

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

GROUND OFS OF DECISION ON THE COMPLAINT AGAINST YAP YING HONG DIANA (REGISTRATION NO. TXXXX947Z) RECEIVED BY THE BOARD

Date of Board Hearing: 5 October 2023

A. INTRODUCTION

1. TCMP Yap Ying Hong Diana ("**TCMP Yap**") is a Traditional Chinese Medicine ("**TCM**") Practitioner. At all material times, she practised at Clinic A ("**the Clinic**").
2. The Complaint against TCMP Yap was made by a Public Officer from the Ministry of Health ("**MOH**") on 23 March 2022. MOH's investigations had revealed that:
 - a. TCMP Yap had provided TCM services such as TCM consultation, prescription of herbal medicine, and acupuncture at the Clinic on 13, 20, and 27 April 2020;
 - b. these TCM services were provided to patients whose conditions would not result in significant or rapid deterioration if they had not received the said TCM services;
 - c. TCMP Yap had violated Regulation 4(2) of the Covid-19 (Temporary Measures) (Control Order) Regulations 2020 ("**Covid-19 Regulations**") when she left her ordinary place of residence to provide TCM services:
 - i. A Notice of Composition of \$300 was offered to TCMP Yap for an offence under Regulation 4(2) of the Covid-19 Regulations that "every individual

must stay at or in and not leave, his or her ordinary place of residence in Singapore” which took place at the Clinic on 13 April 2020. TCMP Yap had left her home to provide TCM services to 12 patients;

- ii. A Letter of Stern Warning was administered to TCMP Yap for two offences under Regulation 4(2) of the Covid-19 Regulations which took place on 20 April 2020 and 27 April 2020. TCMP Yap had left her home to provide TCM services to 12 patients and 18 patients respectively on the said 2 dates.

B. INQUIRY COMMITTEE’S FINDINGS AND RECOMMENDATIONS

3. An Inquiry Committee (“**IC**”), was appointed by the Board to investigate the Complaint.
4. The Terms of Reference (“**TOR**”) are as follows:
 - a. To establish the facts leading to the actions taken by the MOH:
 - b. Whether the Registered Person’s conduct amounted to professional misconduct or negligence for purposes of under Section 19(1)(i) of the Traditional Chinese Medicine Practitioners Act 2000 (“**the TCMP Act**”); and
 - c. Whether the Registered Person is guilty of any improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.
5. TCMP Yap had explained to the IC that she had thought that the treatment of chronic pain/nerve issues would be considered as Essential TCM Services because if the conditions were left untreated, it would result in significant and/or rapid deterioration of the patient’s condition and which would threaten their health and well-being. TCMP Yap further thought that the services she would provide would not fall within the examples of non-approved services provided in the appendix to the Circular 94/2020 dated 6 April 2020 from the Ministry of Health (“**the April Circular**”). TCMP Yap therefore duly submitted an Application for Exemption from Suspension of Business

Activities OR Declaration for Companies which provide Essential Services (“**the Application for Exemption**”) on 7 April 2020 and continued to provide the TCM services.

6. The IC observed that TCMP Yap had pleaded guilty to professional misconduct under Section 19(1)(i) of the TCMP Act and performing an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act. The IC thus made the following findings and recommendations:

- a. TCMP Yap’s conduct amounted to professional misconduct for the purposes of Section 19(1)(i) of the TCMP Act; and
- b. TCMP Yap’s conduct amounted to an 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 Yap is that:
 - i. her registration be suspended for 3 months;
 - ii. she be fined a sum of \$5,000.00
 - iii. she be censured;
 - iv. she submits a written undertaking to TCMPB that she will not engage in the conduct complained of or any similar conduct; and
 - v. 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

7. The Board noted that TCMP Yap had expressed deep remorse for breaching the Covid-19 Regulations. TCMP Yap acknowledged that she did not receive any approval from the Ministry of Health on the Application for Exemption. TCMP Yap had on 13, 20, and 27 April 2020 provided 41 consultations to 32 patients; out of these 32 patients,

TCM services were provided to 22 patients. Apart from consultation and prescription of herbal medicine, the TCM services provided consisted of acupuncture and bone-setting.

8. TCMP Yap had emailed a letter on mitigation on 28 September 2023 to the Board. This letter did not raise any new points beyond what she had submitted previously to the IC. The Board noted that TCMP Yap had submitted the Application for Exemption from Suspension of Business Activities OR Declaration for Companies which Provide Essential Services on 7 April 2020 but that the approval was never given. The Board was of the view that having not received the approval, TCMP Yap ought not to have attended to the patients. The Board further noted that it was clear from the April Circular that the provision of TCM services was limited to only TCM consultation and herbal treatment; acupuncture, cupping, moxibustion, guasha and tuina treatment were not allowed during the period. TCMP Yap had admitted that these TCM services were non-essential services under the Covid-19 Regulations and the April Circular.
9. The Board would caution 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 Regulations in order not to risk the spread of infection amongst patients, staff and TCM practitioners. For pandemic preparedness, the General Advisory on Good Clinical Practice and Infection Control for TCM Practice issued on 5 February 2020 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 Yap therefore cannot be condoned.

D. CONCLUSION

10. The Board noted the recommendations of the IC, amongst other actions against TCMP Yap, for the suspension of TCMP Yap's registration to be for a period of 3 months.
11. The Board further noted that because TCMP Yap had attempted to comply with the April Circular by submitting the Application for Exemption, a lower suspension sentence was appropriate. The Board hence decided to impose the following sanctions on TCMP Yap pursuant to Section 19(2) of the TCMP Act:
 - a. a suspension of TCMP Yap's registration for a period of 2 months, effective from 10 March 2024 to 9 May 2024;
 - b. a fine of S\$5,000 to be paid by TCMP Yap;
 - c. a censure; and
 - d. a written undertaking by TCMP Yap that she will not engage in the conduct complained of or any similar conduct.
12. Pursuant to Section 20(1) of the TCMP Act, the Board has also directed TCMP Yap to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against her.

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