



SINGAPORE MEDICAL COUNCIL

16 College Road, #01-01 College of Medicine Building, Singapore 169854

E-mail Address: enquiries@smc.gov.sg

Website: <http://www.smc.gov.sg>

Fax Number: (65) 6258-2134

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PRESS RELEASE DISCIPLINARY COMMITTEE INQUIRY FOR DR CHEAH WAY MUN

1. A Disciplinary Committee ("DC") appointed by the Singapore Medical Council ("SMC") held an Inquiry for Dr Cheah Way Mun ("Dr Cheah"), age 65 years. The Inquiry was held on 11 and 12 November 2013 and on 19 March 2014.
2. The disciplinary proceedings arose out of a complaint made on 29 April 2009 by one of Dr Cheah's patients ("Complainant") to the Singapore Medical Council ("SMC") in relation to *inter alia* the medical care and/or treatment provided by Dr Cheah to the Complainant in respect of the latter's cataracts.
3. At the time of the complaint, Dr Cheah was practising as an Ophthalmologist at The Eye Centre in Mount Elizabeth Medical Centre, Singapore.
4. Dr Cheah pleaded guilty to 2 charges of professional misconduct under Section 45(1)(d) of the Medical Registration Act (Cap. 174) (2004 Ed.), the particulars of which are as follows :-
 - (a) on 18 February 2009, Dr Cheah had employed inadequate and/or improper and/or erroneous biometric measurement techniques in the diagnosis and/or treatment of the Complainant; and
 - (b) between 26 February 2009 and 27 March 2009, Dr Cheah failed to promptly ascertain and/or inform and/or provide adequate advice to the Complainant that the intraocular lens ("IOL") implant that he had inserted into the Complainant's left eye on 26 February 2009 was excessively powered.

5. In its Grounds of Decision, the DC noted the following:-

- (a) By failing to employ adequate and proper biometric measurement techniques in the diagnosis and treatment of the Complainant, which resulted in Dr Cheah choosing the wrong IOL for the Complainant's cataract operation, Dr Cheah had caused harm to his patient, who had to undergo the pain, risk and anxiety of a second operation to correct his mistake. Dr Cheah had therefore breached one of the most fundamental and sacrosanct tenets of the medical profession, *i.e.* to do no harm.
- (b) As the Complainant's operation was an elective one, there was no medical emergency and no rush to perform the operation. As such, the pre-operation assessment and management of the Complainant should have been thorough, adequate and correct.
- (c) While it is not the case that the pre-operation assessment and management of a patient in the case of a non-elective operation need not be thorough, adequate or correct; it is just that where the procedure is an elective one and is done outside the context of a medical emergency, there was simply no excuse for such assessment and management to be so inadequate and incorrect as to amount to professional misconduct.
- (d) Dr Cheah had compounded his misconduct in relation to the wrong choice of the IOL when he failed to promptly ascertain that he had made the mistake and failed to promptly inform the Complainant of the mistake and to advise her on how to deal with it.

6. In arriving at the matter of the appropriate sentence, the DC considered the following mitigating factors raised by Dr Cheah:-

- (a) The Complainant was well after the second operation to replace the erroneous IOL, and no permanent injury was caused to her;
- (b) Dr Cheah was remorseful;
- (c) Dr Cheah has had a long, unblemished and distinguished record, having been in medical practice for more than 32 years. During this time, he had made contributions to Tan Tock Seng Hospital, KK Women's & Children's Hospital, the Singapore National Eye Centre, the National University of Singapore, the Children Aid Society of Singapore, and the Singapore Association for the Visually Handicapped; and

- (d) Dr Cheah had pleaded guilty (although the DC found this mitigating factor to be somewhat diluted by the fact that he pleaded guilty at a very late stage of the Inquiry).
7. In the circumstances, taking the evidence and mitigating factors into consideration, the DC ordered that Dr Cheah:-
- (a) pay the maximum penalty of S\$10,000.00;
 - (b) be censured;
 - (c) give a written undertaking to the SMC that he will not engage in the conduct complained of, or any similar conduct; and
 - (d) pay the costs and expenses of and incidental to these inquiry proceedings, including the costs of the SMC's counsel and the Legal Assessor.
8. The DC also ordered that the grounds of decision be published.

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