

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY FOR  
DR TAN YANG KHAI ON 30 NOVEMBER 2012**

**Disciplinary Committee:**

Dr Tan Kok Soo (Chairman)  
A/Prof Ong Sin Tiong  
Dr Yii Hee Seng  
Ms Chan Hong Ngee (Layperson)

**Legal Assessor:**

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

**Counsel for the SMC (M/s Braddell Brothers LLP):**

Mr Edmund Kronenburg  
Mr Kevin Ho

**Counsel for the Respondent (M/s Rodyk & Davidson LLP):**

Mr Lek Siang Pheng  
Ms Vanessa Lim

**DECISION OF THE DISCIPLINARY COMMITTEE**

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

1. These proceedings arose out of a letter of complaint made against the Respondent Dr Tan Yang Khai on 8 April 2010 by Dr X, for the Ministry of Health, to the Singapore Medical Council (the "SMC").
2. Following the complaint, and after due inquiry by the Complaints Committee, it then referred the matter to this Committee.
3. The Respondent was charged with 18 Charges of professional misconduct in the management of his patients, the particulars of which are set out specifically in the Charges contained in the Notice of Inquiry dated 1 June 2012. These particulars set out how the Respondent:
  - (a) inappropriately prescribed benzodiazepines and/or hypnotics,
  - (b) failed to make reasonable efforts to refer the relevant patient to a specialist; and/or

- (c) did not record or document in the said patients' Medical Records sufficient details of the patients' diagnosis, symptoms and/or condition and/or management plan.
4. At the hearing of this inquiry, the Respondent pleaded guilty to 10 Charges i.e. Charges No. 2, 3, 4, 6, 7, 8, 11, 12, 15 and 18 and the remaining 8 Charges were taken into consideration. We then called for the Respondent's Counsel to address us in mitigation.
  5. Broadly, the Respondent's counsel in mitigation had urged this tribunal to take into account that, *inter alia*:
    - (a) the Respondent's long unblemished practice,
    - (b) the Respondent is remorseful;
    - (c) the Respondent had provided significant contributions to the community, and that
    - (d) he had pleaded guilty at an early stage.
  6. Counsel for the SMC had cited various precedents involving inappropriate prescriptions and improper / insufficient recording of patients' medical records. In reply, Counsel for the Respondent addressed these precedents, and also addressed the Committee on the principles of offences being taken into consideration.
  7. The Disciplinary Committee had considered all the points raised in the plea in mitigation and the submissions of Counsel. While there may be mitigating factors, this Committee wants to make it clear that a medical practitioner ought to adhere to the relevant MOH Guidelines for the prescription of benzodiazepines unless there are good reasons to depart from them. Misconduct involving inappropriate prescription of benzodiazepines and other hypnotics is serious and will invariably attract a period of suspension. The minimum period of suspension under the pre-

2010 Medical Registration Act (which is applicable here) is 3 months, up to a maximum of 36 months.

8. This Committee had considered the addresses by both counsel and is of the view:
  - (a) the Respondent is remorseful,
  - (b) the Respondent has a long unblemished record of 37 years, and he is a first-time offender as a mitigating factor, and
  - (c) the Respondent had also pleaded guilty and had thereby saved time and expenses which would have been incurred by a prolonged inquiry.
  
9. In particular, the Committee is impressed by the many testimonials that were tendered on his behalf, as well as the fact that there is evidence that he had provided free or subsidized services to the poor and needy. This demonstrates the Respondent's compassionate nature. We would also add that being a community physician, the Respondent's suspension will also affect the community that he serves.
  
10. In light of all of the circumstances, after due consideration this Committee had deliberated and now determines as follows:
  - (a) that the Respondent shall be suspended from practice for a period of **3 months**;
  - (b) a fine of **\$5,000** shall be imposed,
  - (c) that the Respondent shall be censured;
  - (d) 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

(e) 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.

11. We also order that the grounds of our decision be published.

12. The hearing is hereby concluded.

Dated this 30<sup>th</sup> day of November 2012.