



## SINGAPORE MEDICAL COUNCIL

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### **PRESS RELEASE DISCIPLINARY TRIBUNAL INQUIRY FOR DR GARUNA MURTHEE KAVITHA**

1. A Disciplinary Tribunal (“DT”) inquiry was held on 21 April 2015 for Dr Garuna Murthee Kavitha (“**Dr Kavitha**”), aged 32 years, a registered medical practitioner who was practising as a Medical Officer at the Singapore General Hospital at the material time.
2. Dr Kavitha had faced a single charge under Section 53(1)(d) of the Medical Registration Act for erroneously administering Velcade (a chemotherapy medication) intrathecally instead of intravenously to a patient without ensuring that the route of administration was correct, thereby putting the patient at risk of severe neurological damage.
3. At the hearing on 21 April 2015, Dr Kavitha pleaded guilty to the charge and was accordingly convicted of the charge by the DT.
4. Counsel for Dr Kavitha highlighted in mitigation that the error was unintentional and that it was unfortunate that the ward had sent the wrong medicine which Dr Kavitha did not check. It was also stressed in mitigation that Dr Kavitha had also disclosed the error immediately, had never shied away from accepting responsibility and was a very young doctor who had learnt from this unfortunate incident.
5. The DT noted the strong testimonials from Dr Kavitha’s superiors, colleagues and feedback from the family of another patient, all of which attested to her strong work ethic and sense of integrity. The DT also noted Dr Kavitha’s Best

Medical Officer award accorded at the SingHealth Best Junior Doctors and Medicine Scholarship Awards 2013.

6. In stressing that a fine was an appropriate sentence on the facts, counsel for Dr Kavitha highlighted various distinguishing factors in precedent cases noting that these factors, including the doctors involved being generally more senior, the error having taken longer to detect before the patient was informed, and involving the tampering of medical records, made the errors in those cases more serious than in the present instance.
7. Counsel for Dr Kavitha also urged the DT to exercise its discretion to order that the Grounds of Decision be published with Dr Kavitha's name and the name of the institution she worked in, redacted. Counsel for SMC objected to the application.
8. In arriving at its decision, the DT noted that while Dr Kavitha's culpability was not as high as the precedent cases, a mere sentence of censure was not appropriate as it would not sufficiently register the seriousness of the conduct nor would it deter such lapses or preserve public confidence in the medical profession. A sentence of suspension would also not be appropriate having regard to the circumstances, especially the lower level of culpability and strong mitigating factors. However, having regard to Dr Kavitha's early plea of guilt and efforts to accept full responsibility for her actions, including sounding an early alert as soon as the mistake was discovered which allowed corrective measures to be undertaken, also apologising, on her own accord, to the family of the patient, the strong testimonials on her behalf and the fact that she was a young medical officer at the time of the incident, the DT was of the view that a fine of \$2000 would be the most appropriate sentence in the circumstances and would serve to remind all doctors that they should never fail to check the route of administration before drugs are administered to patients.
9. In relation to Dr Kavitha's request to anonymise the publication of the Grounds of Decision, the DT was not convinced that this served as an appropriate case for the DT to exercise such discretion. In relation to the matter of the

Australian case in which the Australian Medical Tribunal decided to anonymise its decision that had been cited by counsel for Dr Kavitha, the DT noted that it was not entirely clear as to why the Australian Medical Tribunal decided to do so in that case and there was also no indication that the policy considerations and circumstances in Singapore were similar to that in Australia, calling for the adoption of a similar approach. In this regard, the DT saw no compelling reason to make an exception and depart from the prevailing policy for all Grounds of Decisions to be published without redaction, save as to the identity of the patient.

10. Having regard to all the circumstances of the case and considering the submissions and precedents cited, the DT ordered that Dr Kavitha:-
  - (a) be fined a penalty of **S\$2,000.00**;
  - (b) be censured;
  - (c) give a written undertaking to the SMC that she would not engage in the conduct complained of and any similar conduct; and
  - (d) pay the costs and expenses of and incidental to the proceedings, including the costs of the solicitors to the SMC.
  
11. The DT also ordered that the Grounds of Decision be published.

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