



# SINGAPORE MEDICAL COUNCIL

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## SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY FOR A/PROF EU KONG WENG AND COURT OF 3 JUDGES' DECISION

### DISCIPLINARY INQUIRY

1. The Disciplinary Committee (“**DC**”) of the Singapore Medical Council (“**SMC**”) held an inquiry for A/Prof Eu Kong Weng (“**A/Prof Eu**”), a registered medical practitioner and a specialist in General Surgery. The inquiry was concluded in July last year (i.e. 2010). The inquiry arose from a complaint by a patient (“**the Patient**”) of A/Prof Eu. At the material time, A/Prof Eu was the Head and Senior Consultant Colorectal Surgeon with the Singapore General Hospital (“**SGH**”).
2. A/Prof Eu faced three charges of professional misconduct in relation to the management the Patient:
  - (a) whether A/Prof Eu had performed staple haemorrhoidectomy (“**the Surgery**”), a surgical procedure, on the Patient to treat his haemorrhoids without informing him of any alternative treatment options or sufficiently explaining to him the possible risks and complications involved, and thereby failed to obtain the Patient’s informed consent for the Surgery that was carried out on him;
  - (b) whether A/Prof Eu was in wilful neglect of his duties and had grossly mismanaged the post-operative care of the Patient; and
  - (c) whether A/Prof Eu had made or caused to be made laudatory and/or misleading statements concerning a procedure for the treatment of haemorrhoids and his experience in two articles which were published in the Straits Times on 26 April 2006.A/Prof Eu contested all three charges.
3. At the conclusion of the disciplinary inquiry, the DC convicted A/Prof Eu on the first charge and acquitted A/Prof Eu on the second and third charges. In respect of the first charge, on a totality of the evidence, the DC found that the omission by A/Prof Eu to obtain informed consent from the Patient was of sufficient severity to constitute serious professional misconduct.

4. In relation to the second charge, the DC was not satisfied that A/Prof Eu had carried out good practice in the post-operative care of the Patient in the few weeks after the Surgery. The DC found that A/Prof Eu's post-operative conduct was unsatisfactory. As a senior specialist, he ought to have kept his mind open and be prepared to depart from his initial diagnosis and conduct further investigations if circumstances warranted that. However, notwithstanding the DC's concerns with A/Prof Eu's conduct and management, they felt that there were reasonable doubts in respect of the evidence and they were unable to find that the charge of gross misconduct had been proved beyond a reasonable doubt.
5. The third charge concerns the articles "A pain-free way to treat piles" and "A pain in the rear" that was published in an edition of "Mind Your Body", a supplement of The Straits Times newspaper on 26 April 2006. These articles were based on an interview conducted by the Straits Times with A/Prof Eu. The DC accepted that these articles contained laudatory and misleading statements. However, as A/Prof Eu had not seen a draft of these articles before they were published and had no inkling of the contents of the articles, the DC found that there no nexus between A/Prof Eu and the offending contents of the newspaper articles. Thus, the DC also found that the third charge was not proven. Notwithstanding this, the DC noted their disappointment that A/Prof Eu, though having notice of errors of the articles, failed to take steps to correct it.
6. In relation to the sentence to be meted out to A/Prof Eu on the first charge, the DC expressed their concern at the serious nature of A/Prof Eu's misconduct. The DC also noted that A/Prof Eu, as the head of a department, leads the way in setting the standard, for his department and the hospital. The DC took the view that the circumstances of this case warrant a strong signal to members of the profession that their patients' consent must be obtained properly, both in spirit as well as procedurally.
7. The DC exhorted doctors to view their duty to obtain such consent as a serious duty, as it concerns the education and involvement of the patient in the treatment process. The process of taking informed consent is a fundamental pillar of the doctor-patient relationship, where the patient trusts and turns to the physician for his treatment. The DC felt that this case was a timely reminder to the medical profession that obtaining informed consent is not a process to be taken lightly. It ultimately concerns the protection of the lay public at large.
8. The DC was of the view that a deterrent sentence is necessary so that standards of the medical profession are upheld. A punishment involving only a fine will not achieve justice in the process. As such, the DC therefore ordered that A/Prof Eu be suspended from

practice for a period of **3 months** and that he be censured and gives a written undertaking to the Medical Council that he will not engage in the conduct complained of or any similar conduct. He was also ordered to pay part of the costs and expenses arising from the disciplinary inquiry incurred by the Medical Council, including the costs of solicitors and the Legal Assessor to the Medical Council.

#### APPEAL BEFORE THE COURT OF 3 JUDGES

9. A/Prof Eu filed an appeal to the High Court in respect of the conviction and sentence imposed on the first charge. The appeal was heard on 17 March 2011 and was dismissed by the High Court.
10. The High Court upheld the DC's decision that A/Prof Eu had failed to obtain informed consent from the Patient. The High Court noted that A/Prof Eu's case-notes did not record any discussion of treatment options or the risk and complications involved in the Surgery, and that other contemporaneous documents did not support A/Prof Eu's claim that there was a discussion being conducted based on pamphlets. The High Court also noted that the DC had taken into account the inconsistencies in A/Prof Eu's evidence with respect to the taking of informed consent in the SGH Day Surgery Centre, which he claimed to be a standard operating procedure in SGH. The High Court was unable to agree that the DC's findings of fact were wrong as the relevant documents supported the DC's findings of fact.
11. The High Court also upheld the DC's order to impose a suspension of 3 months on A/Prof Eu. The High Court noted that the DC had considered a failure to obtain informed consent for an invasive surgery to be a serious form of professional misconduct and had wanted to send a signal to medical practitioners that the interest and welfare of the patient should be their overriding concern. Having regard to the importance of obtaining informed consent from a patient before performing invasive surgery on him, and the mission of the SMC to raise the standard of medical treatment of patients in Singapore, the High Court agreed that a suspension was called for. Given that a 3-month period is the minimum period of suspension that is mandated under the Medical Registration Act, the High Court upheld the sentence imposed by the DC. The suspension is to take effect on such date to be determined by the SMC, after considering representations from A/Prof Eu.
12. The High Court also affirmed the DC's order on costs.

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