

**INITIAL REPORT PURSUANT TO SECTION 54 OF
THE HEALTH AND COMMUNITY SERVICES COMPLAINTS ACT 2004**



Between June 2014 and September 2015, I, Steve Tully, Health and Community Services Complaints Commissioner in South Australia (SA), determined to conduct an investigation pursuant to s.43(1)(c) of the *Health and Community Services Complaints Act 2004* ("the Act") into the provision of health services by unregistered health provider **Marek Jantos**.

This initial report has been prepared following the conclusion of my investigation and in accordance with the requirements of s.54 of the Act. It will be made available on this office's website at www.hcsc.sa.gov.au.

My investigation of Mr Jantos centred on his methods and practises in the provision of treatment and management for Chronic Urogenital Pain ("CUP"), which includes conditions such as Interstitial Cystitis, Painful Bladder Syndrome, Vulvodynia and Vulvovestibulitis.

In particular, the investigation focused on aspects of Mr Jantos' practice, including:

- Whether Mr Jantos held the appropriate qualifications, skills and training to competently and safely provide treatment of CUP.
- The type of information provided by Mr Jantos to potential clients to enable them to make an informed decision.
- An allegation that Mr Jantos' was reluctant to inform potential and current clients of treatment alternatives.
- An allegation that Mr Jantos' was reluctant to work collaboratively with other health service providers to ensure that clients are managed in a multispecialty and multidisciplinary environment with consideration of all symptoms.
- Mr Jantos' use of vaginal dilators or probes, and an allegation that there was a failure to provide adequate explanations to clients about the use of vaginal dilators or probes.
- An allegation that treatment of CUP conditions was provided by Mr Jantos without a chaperone.
- An allegation as to Mr Jantos' use of the title "Doctor" and an allegation that there was reluctance to inform clients that he is not a medical doctor or a registered health practitioner.

As part of my investigation I obtained reports from medical experts in the field of treatment and management of CUP conditions. I was also provided with reports from medical experts commissioned by and on behalf of Mr Jantos. The views and opinions of these medical experts differ to a significant degree, such that I could not determine a universally accepted approach regarding best practice within the field of treatment and management of CUP conditions.

A handwritten signature in blue ink, located at the bottom left of the page. The signature is stylized and appears to be the name of the Commissioner, Steve Tully.

Given that there are different opinions regarding best practice and no one universal accepted approach, I was unable to determine whether Mr Jantos' provision of treatment and management of CUP conditions fell outside the ambit of acceptable practice in the field. Accordingly, I was ultimately unable to be not satisfied that Mr Jantos had breached a provision of the Code of Conduct for Unregistered Health Practitioners prescribed under s.56A of the Act, or that he poses an unacceptable risk to the health or safety of members of the public.

Notwithstanding the above, Mr Jantos volunteered to incorporate changes to his practice to satisfy me that adequate safeguards would be in place for the protection of members of the public, and in particular he volunteered on 28 September 2015 to enter into a set of Undertakings in the following terms:

VOLUNTARY UNDERTAKING

*I, **MAREK JANTOS** c/- Level 9, 118 King William Street, Adelaide in the State of South Australia –
HEREBY ACKNOWLEDGE the importance of adhering to the Code of Conduct for Unregistered Health Practitioners ("**the Code**") prescribed under s.56A of the Health and Community Services Complaints Act 2004 ("**the Act**");*

*AND HEREBY GIVE THE FOLLOWING UNDERTAKING to the Health and Community Services Complaints Commissioner ("**the Commissioner**"):*

- 1. I will not consult with or provide health services relating to the management of Chronic and Urogenital Pain ("**CUP**") which expression shall be deemed to include conditions such as Interstitial Cystitis, Painful Bladder Syndrome, Vulvodynia and Vulvovestibulitis ("**CUP conditions**") to any person:-*
 - 1.1 without the person concerned having been referred to me in writing by a registered medical practitioner; and*
 - 1.2 without me being positively satisfied that the person has not previously been made aware of alternative treatment options, including the option of seeking treatment from a registered medical or health practitioner experienced in the management of CUP conditions.*
- 2 In any consultation with a potential client regarding the provision of health services for the management of CUP conditions I will provide to that person sufficient information so that he or she can make an informed decision as to whether or not to proceed. This information will include:*
 - 2.1 A statement (both orally and in writing) that I am not a medical practitioner or a registered health practitioner.*
 - 2.2 An overview (both orally and in writing) of the relevant CUP conditions, the potential mechanisms involved, an outline of the therapy proposed, any material risk inherent in the proposed therapy, and of alternative treatment options (which is to include the option of seeking treatment from a registered medical or health practitioner experienced in the management of CUP conditions)*
 - 2.3 An information sheet outlining all costs involved and an estimate of the total costs. Such information sheet is to also specifically draw to the person's attention the fact that such costs are not reimbursed by Medicare and are unlikely to be covered by private insurance.*



- 2.4 A copy of the Code and the contact details of the Office of the Commissioner.
- 3 I will not provide any services in relation to the management of CUP conditions to a client unless I have first obtained from the client the following:
- 3.1 A signed consent form, which is to have reference to and have annexed to it the information as detailed in clauses 2.1 and 2.2.
- 3.2 A signed financial agreement, which is to have reference to and have annexed to it the information as detailed in clause 2.3.
- 3.3 Written consent to my making contact with the client's referring medical practitioner and any other health service provider involved in the treatment or management of the client to ensure:
- 3.3.1 The facilitation of the appropriate and necessary exchange of information.
- 3.3.2 That the referring medical practitioner maintains overall supervision and management of the client. To that end, I will provide initial assessment and post therapy concluding reports, or any other reports required by the referring medical practitioner to facilitate ongoing case consultations.
- 3.3.3 A collaborative care approach for the client, thus ensuring the client is managed in a multispecialty and multidisciplinary environment with consideration of all symptoms.
- 4 I will not provide internal assessments and manual therapies for CUP conditions to a client without a chaperone being present (noting that this excludes consultations for general massage and postural assessments, or counselling). To that end, I will keep and maintain written records of all sessions in which a chaperone is required to be present in relation to each client (which is to include the name of the chaperone) and provide such records to the Commissioner at the Commissioner's request.
- 5 I will not use dilators in the provision of health services for the management of CUP conditions to a client save and except when they have been:
- 5.1 prescribed by a registered medical or health specialist; or
- 5.2 requested and consented to by the client in writing after an overview (both orally and in writing) of their purpose, the potential mechanisms involved, and any material risk inherent in the proposed therapy have been provided to the client.
- 6 I will co-operate in the referral of clients to other health service providers where appropriate and necessary.
- 7 I will not use the title "Doctor" or the abbreviation "Dr" in any manner in the provision of services for the management of CUP conditions. To that end, I will remove those terms from my website and any promotional material save and except for purposes relating to my academic and research capacities.
- 8 I will not provide health services for the management of CUP to any person in the State of South Australia other than:



- 8.1 *from premises known to the Commissioner, located at Level 9, 118 King William Street, Adelaide in the State of South Australia; and*
- 8.2 *during the hours of 7:00am to 7:00pm Monday to Friday (except with the Commissioner's written consent).*
- 9 *I consent to, and will therefore co-operate with and facilitate, the Commissioner, his delegates and officers:-*
- 9.1 *Attending with or without notice to inspect my place of practice to ascertain the condition or suitability of the facilities;*
- 9.2 *Conducting random audits in respect of my provision of services for the management of CUP conditions, and for this purpose the Commissioner, his delegates or officers may inspect, retain and copy any documents or records maintained in relation to my practice; and/or*
- 9.3 *Requiring me to undergo assessment by an appropriate health service provider as determined by the Commissioner, his delegates or officers nominated by the Commissioner in relation to any aspect of my provision of services for the management of CUP condition at such times as might be requested by the Commissioner, his delegates or officers.*

AND FURTHER ACKNOWLEDGE that:

- A. *This undertaking will remain in force until the Commissioner:-*
- (i) releases me from the undertaking; or*
 - (ii) agrees to a variation thereof.*
- B. *A breach of or failure to comply with this undertaking and/or the Code may give rise to action being taken under Part 6 of the Act.*

This report, in essence, is a summary of my findings and conclusions of my investigation into the practices of Mr Jantos in the provision of treatment and management of CUP conditions. A fuller report containing my findings, comments, opinions and recommendations for action will be prepared and provided at a later date.

DATED this 18 day of May 2016.



STEVE TULLY
Health and Community Services Complaints Commissioner (SA)