



## SINGAPORE MEDICAL COUNCIL

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### **PRESS RELEASE DISCIPLINARY TRIBUNAL INQUIRY FOR DR KWAN KAH YEE**

1. The Disciplinary Tribunal ("DT") of the Singapore Medical Council ("SMC") held a disciplinary inquiry hearing on 31 October 2014 for Dr Kwan Kah Yee ("Dr Kwan"), aged 64 years, a registered medical practitioner practising at Superbcity Hospice, 111 North Bridge Road, #07-27, Singapore 179098, at the material time. The proceedings involved two separate inquiries that were consolidated into a single inquiry.
2. The first inquiry arose from a complaint to the SMC made by the Ministry of Health ("MOH") in respect of Dr Kwan's certification of the cause of death of the first deceased individual ("the first individual"). In particular, it was alleged that on or about 29 March 2010, Dr Kwan had erroneously certified the cause of death of the first individual as Bronchiectasis and Chronic Obstructive Airway Disease when he had insufficient basis to come to such a conclusion and had ostensibly based his certification of the cause of death on a chest x-ray which, in fact, did not exist.
3. The second inquiry arose from a complaint to the SMC made by a family member of a second deceased individual ("the second individual") pertaining to Dr Kwan's certification of the cause of death of the said individual. In particular, it was alleged that on or about 29 March 2011, Dr Kwan had erroneously certified the cause of death of the second individual to be Ischaemic Heart Disease when he had insufficient factual basis to come to such a conclusion and had ostensibly based his certification of the cause of death on medical information from various polyclinics, general practitioners, medical specialists which, in fact, did not exist.
4. Dr Kwan accordingly faced two charges of professional misconduct under the Medical Registration Act (Cap 174) ("MRA") for the matters stated above. He pleaded guilty to, and was convicted of, both charges.
5. This was not Dr Kwan's first conviction for wrongful certification of a certified cause of death. Dr Kwan had previously been found guilty by the SMC's Disciplinary Committee ("DC") in July 2011 and was convicted of professional

misconduct after a full inquiry and was sentenced, at the time, to 3 months' suspension and a penalty of \$5,000 among others.

6. In sentencing, the DT noted that Dr Kwan was not, strictly speaking, a repeat offender as the subject matter of the two charges were committed before he was sentenced in July 2011 (i.e. 29 March 2010 and 29 March 2011). The DT further noted that since the decision of the DC in July 2011, Dr Kwan has complied with the written undertaking to the SMC that he would not engage in the conduct complained of or any similar conduct.
7. While the DT gave credit to Dr Kwan for electing to plead guilty at the earliest instance, the DT also noted that a suspension was fully warranted as the offending acts involved dishonesty and falsification of documents.
8. At the conclusion of the inquiry, after taking into account the aggravating factors and mitigation tendered, the DT ordered that Dr Kwan:
  - a) be suspended from practice for a period of 3 months on each charge (to run concurrently);
  - 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) to pay half of the costs and expenses of and incidental to the disciplinary proceedings, including the costs of the solicitors to the SMC.
9. The DT further ordered that the Grounds of Decision be published.

#### APPEAL BEFORE THE COURT OF 3 JUDGES

10. The SMC filed an appeal against the sentence imposed by the DT. On appeal, the Court of 3 Judges on 6 July 2015 enhanced Dr Kwan's sentence to a period of 18 months on each charge, with the sentences to run consecutively, i.e. the Court suspended Dr Kwan for 36 months in total. The Court also ordered Dr Kwan to pay for the costs of the proceedings before the Disciplinary Tribunal and for the appeal. The costs for the appeal were fixed at \$6,000, excluding disbursements. The other orders made by the DT were not disturbed.

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