney stones from patients.
20. That in 1998 I was asked by the Health Services to do a course in Managing Health Services – a Distance Learning course offered by the Open University of London.
21. That in 1999, despite a tremendous lack of support from the Health Ministry, I completed the said course and obtained a Certificate in Managing Health Services from the Open University of London.

22. That having worked almost nine years with the Health Services with little or no leave I applied for leave over the Christmas period in 1998 and was refused on the basis that I had not provided a replacement for myself and had failed to fill out the proper forms.
23. In 1999, in the absence of a qualified Gynecologist, I declined to do a forensic examination on an alleged sexual assault victim whom I rightly referred to the George Town Hospital. In response to my action the Chief Medical Officer, Dr. Nick Harry, vilified me by calling me "a bad doctor-who refuses to see patients". I was forced to commence legal action against Dr. Harry for defamation but did not proceed with the same as the Health Services Department agreed with my position. Dr. Harry however has never apologized to me for his actions.
24. That the said Dr, Nick Harry is the Chairman of the Health Practitioner's Board.
25. That in late 1999 Dr. Nick Harry telephoned me and informed me that he was going to employ "another Urologist" at the George Town Hospital.
26. That given the size of the population of the Islands I saw no need for such an employment. I had no waiting lists for surgery and the waiting period for my clinic was a mere two weeks.
27. That with the appointment by Dr. Harry of a new Urologist I informed the Health Services Department that I would no longer be able to provide my services as a Urologist as of January 2000.
28. That In January 2000 I resigned my position with the Department of Health Services and made a successful application for a post at the Chrissie Tomlinson Hospital as a Surgeon and specialist in urology.
29. That on or about the 6th day of April 2000 my application for re-registration was approved by the Health Services Board and a Certificate was issued to me, a copy of which is exhibited hereto as "SM1".
30. That the said Certificate informed me that I was only authorized to practice as a General Surgeon.
31. That initially I thought that the Certificate had been issued in error but was subsequently informed that I was not allowed to practice or hold myself out as a Specialist in Urology.

32. That still thinking there was an error and some confusion I wrote to the Chairman of the Health Practitioners Board on the 1st June 2000 asking among other things that the "oversight" in my registration be corrected. I exhibit as "SM2" a copy of the said letter.
33. That on or about the 20th day of June 200) I received a response from the Chairman of the said Board informing me, among other things, that I needed to provide the Board with "additional information showing that [my] qualifications and experience have specialist recognition in Urology in the United Kingdom" before my application could be reviewed. A copy of this letter is exhibited hereto as "MS3".
34. That on the 4th day of July 2000 I responded to the Chairman in terms of the letter exhibited hereto as "MS4".
35. That on the 27th day of July 2000 not having received a response to my said letter I wrote to the Chairman again in terms of the letter exhibited hereto as "MS5".
36. That on the 28th day of July 2000 the Chairman responded in terms of the letter exhibited hereto as "MS6".
37. That on the 3rd day of August 2000 I wrote to the Chairman in terms of the letter exhibited hereto as "MS7" and to which letter I have not had a response.
38. That the 5th day of September 2000 has now passed and I have had no communication from the Defendants as to the state of my request to be registered as a Urologist and am left with no alternative but to assume that they do not intend to change the registration of the 6th day of April 2000.
39. I thought it best to try and resolve this matter without proceeding to Court and that if my efforts to do so failed that I had a period of six months in which to make an application to the Court to quash the decision of the Board. I had not realized that the time had been reduced until my Attorneys advised me that the time in which an application for Judicial Review could be made was within 90 days of the decision that it was desired to challenge. I regret that my application is out of time and I would respectfully ask this Honourable Court to accede to the application that I now make for an extension of the time within which to apply for leave to apply for Judicial Review of the Board's decision.
40. That there is no Specialist Register in these Islands as there is in England.

41. That the Specialist Register in England only applies to Specialists working in the public sector of that country.
42. That there are a number of Specialists working at the George Town Hospital none of whom are on the Specialists Register in England.
43. That the Specialists Register in England was introduced in 1997. I had obtained my Diploma in Urology in 1992 and had been in practice in England in 1997 I would have been "grand-fathered" in under the provisions of the Law requiring registration of Specialists given my qualification and the experience I would have garnered between 1992 and 1997 and in proof of these assertions I refer to the documents exhibited as "MS" hereto.
44. That my work within the Cayman Islands as a Urologist has been recognized by both the medical community of the Cayman Islands and patients whom I have treated and exhibited hereto as "MS9" are letters and documents speaking to this recognition.
45. That it is to my knowledge that Dr. Harry has been informing the medical community and patients that I am not a specialist in Urology and this is having an adverse effect on the means of my earning a livelihood as a Urologist in the Cayman Islands.
46. That in all the circumstances I crave an Order granting me leave to extend the time for my application for leave for Judicial Review and thereafter granting me leave to have the decision of the Board complained of Judicially reviewed by the Court.

Sworn to at George Town, Grand Cayman
this 1st day of September 2000
before me:



SANJIB MOHANTY

E. Ollman
Clerk of the Courts/Justice of the Peace

THIS AFFIDAVIT IN SUPPORT is filed by Samson Murray Jackson, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing), Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM1"

This is the exhibit referred to as "Exhibit SM1" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY



Clerk of the Courts/Justice of the Peace



The Health Practitioners' Law, 1974

HEALTH PRACTITIONERS' REGISTRATION CERTIFICATE

(Section 7 (3))

In accordance with the power vested in the Health Practitioners' Board as prescribed by the Health Practitioners' Law, 1974.

DR. SANJIB MOHANTY

is hereby registered under the above Law and authorized to practice in the Cayman Islands as a

GENERAL SURGEON

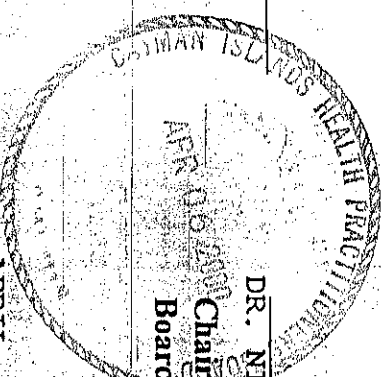
with effect from this 5TH day of APRIL XXX 2000 until the 31ST day of DECEMBER XXX 2000.

MED/235

Registry No.

DR. NICK HARRY

Chairman, Health Practitioners' Board of the Cayman Islands



this 5TH day of APRIL XXX 2000

This certificate is the property of the Government of the Cayman Islands. By law it is required to be prominently displayed for benefit of the general public in the principal place of practice of the holder.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM2"

This is the exhibit referred to as "Exhibit SM2" herein.

Sworn to at George Town, Grand Cayman
this day of September 2000
before me:

SANJIB MOHANTY

Clerk of the Courts/Justice of the Peace

**Christie Tomlinson Memorial Hospital
P.O.Box 273, G.T., Grand Cayman
Cayman Islands, B.W.I.**

**Tel: 345 949 6066
Fax: 345 945 1695**

To,
Dr. Nick Harry
Chairman
Health Practitioners Board
Cayman Islands.

Dr. S.K. Mohanty
MB BS MRCS (Dip)
FRCS (Dip Urol) (Lond)
MChSMT (Lond)

1/6/00

Re: Registration

I recently had to reapply to the Health Practitioners Board in order to be able to practice at C.T.M.Hospital even though I have been registered with the Board since 1991 and remained in good standing.

Please supply me with the relevant rules/regulations and information on acts of legislation which dictate that Registration be linked to the place of work rather than the credentials and experience of the candidate.

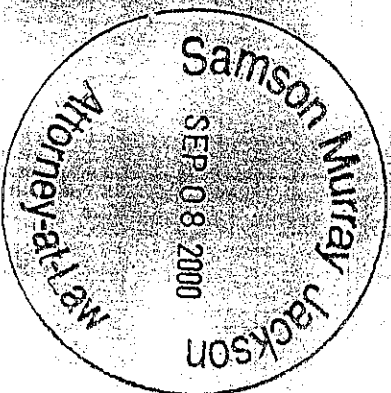
The GMC in the UK confirms that Registration of doctors is not linked with their place of work.

I also applied to the board for registration as Surgeon /Urologist but find that Urologist is not mentioned in the registration certificate. I believe this to be an oversight and request you to correct this and supply me with the proper registration certificate, one that reads General Surgeon/Urologist. I am also requesting a list of membership of the present board and would be grateful if this could be supplied to me.

Thanking you in anticipation.



Dr. S.K. Mohanty



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM3"

This is the exhibit referred to as "Exhibit SM3" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY

C. Riley

Clerk of the Courts/Justice of the Peace



Chief Medical Officer
P. O. Box 915 George Town
Grand Cayman, Cayman Isl.
B.W.I.

Tel: (345) 949-8600
Fax: (345) 945-1754

20 June, 2000
Cayman Islands Health Services Department

Dr. Sanjib Mohanty
Christie Tomlinson Memorial Hospital
P. O. Box 273, George Town
Grand Cayman

Dear Dr. Mohanty,

RE: REGISTRATION

Your letter dated June 1st, 2000 was considered by the Health Practitioners' Board at its meeting on June 6th, 2000.

The Board has asked that I convey to you that on leaving the Government service your registration ceased. Therefore, your new application was considered in the light of the information submitted to the Board. The decision to grant your registration as a General Surgeon only was based on this.

Should you wish to provide the Board with additional information showing that your qualifications ~~and experience have specialist recognition in the United Kingdom~~, your application will be reviewed.

As requested the membership of the Board is:

Dr. Nick Harry, Chairman
Dr. Gerald Smith, Anaesthesiologist
Mrs. Shirlene Henriques, Senior Nursing Supervisor
Mrs. Jacqui Smith, Private Practitioner
Dr. Howard Ironstone, Private Practitioner
Dr. Gordon Smith, Private Practitioner

All communication to the Board is through the Secretary, Mrs. Sharaine Chin.

Yours sincerely,


Dr. Nick Harry
Chairman, Health Practitioners' Board

NH/sjc

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM4"

This is the exhibit referred to as "Exhibit SM4" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY

E. B. L. S.

Clerk of the Courts/Justice of the Peace

Chrissie Tomlinson Memorial Hospital
P.O.Box 273, G.T., Grand Cayman
Cayman Islands, B.W.I.

Tel: 345 949 6066

Fax: 345 945 1695

To,

Dr. Nick Harry

Chairman

Health Practitioners Board.

4/7/2000


Re: Registration.

I am in receipt of your response and am very dismayed. I specifically requested information on the rules and regulations in the present Health Services law which dictate that Registration be linked to place of work and that registration be cancelled on changing place of work. I have not received any! I also requested information on the necessary act of legislation which empowers the above said rules and regulations. I have not received any! I believe that my previous registration G/Med/21, which I have held since Feb 1991 and issued by the Health Practitioners Board, should be held valid and that I should be able to retain it after payment of necessary dues.

On the matter of registration as a General Surgeon I request the rules and regulations and necessary acts of legislation that empowered the creation of a 'Specialist Register' in the Cayman Islands. You quote 'specialist registration in the UK' which as I know is an entirely separate entity from the General Register of the G.M.C in the UK, but I am unaware that such a register exists in the Cayman Islands and I invite you to correct me by supplying me with the specifics of this new register. I am also very interested in knowing, whether all the 'Specialists' working in George Town Hospital are also on this so called 'Specialist Register'. Please inform me if this so, as I shall no doubt be seeking specifics in this regard specialty by specialty.

I hold an FRCS in Surgery following which I obtained my Diploma in Urology from the University College of London that happens to be a Post-FRCS qualification. I was the Govt. Urologist for the last 9 years or so and I practiced in a practical and safe manner during this period. On the last day of my service with the Govt. I was asked to do a Urology case, transferred from George Town to Faith Hospital, Cayman Brac, namely Lithotripsy followed by Ureteric Stenting in a patient who had a blocked and non-functioning left kidney. I managed the case successfully and have since received a thank you note from a very happy patient, who is now in the UK. I find it very disconcerting that now, there is a problem in registering me as an Urologist and have alone recognize my service an attempt is being made to wipe out years of service. It is strange that logic and a concept of natural justice are not prevailing when decisions are being made in my case.

I am very perplexed at these happenings but I am very determined to have a proper understanding of this situation at any cost.
I once again request that all the information I have requested may please be made available to me on receipt of this letter.
Thanking you,
Sincerely,



Dr. S.K. Mohanty.

CC: Dr. Gerald Smith
Mrs. Shirlene Henriques
Mrs. Jacqui Smith
Dr. Howard Ironstone
Dr. Gordon Smith

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SMS"

This is the exhibit referred to as "Exhibit SMS" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY

E. G. N. 7

Clerk of the Courts/Justice of the Peace

Dr.S.K.Mohanty
MB BS, MS, FRCS (Dnb)
FICS, Dip:Urol (Lond)
MHSM (Lond)

**P.O.Box 273, G.T., Grand Cayman
Cayman Islands. B.W.I.**

Tel: 345 949 6066

Fax: 345 945 1695

27/7/00

To,
Dr. Nick Harry
Chairman
Health Practitioners Board

Re: Registration

I am sorry to see that you have chosen to disregard my letter of requests pertaining to my registration. It is now over 3 (Three) weeks since I reiterated my requests and I have to see any action yet. I have displayed extreme patience and shown remarkable restraint in the matter, but you leave me no further choice. I wish to have all my requests answered within the next 10 days failing which I shall seek legal redress. A copy of my previous request is attached for ease of reference.



Dr.S.K.Mohanty.

Cc: Mr. Anthony Eden
Hon. Minister for Health

Dr.Gerald Smith
Dr.Gordon Smith
Dr.Howard Ironstone
Mrs. Jacqui Smith
Mrs. Shirlene Henriques.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM6"

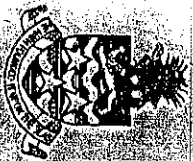
This is the exhibit referred to as "Exhibit SM6" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY

ECM

~~Clerk of the Courts/Justice of the Peace~~



Health Practitioners' Board
P. O. Box 915 George Town
Grand Cayman, Cayman Isl.
B.W.I.

Tel: (345) 949-8600
Fax: (345) 945-1754

Cayman Islands Health Services Department

28 July, 2000

Dr. Sanjib Mohanty
Christie Tomlinson Memorial Hospital
P. O. Box 273
George Town
Grand Cayman

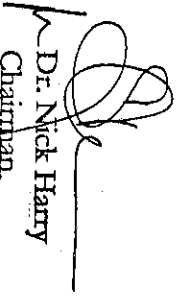
Dear Dr. Mohanty,

RE: REGISTRATION

I am in receipt of your letter dated July 4, 2000, which was received during a regular Health Practitioners' Board meeting. As a result of the late receipt of the letter, the Health Practitioners' Board took the decision to consider the matter at its' next meeting scheduled for September 5, 2000.

You will be informed of the Boards' decision on this matter after the meeting.

Yours sincerely,


Dr. Nick Harry
Chairman,
Health Practitioners' Board

NH/sjc

IN THE GRAND COURT OF THE CAYMAN ISLANDS


CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM7"

This is the exhibit referred to as "Exhibit SM7" herein.

Sworn to at George Town, Grand Cayman
this 1st day of September 2000
before me:



SANJIB MOHANTY

E.G.M.

Clerk of the Courts/Justice of the Peace

MB B.S., M.D., F.R.C.S. (LOND)
F.R.C.S., Dip. Urol. (Lond)
M.H.S.M. (Lond)

P.O. Box 273, G.T., Grand Cayman
Cayman Islands. B.W.I.

Tel: 345 949 6066

Fax: 345 945 1695

3/8/00

To,
Dr. Nick Harry
Chairman
Health Practitioners Board.

Re: Your Letter.

Dear Dr. Harry,
I am in receipt of your letter and am appalled at yet another blatant attempt at prevarication which constitutes a delaying and diversionary tactic.

I have been repeatedly making requests to you to make available to me the rules and regulations and legislation governing the following:

1. That registration be cancelled if you change jobs and that one needs to re apply all over again.
2. That a "specialist register" exists in the Cayman Islands and the date of its inception.

I have made three requests for information relating to my case and have yet to receive anything from you.

You have already acted in my case on these two issues so one assumes you must have been in possession of the same said rules/regulations in order to take action.

I fail to see why the Board needs to convene in order for me to get these regulations.

It should be a fairly straightforward task for you to provide me with the information and I fail to see why you are being so uncooperative.

I am reiterating that I am not prepared to wait till September and further that you supply me with the information that I have been requesting, immediately.

Take notice that if I fail to get the requested information by 11/8/00 I shall be taking legal recourse in this matter.

Dr. S.K. Mohanty

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM8"

This is the exhibit referred to as "Exhibit SM8" herein.

Sworn to at George Town, Grand Cayman
this 1st day of September 2000
before me:

SANJIB MOHANTY

e. P. A.

Clerk of the Courts/Justice of the Peace

British Medical Association

BMA House Tavistock Square London WC1H 9JP
Switchboard: 020 7387 4499 Local call: 0171 387 4499
BMA web site: www/bma.org.uk
Secretary: Dr E M Armstrong BSc FRCPED FRCP (C) FRCGP

Direct Line: 020 7383 6491
Direct Fax: 020 7383 6644
Email Address: jmainngay@bma.org.uk



Dr S K Mohanty
PO Box 273 G.T. Grand Cayman
Cayman Islands BWI

Our Ref: PRRG/

08 May 2000

Dear Dr Mohanty

UROLOGY SERVICES

Thank you for your letter of 2 May 2000.


Since the changes to the UK specialist training structure, which were made to bring the UK into line with European Union requirements, doctors must hold a Certificate of Completion of Specialist Training (CCST) in order to practise as consultants in any one specialty. The Royal College of Surgeons, together with the relevant specialty association, is ultimately responsible for setting the requirements for the award of a CCST and hence for access to the specialist register.

~~Existing consultants were required to apply to the Specialist Training Authority of the Medical and Surgical Royal Colleges (SMA) for access to the specialist register under transitional arrangements. This route to the specialist register has since been closed. There remain some further avenues for application to the register. I would advise you to contact the STA to discover whether you are eligible to apply to the UK specialist register under any of these routes.~~

Specialist Training Authority
1 Wimpole Street
London W1M 8AE
Telephone: 020 7495 1928

~~Classically, these regulations apply to specialist practice within the UK National Health Service. I have spoken to an official of the GMC who confirms that medical practice guidelines in the Cayman Islands are not automatically governed by the GMC. I have assumed for the purposes of this letter that the Health Practitioners' Board of the Cayman Islands chooses to use the General Medical Council's (GMC) register to determine who can practise there.~~

I hope this is helpful. Please contact me again if you have any further questions.


John Mainngay
International Department



**THE SPECIALIST TRAINING AUTHORITY
OF THE MEDICAL ROYAL COLLEGES**

1 Wimpole Street, London W1M 8AE

Telephone 0171 495 1928 • Fax 0171 495 0763

www.sta-mrc.org.uk

**GENERAL INFORMATION SHEET 1
Background**

(Revised January 1998)

New arrangements for postgraduate specialist training, certification and Specialist Registration came into force on 12 January 1996. The legal basis for these changes is the European Specialist Medical Qualifications Order 1995 (as amended by the European Specialist Medical Qualifications Amendment Regulations 1997 on 31 December 1997).

In January 1996 the STA was established. Its membership includes representatives of all the UK medical Royal Colleges, the Faculties of Public Health Medicine and Occupational Medicine, two representatives of the General Medical Council (GMC) together with two deans of postgraduate medicine and two lay representatives appointed by the Secretary of State for Health.

The STA awards the Certificate of Completion of Specialist Training (CCST). The award of CCSTs replaces the former system of accreditation operating in several Colleges. Under the new arrangements the GMC maintains and publishes the Specialist Register. Further details are included in this fact sheet.

The STA is also legally responsible for ensuring adherence to the training requirements stipulated in the European Council Directive 93/16/EEC. It is for individual Colleges and Faculties to publish appropriate syllabuses, handbooks etc. to conduct appropriate tests, regular assessments and examinations and to visit and inspect training programmes and placements. The STA is responsible, however, for ensuring that the Colleges' relevant publications and activities comply with the requirements of the European Medical Directive.

(Arrangements for general practitioners are the subject of separate legislation and do not come within the STA's remit. Advice can be obtained from the Joint Committee on Postgraduate Training for General Practice - its address is at Annex B.)

Doctors who wish to practise in another European member state may, if certain criteria are met, use their CCST if it is in a specialty recognised under the European Medical Directive.

Dual certification

4. In the UK training pathways may involve training which, initially at least, is common to a number of specialties. Identical periods of training which are common to two or more specialties can count towards the award of CCSTs in each. If specialist training leading to dual certification is being completed the CCST will normally be awarded when both programmes have been completed. Where dual certification is possible details can be found in the relevant CCST training programme.

Sub-specialty training

5. In certain specialties it is possible to complete a full core CCST specialist training programme and also to undertake sub-specialisation as part of that training. The relevant CCST training programmes issued by the Colleges and Faculties will indicate when, and in what circumstances, such additional training may be given recognition by the STA for this sub-specialty to be included against an entry in the Specialist Register. A sub-specialty cannot be included on the CCST itself but will be confirmed in the STA's covering letter and the form to be completed and sent to the GMC. Normally the CCST will not be issued until the core CCST specialist training programme plus any additional sub-specialty training has been completed. However, exceptionally it may be possible to pursue sub-specialty training after the award of a CCST (see the "orange guide").

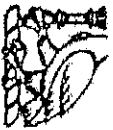
THE SPECIALIST REGISTER

6. The GMC maintains and publishes the Specialist Register. It is now a legal requirement to be in the GMC Specialist Register before doctors can take up substantive, honorary or fixed-term NHS consultant posts. This legal requirement does not extend to any other posts (eg locum NHS consultant posts or private practice).

7. Although it is a legal requirement to be in the Specialist Register in order to take up a substantive, honorary or fixed-term NHS consultant post, it is not a legal requirement to be in the Register in the specialty in which a doctor may wish to practise. The Specialist Register is an indicator of completion of training and it is recognised that individual specialties and an individual's career will develop over time. Therefore, candidates for consultant appointment will continue to be assessed by an Advisory Appointment Committee on the basis of their expertise for the particular requirements of the post in question, with their inclusion on the Specialist Register as a legal requirement.

8. The routes of entry to the Specialist Register are set out in the Order and include:

- i. holders of CCSTs
- ii. a national of a European member state who holds a specialist certificate from an EEA Member State, other than the UK, which is recognised by the GMC under the European Medical Directive 93/16/EEC.



The College and the Medical World
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The Surgical Career Path
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[Contacts](#)

Surgical Training

[Contact details](#)

Higher Surgical Training

Higher surgical training is co-ordinated through the Joint Committee on Higher Surgical Training (JCHST), which includes among its members representatives from each of the surgical Royal Colleges and the specialist associations which relate to each of the nine surgical specialties.



The JCHST is responsible for specialist training through its specialist advisory committees (SACs). The SACs supervise training in the various specialties.

Satisfactory completion of higher surgical training and the related intercollegiate examination lead to the award to the Certificate of Completion of Specialist Training (CCST), the prerequisite to entry on the General Medical Council's specialist register and to appointment as a consultant.

The principle of higher surgical training is that trainees enter a period of training in the grade of specialist registrar by appointment to posts that have been inspected and approved for training by the appropriate SAC. Appointment to higher surgical training is conditional upon the successful completion of basic surgical training and success in the FRCS, MRCS or AFRCS examination. Appointments to higher surgical training programmes are made through open competition. Trainees follow the prescribed period of clinical training laid down in the appropriate specialty curriculum.

The surgical specialties concerned are:

- cardiothoracic surgery
- general surgery
- neurosurgery
- oral & maxillofacial surgery
- otolaryngology
- paediatric surgery
- plastic surgery
- trauma & orthopaedic surgery
- urology

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Contact Details:

For further information, please contact the JCHST or the SAC in (relevant specialty) at _____

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 746 OF 2000

BETWEEN DR. SANJIB MOHANTY PLAINTIFF
AND THE HEALTH PRACTITIONER'S BOARD DEFENDANT

EXHIBIT "SM9"

This is the exhibit referred to as "Exhibit SM9" herein.

Sworn to at George Town, Grand Cayman
this 18th day of September 2000
before me:

SANJIB MOHANTY

E. P. M.

Clerk of the Courts/Justice of the Peace

Tel: (345)-949-8600
Ext: 2602/2605
Fax: (345)-949-2998



Director of Health Services
George Town Hospital
P.O. Box 915 GT
Grand Cayman
Cayman Islands, B.W.I.

July 31, 2000

TO WHOM IT MAY CONCERN

The Cayman Islands Health Services Department employed Dr. Sanjib K. Mohanty as a Medical Practitioner from February 22, 1991. He undertook the official post of Medical Officer in Charge, Faith Hospital, Cayman Brac in September 1991 and remained in the position until April 18, 2000.

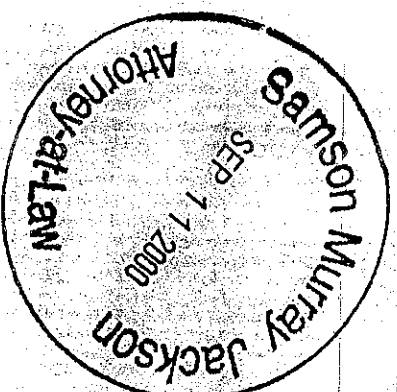
Dr. Mohanty was responsible for the daily management of the Sister Islands Health Services and he also provided general practice, emergency and general surgery services. In addition, he provided a urology service for all three islands.

Faith Hospital underwent significant changes during the period 1991 to 2000 and Dr. Mohanty was instrumental in implementing many of the improvements in clinical services.

I am of the opinion that during his tour of duty he was popular and well respected by his patients. I wish him all the best in his future endeavours.

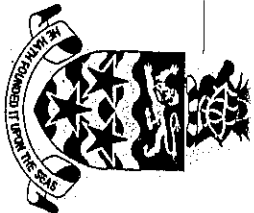

MERVYN CONOLLY, MHA
Director of Health Services

MC:ek



C.I. Health Services Department
P.O. Box 915
George Town,
Grand Cayman

Tel: (345) 949-8600
Fax: (345) 949-2998



CAYMAN ISLANDS

Dr. Sanjib K Mohanty.

Between 1991 and 2000, Dr. Sanjib K Mohanty has been Chief Medical Officer at Faith Hospital, Cayman Brac and I have had the pleasure of working with him as a senior surgical colleague since my appointment as Chief Surgeon in Grand Cayman at the beginning of 1995.

Dr. Mohanty has not only provided the general surgical service for Cayman Brac, but has been the sole full-time provider for the Cayman Islands Government Health Services of the surgical urology service for all of the Cayman Islands. Having worked with him these five years past, I can say from first-hand knowledge that he has supplied a consistently high standard, wholly dependable service through the medium of urology clinics and operating sessions held regularly at George Town Hospital, with additional operating sessions and support for urological emergencies at any time at Faith Hospital.

He has kept his own clinical skills well abreast of advances in technique and management and has striven to ensure that equipment resources for urology in the Health Service are in keeping with accepted standards of practice. It is, for example, fair to say that it is at Dr. Mohanty's initiative and with his personal investment in training, that Cayman has been able to offer a urological lithotripsy service.

I am sure that the availability of his skills and expertise will continue to be an essential asset to health care in the Cayman Islands and I wish him all the best for the future.

A handwritten signature in black ink, appearing to read 'C.L.G. Bromley'.

C.L.G. Bromley,

M.B.Ch.B., F.R.C.S. Edin., F.R.C.S. Eng.

Chief Surgeon of The Cayman Islands Health Services.

General State of Health

Life expectancy at birth in the Cayman Islands is 77 years. There were 604 live births in 1999. The crude birth rate in 1999 was 15.4 per 1,000 population, a slight increase from 14.2 in 1998.

Deaths among the resident population totalled 126 (118 in Grand Cayman, 8 in cayman Brac), or 3.2 per 1,000 population, a slight decrease compared to 3.5 in 1998. There were also 12 visitor deaths. Major causes were diseases of the circulatory system, mainly heart diseases (42 deaths, or 10.7 deaths per 10,000 population) and malignant neoplasms (31 deaths, or 7.9 deaths per 10,000 population). There were no neonatal or infant deaths in 1999.

A Cancer and Palliative Care Strategy was developed in 1999. The plan calls for a network (the Cayman Islands Cancer Network) bringing together representatives from clinical specialties, the Cancer Society, the Hospice Care facility and the community. The aim will be to promote high quality integrated care.

Health Services

Health care is provided by both the Government Health Services Department and the private sector. The Health

Services Department provides care through the 124-bed Cayman Islands Hospital (104 inpatient beds, 8 beds in the Ambulatory Care Unit, and 12 observation beds) and the 18-bed Faith Hospital on Cayman Brac. Ancillary services are offered at district health centres, and clinics for dental and eye care. The total staff, including public health, dental, ambulance service and Sister Islands' services, numbered 665 at the end of 1999.

In 1999, a new CMO, Dr. Nick Harry, was appointed. He joined 44 doctors in the government service, including four based on Cayman Brac. There were another 37 doctors in full-time private practice, providing family health or specialist medical care on a regular basis.

Specialist services are available in the fields of surgery, gynaecology & obstetrics, paediatrics, internal medicine, dermatology, anaesthesiology, public health, orthopaedics, psychiatry, cardiology, gastroenterology, rheumatology, radiology, neurology, ophthalmology, ear, nose and throat, periodontology, reconstructive surgery, faciomaxillary surgery, and urology. A total of 20,536 patient visits were made to specialists in 1999.

The resident surgeon at the Faith Hospital conducted an outpatient clinic in urology every two weeks on Grand Cayman.

POPULATION, BIRTHS AND DEATHS 1991 - 1999

Year	Mid-Year Population ('000) ¹	Births		Deaths	
		Number ²	Rate ³	Number ⁴	Rate ⁵
1991	27.5	500	18.2	113	4.1
1992	28.7	521	18.2	116	4.0
1993	30.0	527	17.6	119	4.0
1994	31.3	531	17.0	124	4.0
1995	32.8	484	14.8	110	3.4
1996	34.4	560	16.3	135	3.9
1997	35.9	572	15.9	124	3.5
1998*	38.3	545	14.2	135	3.5
1999	39.2	604	15.4	126	3.2

Notes

- 1 Residents only, including those with work permits.
- 2 Residents births outside of the Islands are excluded from these figures.
- 3 Rates are expressed as per thousand of the mid-year population.
- 4 From 1980 visitor's deaths were excluded from number of deaths.
- 5 Includes Births and Deaths on Cayman Brac

Source: Cayman Islands Health Department; and the Economics and Statistics Office.



Chief Medical Officer
C.I. Health Services Dept.
P.O. Box 915 GT
George Town, Grand Cayman

Memorandum

To: Dr. S. Mohanty, MOIC
From: Dr. N. Harry, Chief Medical Officer
Date: 1st February, 00

Further to my message that I left yesterday, there are two matters that I would appreciate you assistance with: -

1. A Mr. David Jervis has a urological problem about which he would wish to consult you about at Faith Hospital. Could you please advise me which day would be suitable so that transport arrangements can be made. ✓
2. The plan is to have the first meeting of the Sister Islands Assessment Group at Faith Hospital in the next week, ten days. Please advise two or three days that would be suitable for you so that this can be taken into account when arranging the meeting. ✓

N. Harry
Dr. N. Harry

CMO



Cayman Islands
Health Services
Department

Memorandum

To: Dr. Mohanty, MIOC Faith Hospital
Via: Acting Chief Medical Officer *P.S. 19/8/98*
Via: Chief Nursing Officer *18/8/98 E.C.*
From: Senior Nursing Officer, ER/OPD
Date: 18 August 1998
Re: **Urology Clinic**

Due to tight schedule of other Outpatient clinics, the only two spaces available to accommodate the Urology Clinic are Thursdays 9a-12 noon and Fridays from 1p-5p. I would appreciate if you would indicate which one of these times would be suitable for you and arrange your schedule accordingly to ensure the smooth running of the clinic and the availability of a nurse.

Your full co-operation would be appreciated.

Ella Conolly (Mrs)
Ella Conolly (Mrs)

Frederick C. Wissing
PO Box 50, Stake Bay
Cayman Brac, Cayman Islands
Ph/Fax 345 948 1370
July 8, 1999

Cayman Compass
Georgetown, Grand Cayman
Dear Sir;

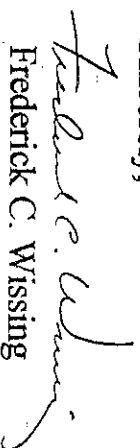
Please publish the following letter in the letters to the Editor Column as soon as is convenient. Thank you in advance for your cooperation...

Regarding the recent controversy swirling around Faith Hospital on Cayman Brac, I would like to offer an opinion from the perspective of a patient. In July of 1998 I was diagnosed with bladder cancer by Dr. S. K. Mohanty at Faith Hospital. As an ex-pat from the USA and a permanent resident it was reassuring to find that he was the only Urologist in the Cayman Islands.

As my treatment began both here and in the States, it quickly became apparent that Dr. Mohanty was a man of extensive skills in addition to his excellent bedside manner and obvious compassion for his patients. The Hospital employees, from the Nursing staff to the orderlies, could not have been nicer or more professional. The head Chef even came to my room to ask me personally what I wanted for lunch!

On July 6, 1999, I was in Faith Hospital again for a check up by Dr. Mohanty and found to be cancer free. The treatment accorded me by everyone was extraordinary as usual. I am not a political person, but I know that Dr. Mohanty and his wonderful staff have earned the respect and support of the people of Cayman Brac. They do a terrific job and I, for one, appreciate every one of them...

Sincerely,


Frederick C. Wissing