

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

GROUNDS OF DECISION ON THE COMPLAINT AGAINST NIE XIN (REGISTRATION NO. TXXXX418D) RECEIVED BY THE BOARD

Date of Board Hearing: 29 September 2023

A. INTRODUCTION

1. TCMP Nie Xin ("**TCMP Nie**") is a Traditional Chinese Medicine ("**TCM**") Practitioner. At all material times, she practised at Clinic N (the "**Clinic**").
2. The Complaint against TCMP Nie was made by a Public Officer from the Ministry of Health on 30 May 2021 that TCMP Nie had pleaded guilty and was convicted on 7 April 2021 of 3 offences under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (the "**Covid-19 Control Regulations**") in the State Courts. There were 4 other charges taken into consideration for the purposes of sentencing. TCMP Nie was fined a total of \$10,500.00 (the "**Conviction**").
3. The offences, which are the subject of the Conviction, took place on 1 day on 29 April 2020 and related to TCMP Nie leaving her ordinary place of residence and she had, without reasonable excuse, failed to ensure that the Clinic was closed to entry by any individual (the "**Offences**"). TCMP Nie had allowed 4 persons to be at the Clinic and attended to 3 of them as patients on 29 April 2020. For 1 set of patients who were mother and child, TCMP Nie had diagnosed their medical conditions and prescribed medication. For the third patient, TCMP Nie had performed tapping services and prescribed medication.

B. INQUIRY COMMITTEE'S FINDINGS AND RECOMMENDATIONS

3. An Investigation Committee ("**IC**"), IC 2023/3, was appointed by the Board to investigate the Complaint. The IC was asked to consider the following Terms of Reference:

(a) Whether the Offences that the Registered Person was convicted of imply a defect in character which renders the Registered Person unfit to remain on the Register under Section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act 2000 (the "**TCMP Act**");

(b) Whether the Registered Person's conduct in committing the Offences in the circumstances set out in the Statement of Facts which the Registered Person pleaded guilty to amounted to an improper act or conduct which renders the Registered Person unfit to remain on the Register under Section 19(1)(k) of the TCMP Act; and

(c) Whether the Registered Person's registration as a TCM practitioner should be cancelled pursuant to Section 19(1) of the TCMP Act, and if not, what would be the appropriate sanction(s) to be taken out against the Registered Person under Section 19(2) of the TCMP Act.

4. TCMP Nie appeared in person before the IC and stated that she was under the impression that her husband had submitted the declaration to the Ministry of Health online for the Clinic to continue operations during the deferment period of four weeks from 7 April 2020. TCMP Nie asserted that she did not realise that her husband had in fact not done so. TCMP Nie explained that she had informed her patients that the Clinic was closed but, in the end, attended to the patients out of compassion for their medical conditions.

5. The IC noted that TCMP Nie had admitted to being convicted for committing the Offences on 29 April 2020. The IC arrived at the following findings:

a. TCMP Nie was not convicted of an offence in Singapore implying a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the TCMP Act; and

b. TCMP Nie is guilty of improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

- c. The recommendation for appropriate sanctions against TCMP Nie is:
- i. her registration be suspended for 3 months;
 - ii. she be censured;
 - iii. she submits a written undertaking to TCMPB that she will not engage in the conduct complained of or any similar conduct; and
 - iv. she pays the costs and expenses of the Legal Assessor and the advocate and solicitor appointed by the Board for the proceedings before the IC.

C. BOARD'S DECISION

6. TCMP Nie had emailed a letter of mitigation on 11 September 2023 to the Board reiterating her submissions at the IC Hearing. The Board noted that TCMP Nie had expressed deep remorse for breaching the Covid-19 Control Regulations. The Board noted that TCMP Nie's mitigation letter did not raise any new points which were beyond what she had previously submitted to the IC.
7. The Board noted that TCM practitioners come into close contact with patients through consultation and treatment and it was very important to strictly comply with the Covid-19 Control Regulations in order not to risk the spread of infection amongst patients, staff and TCM practitioners. For pandemic preparedness, the Infection Control Advisory also required TCM practitioners to focus on reducing the risk of cross transmission within the clinic and to refer suspected patients to medical doctors or hospitals. The Board further noted that under The Ethical Code and Ethical Guidelines for TCM Practitioners, TCM practitioners "must adhere to the laws governing society and its practice". The Offences committed by TCMP Nie therefore cannot be condoned.

D. CONCLUSION

8. The Board has decided to impose the following sanctions on TCMP Nie pursuant to Section 19(2) of the TCMP Act:
 - a. a suspension of TCMP Nie's registration for a period of 3 months, effective from 21 January 2024 to 20 April 2024;
 - b. a censure; and
 - c. a written undertaking by TCMP Nie that she will not engage in the conduct complained of or any similar conduct.

9. Pursuant to Section 20(1) of the TCMP Act, the Board has also directed TCMP Nie to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against her.

Date of publication: 29 January 2024

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