

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY FOR  
DR QUAH WEIREN CHARLES ABRAHAM  
ON 27 MAY 2011**

**Disciplinary Committee:**

Dr Tan Kok Soo - Chairman  
Prof Walter Tan  
A/Prof Charles Tsang  
A/Prof Pearlie Koh Ming Choo (Lay Member)

**Legal Assessor:**

Mr Andy Chiok (M/s Michael Khoo & Partners)

**Prosecution Counsel (M/s Tan Rajah & Cheah):**

Mr Burton Chen  
Mr Jonathan Lim Shi Cao  
Mr Winston Yien (Trainee)

**Defence Counsel (M/s Allen & Gledhill LLP):**

Mr Tham Hsu Hsien

**DECISION OF THE DISCIPLINARY COMMITTEE**

*(Note: Certain information may be redacted or anonymised to protect the identity of the parties.)*

**The Charges**

1. These proceedings arose following a conviction of the Respondent Dr. Quah Weiren Charles Abraham on 15 June 2009 at the Subordinate Courts of Singapore.
2. The conviction of the Respondent relates to s.379 of the Penal Code and briefly, the underlying facts were that the Respondent had committed theft of various items in a department store on 24 November 2008.
3. The Respondent was referred to this Committee by the SMC under s.39(3) of the Medical Registration Act.

“39(3) Where a registered medical practitioner has been convicted in Singapore or elsewhere of a offence involving fraud or dishonesty or has contravened section 64, 65 or 67, the Medical Council shall, notwithstanding subsection (1) or (2), immediately refer the matter to a Disciplinary Committee under section 42. “

4. The sole matter raised under the Notice of Inquiry dated 23 June 2010 is the said conviction of the Respondent and the underlying facts. In particular, it is stated that the offence convicted of, involved fraud or dishonesty.
5. The Respondent pleaded guilty to the charge under the said Notice of Inquiry.

### **Findings of the Committee**

6. The Respondent's counsel in mitigation had submitted, *inter alia*:
  - a) When the Respondent committed the offence i.e. 28 November 2008, he was not a registered medical practitioner under the Act, being registered only on 4 May 2009.
  - b) The offence was committed at a time when the Respondent was experiencing many stressors arising from inter alia his father's treatment for a brain tumour and his examinations.
  - c) The Respondent had been punished by the Court for the crime that he had committed.
  - d) The Respondent had undergone treatment with a psychiatrist for his disorder.
  - e) Prior to the conviction, the Respondent had an unblemished record. Testimonials were presented to this tribunal.
7. Counsel for the SMC cited to this Committee various precedents involving convictions based on dishonesty offences and urge this tribunal to impose at least a censure and to order an undertaking from the Respondent even if a period of suspension is not appropriate in the light of the circumstances.

8. The Disciplinary Committee had considered all the points raised by both counsel, and is of the following views:
- a) In cases where a registered medical practitioner is convicted of a criminal offence involving dishonesty, a sentence of suspension will invariably be imposed.
  - b) In the present case, we note that the Respondent was not a registered medical practitioner when the offence was committed. We also note that he is now no longer a registered medical practitioner with the cancellation of his provisional registration on 25 April 2011.
  - c) We accept that the crime was committed by the Respondent when he was experiencing stress factors. While we do not accept that to be a valid excuse for the commission of the theft, these are mitigating circumstances for the present case.
  - d) This Committee also takes into account the fact that the Respondent had been punished by the Court, and had been fined accordingly.
  - e) This Committee also recognises that the Respondent will have to re-apply for his provisional registration to complete his housemanship training, and that it will be some time before he qualifies as a fully registered medical practitioner.
  - f) For the above reasons, this Committee will be merciful, and give the Respondent an opportunity to start afresh, and hopes that he will treasure this and do so.

### **Sentencing**

9. This Committee therefore determines as follows:

- a) that no fine will be imposed on the Respondent in view of the mitigating circumstances;
  - b) that the Respondent shall be censured;
  - c) that the Respondent shall give a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct; and
  - d) that the Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of counsel to the SMC and the Legal Assessor.
10. For the avoidance of doubt, this Committee does not condone the misconduct of registered medical practitioners that leads to convictions for criminal offences. It is only in very exceptional circumstances that a sentence will not involve any period of suspension or a removal from the appropriate medical register. To that end, this decision **should not be cited as a precedent** that for misconduct arising from a conviction upon a criminal offence involving fraud or dishonesty, a sentence should not carry with it a period of suspension.
11. We hereby order that the Grounds of Decision be published.
12. The hearing is hereby concluded.

Dated this 27<sup>th</sup> day of May 2011.