

SINGAPORE MEDICAL COUNCIL

IMPORTANT INSTRUCTIONS ON MAKING A COMPLAINT

(A) Making a complaint

1. Before lodging a complaint against a doctor, you should read and understand the information found in the accompanying [Information Sheet](#).
2. Your complaint should be type-written in English. An authenticated English translation must be submitted together with the complaint if it is not in English. The Singapore Medical Council ("SMC") is unable to accept verbal complaints (e.g. phone calls) or complaints via email.
3. You can refer to the [Sample Letter](#) as appended with this document for an example. In particular, the complaint must contain **the full name of the doctor(s) who is/are the subject of the complaint and the name of the healthcare institution(s)**. You must also state **the allegation(s) against the doctor(s), including any necessary details, and include copies of all documents necessary to support your complaint**. In general, a complaint should be lodged **within six years of the incident** for the complaint to be investigated effectively, as the relevant evidence such as medical records and witness testimony may become unavailable or difficult to secure with the passage of time.
4. As an independent administrator of the disciplinary process, the SMC is unable to assist in drafting the complaint and/or obtain the name of the doctor(s). Where necessary, you should contact the relevant healthcare institution(s) to find out the name of the doctor(s).

(B) Before submitting the complaint

5. Under the Medical Registration Act, a complaint must be made in writing and supported by a Statutory Declaration. The Statutory Declaration can be made before a Commissioner for Oaths at the SMC's office, located at 16 College Road, #01-01 College of Medicine Building, Singapore 169854. You may call **6372-3074** to make an appointment with the Commissioner for Oaths.
6. Alternatively, you may make a Statutory Declaration with a Commissioner for Oaths on your own. Kindly ensure that your **name, address and occupation** are included in the Statutory Declaration.
7. On the day of the appointment, you must have your photo identification ready for identification purposes (e.g. identity card, passport, etc). You should complete all the fields in the Statutory Declaration form, but **do not sign the form before the appointment**.

(C) Submitting the complaint

8. After endorsement by a Commissioner for Oaths, please submit the complaint and the Statutory Declaration to:

*Chairman, Complaints Panel
Singapore Medical Council
16 College Road, #01-01
College of Medicine Building
Singapore 169854*

The original Statutory Declaration **must** be attached to the complaint. The SMC will acknowledge receipt of the complaint and Statutory Declaration, and reserves the right to reject any complaint or Statutory Declaration not made in compliance with the law or in accordance with its requirements.

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THE ROLE OF THE SMC IN THE DISCIPLINARY PROCESS

What is the Singapore Medical Council?

1. The Singapore Medical Council (“SMC”) is a statutory board that, among other things, maintains the register of doctors and governs and regulates their professional conduct and ethics.

Is the SMC the right place for you to lodge your complaint?

2. By law, SMC can only consider complaints against doctors. The following are some non-exhaustive illustrations of situations which SMC is empowered to investigate:

- (a) Cases involving serious misconduct on the part of the doctor or serious mistakes pertaining to a patient's medical care, for example, serious cases involving a mis-diagnosis or mis-prescription by the doctor concerned;
- (b) Improper conduct by a doctor (e.g. an inappropriate or sexual relationship between a doctor and his patient);
- (c) Breach of confidentiality by a doctor;
- (d) Unethical behaviour by a doctor against his/her patient; and
- (e) Criminal offences committed by doctors that reflect on their professional standing and the standing of the medical profession.

3. SMC is **NOT empowered** to investigate complaints that pertain to the following:

- (a) Complaints that primarily pertain to institutional policies (e.g. scheduling of appointments, delays in treatment due to institutional frameworks, billing issues arising from institutional policies) or complaints directed against a healthcare institution and not a doctor;
- (b) Complaints against healthcare professionals other than doctors, including nurses, allied healthcare professionals and hospital/institution staff; and
- (c) Any complaint against any other party who is not a registered medical doctor with the SMC (e.g. traditional chinese medicine practitioners).

Can you lodge a complaint with SMC even before trying to resolve the matter with the doctor and/or healthcare institution concerned?

4. Yes. In fact, where the case involves serious allegations of misconduct or where there is a serious defect in the quality of services provided or where there is a significant question of the physical or mental fitness of the doctor to practise medicine, we encourage you to report the matter to SMC **as soon as possible**.

5. However, while there is no requirement that you attempt to resolve the matter with the doctor and/or healthcare institution first, our experience suggests that many complaints can be resolved to the satisfaction of all parties *via* an informal resolution of the matter with the doctor and/or healthcare institution concerned. This is especially since SMC cannot provide the redress that complainants sometimes want (see paragraph 6 below). Therefore, we recommend that you highlight your concerns to the doctor(s) and/or healthcare institution(s) concerned in case the matter may be resolved without the need for you to make a complaint. That said, if the matter is serious (examples are set out in the previous paragraph), we would recommend you make a complaint whether or not you have tried to resolve the matter with the doctor(s) and/or healthcare institution(s) concerned.

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Can an order be made for the doctor to reduce a medical bill or give an explanation about what happened in a medical procedure?

6. You may believe that you were not charged a fair rate by a doctor for the medical services rendered, or was dissatisfied with the explanation given or lack thereof after a procedure or treatment (whether or not the outcome was adverse). While you can make a complaint in such situations, you should be aware that the disciplinary framework only allows for the imposition of disciplinary sanctions against doctors. **Please note that the following remedies are not available even if your complaint is found to be valid:**

- (a) Refund of monies to a patient or a reduction in a bill incurred by a patient;
- (b) Compensation/damages for any harm caused to you as a result of the doctor's misconduct or negligence;
- (c) Retrieval of medical records on your behalf;
- (d) An explanation from the doctor(s) and/or healthcare institution(s) in respect of a treatment or procedure;
- (e) An order that the doctor(s) perform a particular procedure or offer a certain treatment;
- (f) An apology from the doctor(s) or healthcare institution(s) to you and/or the patient;
- (g) Revocation of the licence of the healthcare institution(s); and
- (h) Criminal sanctions (e.g. imprisonment) against the doctor(s) and/or healthcare institution(s).

7. Some other avenues for seeking the above remedies are provided in paragraph 8 below.

What are other avenues available for you to seek redress?

8. The SMC process may not be appropriate for all complaints involving healthcare issues. There are other avenues that may be more suited to deal with such complaints. Some of the common avenues to deal with such complaints (and when they might be appropriate) are as follows:

- (a) **Communicating with the healthcare institution/doctor concerned:** As indicated above, we have found that a large majority of cases involving issues of miscommunication or where the issues pertain to a patient's desire for an explanation of certain medical matters is best resolved with the doctor or healthcare institution concerned. For that reason, we strongly recommend that you first attempt to resolve the dispute with the parties concerned in such cases. Please rest assured that the fact that you had attempted to resolve the matter with the healthcare institution and/or doctor concerned informally will not be taken against you if you do eventually decide to make a complaint;
- (b) **MOHH Healthcare Mediation Scheme ("HMS"):** The HMS promotes the voluntary use of mediation to resolve disputes between patients and healthcare institutions. This platform is suited for disputes involving patient care, medical management, service quality and medical fees. Two mediators are appointed for each mediation session to help parties reach a mutually acceptable and binding agreement. The HMS may be more suitable if you are seeking certain outcomes (e.g. an apology, an explanation from the doctor concerned, and/or financial compensation) that cannot be facilitated by the SMC disciplinary process. The HMS does not deal with cases involving disciplinary, criminal or regulatory offences. For more information about the HMS, including fees, please visit www.mohh.com.sg/hms or contact the Mediation Unit at **6622-3755** or mediate@mohh.com.sg;
- (c) **Filing a complaint with other regulators:** In cases involving complaints against institutions, or other healthcare professionals, you may wish to file a complaint with the relevant regulatory agency in charge of such matters;
- (d) **Filing a civil claim:** If you are seeking damages or financial compensation from a doctor and/or a healthcare institution, you may wish to consider filing a civil suit instead. Depending on the quantum of the claim, you may have to file it in either the High Court or in the State Courts. You may wish to seek independent legal advice should you decide to pursue this option; and

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- (e) **Making a police report:** In serious cases involving alleged criminal conduct on the part of a doctor, you may wish to lodge a report with the Singapore Police Force.

How are complaints processed?

9. Every complaint will be investigated by an independent Complaints Committee ("CC"), which comprises a Council member as chair, a doctor and a layperson. Given the serious nature of many complaints, investigations usually take at least **9 months**. For even more complex complaints, investigations may take **more than a year**. These timelines may be extended further still where a complainant furnishes new information after making a complaint, as the CC must review the new information.

10. As all proceedings before the CC are confidential, **you will not receive periodic updates on the status of the investigations**. The CC is an independent and separate body from the SMC, and the SMC Secretariat is **NOT EMPOWERED** to release any information to you during the course of investigations. You will, however, be informed in writing of the outcome of the CC's deliberations as soon as a decision has been reached. We seek your understanding in this regard.

Will the doctor see your complaint?

11. As part of a fair and impartial investigation, it is usually necessary for the doctor to be called upon to answer any allegation made against him/her, and **your complaint (including your identity and the details of your allegation(s)) must, by law, be furnished to the doctor**. The CC may also access your medical records as part of the investigations, though all documents before the CC (including your complaint and medical records) remain confidential and will not be disclosed to third parties other than the doctor(s) being complained against, except as required by law.

What are the possible outcomes after the CC completes its investigations?

12. After the CC completes its investigations, it may:
- (a) Dismiss the complaint;
 - (b) Refer the matter for mediation between the doctor and the complainant at the Singapore Mediation Centre;
 - (c) Issue the doctor with a letter of advice or a letter of warning; or
 - (d) Order the doctor to undergo medical or psychiatric treatment or counselling, undertake and complete specified further education or training, or report on the status of his/her medical practice and seek and take advice on the management of his medical practice.
13. If the CC determines that a formal inquiry is necessary, it will order that an inquiry be held by a Disciplinary Tribunal.
14. If the complaint touches on the doctor's physical or mental fitness to practise, the CC can also order a formal inquiry to be held by a Health Committee.

What can you do if you are not satisfied with the outcome of the complaint?

15. If you are dissatisfied with the order(s) of the CC, you may be able to appeal to the Minister for Health, whose decision shall be final. You will be informed of the appeal process, if available to you, when the outcome of the CC's investigations is communicated to you.

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SAMPLE LETTER

“A”

« Date of Statutory Declaration »

« Your name »

« Address 1 »

« Address 2 »

« Address 3 »

Chairman, Complaints Panel
Singapore Medical Council
16 College Road #01-01
College of Medicine Building
Singapore 169854

Please note that Complaints Committee may not be able to investigate the complaint without the full name of the doctor(s).

Dear Sir

COMPLAINT AGAINST « FULL NAME OF DOCTOR(S) »

1. Introduction (to provide the following information, where relevant)

- State if you are the patient who was attended to by the above named doctors.
- If you are not the patient, please provide the name of the patient in full and his/her NRIC or passport number. You will need to describe your relationship with the patient (e.g. parent of the patient) and why the patient is unable to lodge the complaint personally.
- Provide a summary of the date(s) and location(s) of the incident(s).

Example:

“I am the mother of the patient, «Name of patient in full» of Birth Certificate number: «BC number». I am making this complaint as my daughter was one year old when the incidents happened between 1 January 2017 and 9 January 2017 at «name of clinic or hospital».”

2. Details of your complaint

- Provide a title for each allegation against each doctor, followed by details.

Example A (complaint against one doctor):

“Title: Failure to provide professional service

Details: On 1 January 2017, during my consultation with the doctor, he had made the wrong diagnosis for my condition which resulted in me undergoing the unnecessary treatment.”

“Title: Overcharging for consultation

Details: On 1 January 2017, I had a short consultation with the doctor of less than 5 minutes and was only given two types of flu medications. However, I was charged a consultation fee of \$400, which was more than 10 times the amount I have been charged at other GP Clinics for the same type of illness and medicine.”

Please state the page number on every page (including on all supporting documents)

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Example B (complaint against more than one doctor):

Title: Failure of «Name of first doctor» to diagnose my condition

Details: [Please provide particulars specific to this doctor's alleged failure]

Title: «Name of second doctor» was rude and made condescending remarks

Details: [Please provide particulars specific to this doctor's alleged conduct]

3. Any Police report made / Legal Proceeding?

- Please state if you have made Police report(s) and/or commenced legal proceeding(s) against the named doctor(s) which arise from the same set of facts and particulars detailed in this complaint. You should provide the Police's and/or Court's reference number and attach a copy of the Police report(s) and/or Court's documents.

Example:

"I have made a Police report at «location of police station» and/or commenced legal proceedings against «Name of doctor(s) in full» at the State Courts / High Court* which arise from the same set of facts and particulars detailed in my complaint. The Police's* / Court's* reference number is «reference number».*

** Please delete where applicable*

4. Provide a list of documents enclosed with the complaint and label them accordingly

Example:

[Annex A: Timeline of Events]

[Annex B: Discharge Summary dated DDMMYYYY]

[Annex C: Emergency Notes dated DDMMYYYY]

[Annex D: Medical Report dated DDMMYYYY]

[Annex E: Correspondences with Dr XXX]

[Annex F: Correspondences with XXX Hospital]

[Annex G: Coloured Photographs of XXX dated DDMMYYYY]

Please refer to the template at [Annex A](#)

Yours faithfully

[Signature]

[Name in full]

If you are enclosing the following items, you are required to provide seven (7) copies:

- Coloured photographs
- Coloured documents
- Storage medium (e.g. DVDs or thumb drives)

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SAMPLE LETTER

TIMELINE OF EVENTS

Annex A

Please annex your supporting documents accordingly

S/N	Date	Occurrence
1	[DDMMYYYY]	<ul style="list-style-type: none"> - I visited the Emergency Department of XXX Hospital at about 1.00am as I had a difficulty in breathing... - Saw Dr XXX at about 1.30am. Told him that I have been feeling breathless since 11.00pm... - ... - ...
2	[DDMMYYYY]	<ul style="list-style-type: none"> - I returned to see Dr XXX at the Outpatient Clinic of XXX Hospital as scheduled. - ... - ... - ...

[Signature]