

# Medicolegal Matters

## Medical Practice of Dr Mark Donohoe

**(note: all prices quoted in this document are GST inclusive)**

### Dr Mark Donohoe

Dr Donohoe is a medical practitioner registered in New South Wales. He graduated from the University of Sydney in 1980, and has eighteen years experience in the private medical practice, and sixteen years experience in the field of Environmental Medicine.

Dr Donohoe also has extensive experience in the assessment of patients and provision of medicolegal reports for patients who may have suffered injuries or illness related to:

- workplace exposure to hazardous chemicals
- environmental exposure to hazardous chemicals
- infections and chronic fatigue syndrome
- vaccination
- non-accidental injuries and "shaken baby syndrome"
- adverse effects related to prescribed medications or other drugs
- "sick building syndrome" and building-related illness

Dr Donohoe has specific experience, expertise and publications in the following areas:

- chronic fatigue syndrome (CFS)
- multiple chemical sensitivities (MCS)
- long term exposure to hazardous agents
- exposure to complex mixtures of hazardous compounds
- injuries related specifically to solvents, glutaraldehyde, pesticides and persistent organic pollutants

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### Medical Assessments

Consultations for medicolegal purposes are generally booked for one hour, and comprise a comprehensive medical and occupational history, examination and review of documents. They are carried out at Dr Donohoe's Mosman rooms at 129A Raglan St, Mosman, for patients in Sydney. For consultations outside Sydney, provision of an appropriate examination room is the responsibility of the referring agent.

Assessments are conducted from Tuesday to Friday between 9 AM and 5 PM (last booking 4 PM). All medicolegal work is subject to GST. The fee for the consultation is \$275, and this must be either prepaid, or paid in full on the day.

Patient are advised to bring any relevant documents including:

- past medical records including pathology, reports, and referral letters;
  - a brief document with the chronology of the illness and dates of employment, time away from work, and date of termination of employment if appropriate. This is usually constructed by the patient and/or their carer(s); and
  - a covering letter from the referring agent (solicitor, insurer, government agency, etc) which should include background material and reports to be reviewed, and the specific questions to be covered in the assessment and subsequent report.
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## Medical reports

The majority of medicolegal consultations are performed with a view to production of a written medical report. Such reports typically document the medical and occupational history, and the relationship (if any) between the health complaints of the patient, and workplace or environmental factors. Such reports must be firmly based on the history and findings in each case, and must be "evidence based" (i.e. based on the best available scientific and medical evidence) if they are to be relevant in the court setting.

Frequently, expert opinions are used in place of evidence, with the opinions of the most qualified experts assumed by the court to represent truth. This is frequently not the case, and it is not uncommon that the reports and opinions of apparently well qualified medical "experts" are at odds with the best available current medical evidence.

Reports produced by Dr Donohoe are made only after reviewing the relevant recent scientific and medical literature. These references are available for perusal and comment by other experts, if required. In this way, it is to be hoped that the common "adversarial" approach can be avoided, and replaced by consensus based on the evidence rather than on opinion.

A quotation for the cost of a medical report is usually provided following the consultation with the patient, and review of the specific questions posed by the referring agent. All reports are billed at \$275 per hour, and the report is not commenced until payment is received for the quoted fee. The payment is not banked until the report is completed and sent to the commissioning agent. All commissioning agents require the written consent of the patient before medical information can be released.

Most reports require three hours of preparation, are appropriate for most simple or straightforward cases, and comprise:

- a review of less than 30 pages of reports and ancillary information provided by the referring agent;
- a review of the relevant medical and scientific recent literature;
- a report typically between four and eight pages in length, addressing no more than ten specific questions from the referring agent; and
- a few background documents from the scientific literature of particular relevance in the case.

An extended report is appropriate for complex cases or where there are extensive reports or documents for review and comment. An extended report typically comprises:

- a review of less than 150 pages of reports and ancillary information;
- a search, extraction and printing of the relevant medical evidence on the subject;
- a report typically between eight and sixteen pages, addressing up to twenty questions from the referring agent;
- copies of authoritative, important or highly relevant articles on the issue; and
- a formatted review drawn from the medical and scientific literature in abstract form.

In cases which do not fit either of the above categories, please discuss your specific requirements with Suzanne or Dr Donohoe on 02 9968-1087 (Tues to Fri - 10 AM to 4 PM).

The fee for a standard report is typically \$825, while the fee for an extended report is typically \$1,650. These represent three and six hours respectively, at a rate of \$275 per hour.

All reports **MUST** be prepaid (i.e. the payment accompanies the request for the report), and payments will not be banked until the completion of the report. Because of problems in the past with failures of payment, **NO** reports will be commenced until prepayment is received. In cases in which agency rules prevent prepayment, a signed guarantee of payment within seven days of completion is required.

Other work, such as phone discussions, meetings, other document production and reviews are all billed at \$137.50 per half hour or part thereof.

Please note that reports should be requested a minimum of four weeks prior to any deadline for the report. The reports are usually completed within fourteen days, but this cannot be guaranteed because of the high demand for such reports. Urgent reports, required with less than two week's notice, may attract a 20% surcharge if other work needs to be rescheduled.

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## Court appearances

Dr Donohoe has appeared as an expert witness in a number of cases, including the Compensation Court and the Supreme Court.

Court appearances should be arranged for Mondays if possible, as patients are not booked in the practice on Mondays. If other days are required, then a surcharge of \$200 may be added to the fees to cover the unbooking of patients (usually booked about three months in advance) and associated expenses and losses.

Fees for court appearance are \$440 for the first hour or part thereof, and \$275 per hour for each subsequent hour or part thereof. Travel to and from the Court is billed at \$67.75 per half hour. All disbursements are itemised and billed separately.

Any specific meetings or preparation of documents required or requested for the court appearance are billed at a rate of \$137.50 per half hour or part thereof.

In cases in which, for any reason, Dr Donohoe is not required in the court (such as late settlement, changed dates, delays in proceedings, etc), a cancellation fee of \$550 is payable. Where such notice is provided more than two weeks prior to the date, no cancellation fee is payable.

Payments made on or before the day of the court appearance attract a 10% discount. Payments which are delayed by more than 30 days attract a penalty/interest of 2.5% per month.

A written agreement accepting the terms and conditions above is required prior to Dr Donohoe's court appearance being booked. This addresses timing of and responsibilities for payment, times and dates to be set aside for court appearance, and expectations of work needed to be completed before the appearance.

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### Fees and conditions summary

The following is a summary of the practice requirements and fee structure for medicolegal assessments, reports and court appearances:

Consultations and Medical Assessments (all prices inclusive of GST)

Days/times	Information	Fee
Tuesday to Friday 9 AM to 9 PM	One hour required for consultation Past medical documents, pathology, etc Chronology of events (patient) Specific request & questions (referring agent)	\$275 Prepaid, or paid on day

### Medical Report

Days/times	Information	Fee
Available within 4 weeks of request and receipt of prepayment	Standard Medical Report, comprising: <ul style="list-style-type: none"><li>• review under 30 pages of information;</li><li>• review of relevant medical evidence;</li><li>• report (4-8 pgs), addressing up to 10 questions; and</li><li>• one or two support documents</li></ul>	\$825 Prepaid, banked on completion
	Extended Medical Report, comprising: <ul style="list-style-type: none"><li>• review under 150 pages of information;</li><li>• review, extract &amp; print relevant medical evidence;</li><li>• report (8-16 pgs), addressing up to 20 questions; &amp;</li><li>• formatted literature review (abstract form).</li></ul>	\$1,650 Prepaid, banked on completion
Urgent report	Report required within two weeks of request and/or prepayment of report fee.	Additional \$220 plus above relevant fees
Additional work	Meetings, phone discussions, document preparation, etc. performed at request of patient or referring agent.	\$275/hr Payable within 7 days

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**Court Appearance (all prices inclusive of GST)**

<b>Days/times</b>	<b>Information</b>	<b>Fee</b>
Mondays	First hour per day, or part thereof	\$440
	Subsequent hours (per hour)	\$275
Other days	Court appearances Tuesday to Friday	Additional \$220
Preparation for court	All work required or requested prior to the case, including meetings, document preparation, reading of testimony or submissions, etc.	\$137.50 per 30 min or part
Travel and Expenses	Time billed for travel is based on time from base to court, and court to base. All disbursements billed to the client.	\$137.50 per hour or part
Intrastate, Interstate and International	Travel outside Sydney by air carries additional requirements and costs to those noted above. <ul style="list-style-type: none"> <li>• business class air travel to and from the city</li> <li>• rental car except for same-day return to base.</li> <li>• all other travel costs</li> <li>• accommodation at 3/4 star (regional) or 4/5 star (city)</li> <li>• all meals during stay (restaurant)</li> <li>• phone, fax and Internet connection costs incurred</li> <li>• other additional office expenses (photocopy, etc)</li> <li>• daily "away from base" fee of \$550 per day</li> </ul>	Additional \$550 per day or part day, plus expenses and costs listed
Cancellation or delay	Cancellation of court appearance: <ul style="list-style-type: none"> <li>• more than two weeks prior to booked date</li> <li>• less than two weeks prior</li> </ul>	Nil \$550

**Contact Details**

**Postal:** Banyan Trading Pty Ltd  
(accounts, notices, enquiries, etc) Suite 224/656  
Military Rd  
Mosman NSW 2088

**Practice:** 129A Raglan St  
Mosman

**Telephone:** 02 9968-1087 (general office & bookings - Suzanne or Fiona)

**Mobile:** 0413 640-824

**Fax:** 02 9968-4778

**Email:** mark@geko.net.au

**WWW:** <http://www.geko.net.au/~mark/Medical/Legal.html>

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[email the practice](#)

[email consultation](#)