



# SINGAPORE MEDICAL COUNCIL

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### **REVIEW COMMITTEE (FOR DISCIPLINARY PROCESSES) SUBMITS RECOMMENDATIONS TO THE SINGAPORE MEDICAL COUNCIL**

#### ***Strengthening Singapore's Medical-Disciplinary Framework – The Recommendations of the Review Committee (for Disciplinary Processes) & the Singapore Medical Council's Response***

1. The Review Committee (for Disciplinary Processes) appointed by the Singapore Medical Council (SMC) to recommend more efficient and better ways to manage the disciplinary process and mitigate the increase in time and expense for disciplinary proceedings, has completed its review and submitted its report.
2. SMC is in broad agreement with the recommendations of the Committee. It intends to implement the necessary changes in a phased two-step approach: first, to amend the SMC's internal processes and policies; and second, to recommend to the Ministry of Health proposed changes to the Medical Registration Act (MRA) and Medical Registration Regulations (MRR) and effect such amendments.

#### **Background**

3. SMC announced in October 2012 the formation of a Committee to look into the existing administrative processes and develop more efficient and better ways to manage the medical disciplinary process, and mitigate the increase in time and expense spent on disciplinary proceedings. The Committee was appointed in December 2012 and comprised senior medical professionals, lawyers and public servants. The list of Committee members is at **Annex A**. The Terms of Reference of the Committee are at **Annex B**.

#### **Report of the Review Committee**

4. The Committee's report, which was submitted on 1 November 2013, can be found on the SMC website. After its submission, SMC engaged in an extensive review of the recommendations both in order to consider the merits of implementation and, where it was decided to implement such recommendations, to develop a road-map for implementation.
5. In relation to the key recommendations by the Committee, SMC has taken the necessary steps to implement some of the recommendations which do not require legislative amendments. Some of the key recommendations already implemented, or to be shortly implemented, are as follows:

Recommendation of the Committee	SMC's Views
<p><b>Increase in training initiatives:</b> The Committee noted that it may be useful for SMC to work with the relevant stakeholders to organise regular and comprehensive training sessions and courses on matters pertaining to aspects of medico-legal law and management of disciplinary complaints for both Complaints Committees and Disciplinary Tribunals as well as in identifying cases that are suitable for mediation.</p>	<p>SMC already organises regular training sessions but will step up training initiatives for the stakeholders involved in the medical disciplinary process in the areas identified by the Committee in the upcoming months.</p>
<p><b>Workflow for Complaints Committee Assignment:</b> To manage cases more efficiently, SMC should remove the need for there to be an average of five cases before convening a Complaints Committee to one where Complaints Committees are rostered on a weekly basis.</p>	<p>SMC has commenced scheduling weekly Complaints Committee rosters to assess the feasibility of the framework proposed by the Committee.</p>
<p><b>Past complaints of the doctor under investigation to be made known to the Complaints Committee:</b> Previous complaints or conviction on the doctor being investigated ought to be made known to the Complaints Committee as it may guide it and the Investigation Unit in the investigations.</p>	<p>SMC has commenced informing Complaints Committees of past complaints (that were not dismissed) against the medical practitioner being investigated.</p>
<p><b>Make Pre-Inquiry Conferences (PIC) mandatory for all inquiries:</b> To manage cases efficiently, so as to cut down on the number of adjournments or postponements of hearing, SMC had, prior to this review, implemented mandatory Pre-Inquiry Conferences for all cases to compel the parties to comply with agreed timelines (as directed by the Chairman), so as to reduce and limit costs to both parties. In addition, SMC will come up with a standard template or checklist to be used in such Pre-Inquiry Conferences to expedite matters.</p>	<p>As indicated by the Review Committee, the PICs have been made mandatory. The standard template or check-list has already been put in use.</p>
<p><b>Seconded Legal Service Officer to work on disciplinary matters:</b> SMC could consider seconding a Legal Service Officer. Such an officer could work on the draft Notice of Inquiry together with the Complaints Committee and prosecution counsel and advise and guide the Secretariat on the management of complaints and disciplinary cases.</p>	<p>A Legal Service Officer was recently seconded to the SMC as its General Counsel &amp; Director (Legal), and has since been working collaboratively with the Complaints Committees and prosecution counsel in the preparation of draft Notices of Inquiry and to work with the Secretariat in the management of complaints and disciplinary matters.</p>

Recommendation of the Committee	SMC's Views
<p><b>Publication of database of precedents:</b> SMC should publish a database of its precedents on its website without compromising confidentiality, including anonymised Grounds of Decision for cases where an acquittal is recorded, although such cases might have to be published at an appropriate time (rather than immediately) after the conclusion of the inquiry.</p>	<p>SMC agrees that such a database would provide significant benefits to the medical community. It would allow for lawyers to better advise medical practitioners involved in disciplinary matters and would serve as a valuable educational resource for medical professionals. SMC will (unless the Disciplinary Tribunal decides that it should not for specific reasons) publish on its website the grounds of decisions of acquitted cases and work towards the eventual publication of the Grounds of Decisions of previous Disciplinary Committees from 2008 onwards. SMC anticipates completing this by the fourth quarter of this year.</p>
<p><b>Publication of total annual costs:</b> In the interest of transparency, SMC ought to publish the total annual costs spent for disciplinary proceedings.</p>	<p>SMC agrees that publishing the total annual costs spent for disciplinary proceedings would increase transparency. However, as disciplinary proceedings and the ensuing costs can straddle more than one calendar year, SMC will look into how best to facilitate such reporting.</p>
<p><b>Consultation with stakeholders to enhance the speed of disciplinary inquiries:</b> In order to improve on the speed and efficiency of disciplinary matters, SMC, Counsel for SMC and the Medical Protection Society's panel of lawyers ought to consult and work closely together to improve the speed and efficiency of disciplinary inquiries.</p>	<p>SMC agrees that stakeholder engagement is vital in developing strategies to enhance the efficacy of the disciplinary framework. SMC has, in recent times, engaged various stakeholders with a view to enhancing the efficiency of the medical disciplinary framework and will continue to hold consultations with all parties (such as MPS and law firms) and work closely with them to improve the speed, processes and efficiency of disciplinary inquiries.</p>

6. SMC also agrees broadly with the following key recommendations and will explore legislative changes to the Medical Registration Act and Medical Registration Regulations with the Ministry of Health to facilitate their implementation.

Recommendation of the Committee	SMC's Views
<p><b>Appeals from the decisions of the Complaints Committees:</b> The appellate process to the Minister for Health from a determination by the Complaints Committee not to refer a matter to a Disciplinary Tribunal is, at present, opaque and lacks accountability. The Committee therefore proposed that such appeals be referred to an independent Appeals Committee appointed by the Minister.</p>	<p>SMC will explore the appropriate legislative changes with MOH.</p>

Recommendation of the Committee	SMC's Views
<p><b>Appeals from the decisions of the Disciplinary Tribunal:</b> The present procedures for a complainant who is dissatisfied with the order of a Disciplinary Tribunal to appeal to the Minister for Health are cumbersome and non-transparent. Instead, the SMC Review Committee should audit the outcome of every inquiry before a Disciplinary Tribunal and lodge an appeal on behalf of the complainant where appropriate. The complainant can, however, write in to "lobby" the SMC to appeal in such instances.</p>	<p>SMC will explore the appropriate legislative changes with MOH.</p>
<p><b>Having a lawyer be appointed to all Disciplinary Tribunals:</b> It would be useful for each Disciplinary Tribunal to have a lawyer, as this would help to increase the speed and efficiency and the way the proceedings are run. It would not be necessary for the lawyer to chair the Disciplinary Tribunal and the constitution of the Disciplinary Tribunal should be based on the nature of each case.</p>	<p>SMC will explore the appropriate legislative changes with MOH.</p>

7. SMC will study the following recommendations further, with a view to possible implementation in the future.

Recommendation of the Committee	SMC's Views
<p><b>Separation of the adjudication function from SMC Council members:</b> It may be useful to separate the adjudication function from the Council members of the SMC such that no Council member would be appointed to the Complaints Panel or Complaints Committee. The present requirement for Council members to chair such Committees should also be abolished so as to remove the perception of conflict of interest in light of the multiple roles played by the SMC in the disciplinary process.</p>	<p>While SMC fully appreciates and understands the concerns articulated by the Committee of having Council members chair the Complaints Committees, this must be balanced with the reality that Council members, having chaired such proceedings for many years, have particular expertise in handling such matters. Expertise amongst non-Council members would take some time to build up. Given the need to balance these countervailing considerations, SMC proposes to take a phased approach to implementation by retaining the current framework of having Council members chair Complaints Committees for now while at the same time, taking active steps to build expertise within the medical community to allow SMC to put in place the Committee's recommendation in a few years' time.</p>
<p><b>Employment of a part-time Chairman of the Complaints Panel:</b> It may be useful for SMC to employ, on a part-time basis, a Chairman of the Complaints Panel to manage the processes and assist the Secretariat in improving the internal processes for</p>	<p>SMC appreciates the underlying motivation for this recommendation. With a view to improving the internal processes for disciplinary proceedings, since his secondment from the Legal Service Commission, General Counsel &amp; Director (Legal) has concurrently discharged the</p>

Recommendation of the Committee	SMC's Views
disciplinary proceedings.	function of managing the disciplinary process and improving SMC's internal processes in the manner envisioned by the Committee. SMC will continue to assess the situation and will revisit the merits of implementing this recommendation in future.
<p><b>Consider the viability of an inquisitorial framework:</b> SMC ought to consider the merits of the inquisitorial framework moving forward and to take guidance, in this regard, from the initiatives that are presently being considered for family law.</p>	There is merit to studying if an inquisitorial approach should be adopted for medical disciplinary matters. SMC proposes to study the feasibility and merits of such a framework in the medical disciplinary context and draw lessons from the framework being considered for the Family Court in Singapore, as well as the experiences of other jurisdictions that employ such a model.

#### Remarks from the Review Committee Chairman and SMC President

8. In relation to the work undertaken by the Review Committee, Prof Raj Nambiar, Chairman of the Review Committee said:

*"In December 2012, I was appointed to chair a Committee to study the SMC disciplinary processes and to propose more efficient and effective ways to manage disciplinary matters before the Singapore Medical Council. The year-long review culminated in the Review Committee (for Disciplinary Processes)'s Report which we have submitted to the Singapore Medical Council. In the course of the Committee's deliberation, we were privileged to have obtained a broad range of views from various parties, including professional medical bodies, medical practitioners, the Government and members of the legal profession. On behalf of the Committee, I would like to thank them for their important and insightful contributions and feedback. This has assisted the Committee in its deliberations that led to the recommendations. I am confident that the recommendations that SMC has already implemented and will be implementing will serve to further strengthen the SMC's disciplinary processes in the interests of the public."*

9. Expressing his appreciation for the work undertaken by the Review Committee, SMC President Prof Tan Ser Kiat said:

*"On behalf of the Singapore Medical Council, I would like to thank the Review Committee (for Disciplinary Processes) for its well-thought out recommendations which I am confident will strengthen and streamline the SMC disciplinary framework and ensure the continued protection of the health and safety of the public. Besides the changes to the internal processes in SMC, we will work with the Ministry of Health and other stakeholders for the necessary legislative changes to give effect to the recommendations. SMC remains committed to reviewing and refining the complaints and disciplinary process periodically even as we move forward to ensure their continued relevance for many years to come."*

## **Conclusion**

10. SMC wishes to record its appreciation to the Chairman and members of the Committee, as well as its advisors, for the considerable work and attention that has been put into the Report. The Report has far-reaching consequences and does much in strengthening the legal processes surrounding the medical disciplinary process. Its recommendations, read as a whole, address many of the issues raised by the public and media in recent times.

11. The process of reform, however, is a never-ending one. With that in mind, SMC will continue to work with the relevant stakeholders to review its complaints and disciplinary processes periodically to ensure that the disciplinary processes continue to be finely calibrated to cater to new developments in the field of medicine as well as to the needs of an increasingly complex environment.

**Annex A: List of Committee Members**

**Chairman, Members and Advisors (January to September 2013)**

**Appointed Non-Council Members**

S/n	Name	Type	Designation and/or Institution
1	Prof Raj Nambiar	Chairman (Doctor)	Visiting Consultant Tan Tock Seng Hospital, Khoo Teck Puat Hospital and Singapore General Hospital  Emeritus Consultant Changi General Hospital
2	Dr Tan Yew Oo	Member (Doctor)	Medical Oncology Centre Gleneagles Cancer Centre
3	Dr Yeo Khee Quan	Member (Doctor)	Yeo Orthopaedic Centre Pte Ltd Mt Elizabeth Medical Centre
4	Dr Woo Keng Thye	Member (Doctor)	Senior Consultant Dept of Renal Medicine Singapore General Hospital
5	Mr Desmond Lee	Member (Lawyer)	<u>Until 31 August 2013</u> Associate Director Temasek International Pte Ltd
6	Mr George Lim SC	Member (Lawyer)	Partner Wee, Tay & Lim LLP
7	Ms Valerie Thean	Member (Ministry Representative)	Deputy Secretary Ministry of Law
8	Mr Roy Quek	Member (Ministry Representative)	<u>1 Jan to 31 March 2013</u> Deputy Secretary Ministry of Health  <u>Wef 1 April 2013</u> Deputy Secretary (Operations) Ministry of Home Affairs
9	Mr Anthony Tan	Member (Ministry Representative)	<u>Wef 1 April 2013</u> Deputy Secretary (Policy) Ministry of Health

**Ex-Officio Members**

S/n	Name	Type	Designation and/or Institution
1	Prof Tan Ser Kiat	Ex-Officio (Doctor)	President, Singapore Medical Council
2	Prof K Satku	Ex-Officio (Doctor)	Registrar, Singapore Medical Council  Director of Medical Services, Ministry of Health

**Advisors**

S/n	Name	Type	Designation and/or Institution
1	Justice Judith Prakash	Advisor	Justice, Supreme Court
2	Mr Thean Lip Ping	Advisor	Consultant, RHTLaw TaylorWessing
3	Mr Alvin Yeo SC	Advisor	Senior Partner, WongPartnership LLP

## **Annex B: Terms of Reference**

The Terms of Reference for the Review Committee (for Disciplinary Processes) were as follows:-

- a) To review the old and current Medical Registration Act (MRA) and Medical Registration Regulations (MRR), look into the administrative framework and study how to optimise the disciplinary processes, for the just and expeditious conclusion for each case;
- b) To make recommendations to both the Complaints Committees and Disciplinary Tribunals, as and when appropriate, so as to enable them to optimise and utilise the options available to them under the MRA and manage the disciplinary proceedings in more efficient and cost-effective ways; and
- c) To make recommendations as to what other areas which may require further amendments to the MRA and MRR in order to strengthen and streamline SMC's disciplinary processes.