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PRESS RELEASE DISCIPLINARY COMMITTEE INQUIRY FOR DR GAN KENG SENG ERIC

1. A Disciplinary Committee (“**DC**”) inquiry (the “**Inquiry**”) was held on 11 February 2015 for Dr Gan Keng Seng Eric (“**Dr Gan**”), aged 49 years, a general surgeon who practised at Eric Gan Surgery at 3 Mount Elizabeth, #16-10, Mount Elizabeth Medical Centre, Singapore 228510 at the material time. The proceedings arose out of a complaint to the Singapore Medical Council (“**SMC**”) dated 28 October 2010 by one of Dr Gan’s patients (the “**Patient**”).
2. Dr Gan faced 3 charges of professional misconduct under section 45(1)(d) of the Medical Registration Act (Cap. 174) (2004 Rev Ed). He pleaded guilty to the First and Second Charges and the Third Charge was withdrawn by the SMC. Dr Gan was accordingly convicted by the DC on the following two charges concerning professional misconduct:
 - a) That on or about 15 July 2009, Dr Gan caused the Endovenous Laser Treatment (the “**EVLT procedure**”) to be performed on the right long saphenous vein of the Patient together with stab avulsions of the varicosities in both calves of the Patient (collectively, the “**Surgery**”), without explaining to him the possible risks and complications involved in the Surgery, and thereby failed to obtain the informed consent of the Patient for the Surgery that was performed on him (“**Charge 1**”).
 - b) That on or about 15 July 2009, Dr Gan caused the EVLT procedure to be performed on the right long saphenous vein of the Patient, without informing the Patient that another surgeon would be performing the EVLT procedure, and thereby failed to provide adequate information to

the Patient which would allow the Patient to make an informed choice about his medical management (“**Charge 2**”).

3. In its Grounds of Decision, the DC observed that the failure to obtain informed consent from a patient through the failure of providing adequate information was a clear breach of a duty owed by the doctor to his patient, emphasising that such duty to obtain informed consent and provide adequate information were amongst the core pillars of the doctor-patient relationship which was based on trust.
4. In coming to the appropriate sentence, the DC considered, *inter alia*, the following matters to be relevant:
 - a) In respect of Charge 1, the Patient came to Dr Gan specifically asking about the EVLT procedure. Dr Gan’s medical management of the Patient spanned several consultations. Dr Gan did not immediately advise on the EVLT procedure or other surgery, choosing rather to recommend non-invasive and conservative treatments such as compression stockings. In addition, Dr Gan did provide the Patient with *some* but not adequate, information about the EVLT procedure. In this regard, the DC was of the view that there was no basis to conclude that Dr Gan deliberately suppressed information or was trying to push the Patient into doing a certain procedure.
 - b) In respect of Charge 2, the DC noted that while Dr Gan failed to provide adequate information as to the identity of the colleague to assist him should an EVLT procedure be performed, and the scope and nature of the colleague’s role in the Surgery, there was no reasons to conclude that Dr Gan was deliberately suppressing this information from the Patient. The DC was of the view that Dr Gan’s mistake in this regard was more of the nature of an oversight and was not intentional.
5. The DC also took into account the following mitigating factors:

- a) Dr Gan had pleaded guilty to the two charges, which saved time and cost for the SMC and the DC.
 - b) The EVLT procedure was not an inappropriate treatment under the circumstances, and Dr Gan had recommended a conservative approach, over a two-month period of consultation, prior to the treatment.
 - c) Dr Gan had displayed genuine remorse for his actions and had amended relevant aspects of his practice (such as referring patients to a separate consultation with the relevant colleague, and giving the patient a 'risk assessment form') to ensure that similar mistakes were not repeated in future.
 - d) Dr Gan had provided his full co-operation in assisting the disciplinary process at all times.
 - e) Various favourable testimonials were provided by Dr Gan's peers in the profession.
6. Having considered the submissions tendered and having taken into account all of the circumstances of the case, the DC ordered that Dr Gan:
- a) pay a fine of **S\$5,000**;
 - b) be censured;
 - c) give a written undertaking to the SMC to abstain in future from the conduct complained of in the First and Second Charges, or any similar conduct; and
 - d) pay the costs of or incidental to these proceedings, including costs of the solicitor to the SMC and the Legal Assessor, to be taxed or agreed, in relation to the First and Second Charges.
7. The DC also ordered that the Grounds of Decision be published.

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