



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 TRIBUNAL INQUIRY FOR DR WONG HIM CHOON AND COURT OF 3 JUDGES' DECISION

1. On 10 May 2016, the Court of Three Judges heard an appeal filed by the Singapore Medical Council ("SMC") against the decision of a Disciplinary Tribunal ("DT") to acquit Dr Wong Him Choon ("Dr Wong") of professional misconduct.
2. The Court allowed the SMC's appeal and convicted Dr Wong of professional misconduct. Dr Wong was sentenced to 6 months' suspension.

DT inquiry

3. The brief background of the appeal is as follows.
4. Dr Wong, aged 51 years, is a registered medical practitioner who was practising as an Orthopaedic Surgeon at Raffles Orthopaedic Centre located at Raffles Hospital ("RH"), 585 North Bridge Road, #13-00, Singapore 188770, at the material time.
5. The DT proceedings arose from a complaint lodged by a representative of The Humanitarian Organization for Migration Economics to the SMC in respect of Dr Wong's management of a construction worker ("the Patient"). The complaint was lodged with the authorisation of the Patient.

6. On 3 September 2011, the Patient injured his right hand in an accident at the construction site. He was brought by his supervisors to RH and was seen by Dr Wong.
7. Dr Wong assessed that the Patient had sustained a distal radius fracture and a metacarpal fracture. Dr Wong performed a surgery on the Patient's hand at around 1 am on 4 September 2011. The Patient was discharged from RH at around 1 pm on the same day and was issued with a medical certificate to cover the period of hospitalisation from 3 to 4 September 2011. Dr Wong also certified the Patient fit for light duties for one month from 5 September 2011. A post-operation review was scheduled for 7 September 2011.
8. Dr Wong reviewed the Patient on 7 September 2011 and scheduled a further review on 5 October 2011. On 11 September 2011 and 23 September 2011, the Patient went to the Accident & Emergency Department of Changi General Hospital as he was experiencing pain and received hospitalisation leave from 11 September 2011 to 30 September 2011 (both dates inclusive).
9. The Patient also returned to RH on 21 September 2011, before his next appointment with Dr Wong on 5 October 2011, where he was seen by another orthopaedic surgeon who noted that the Patient had "presented stating discomfort over the K-wire sites". During the scheduled appointment on 5 October 2011 at RH, Dr Wong issued the Patient with a backdated medical certificate to cover his absence from work from 6 September 2011 and extended to 20 November 2011.
10. Dr Wong faced one charge of professional misconduct under Section 53(1)(d) of the Medical Registration Act, in that he had failed to exercise due care in the management of the Patient by: (i) certifying insufficient hospitalisation leave to the Patient who had sustained a distal radius fracture to his right hand for which surgery was necessary as well as a metacarpal fracture that was being treated conservatively and (ii) inappropriately certifying the Patient to be fit for light duties at work on the first post-operative day for a period of one month from 5 September 2011 to 5 October 2011 (both dates inclusive). Dr Wong pleaded not guilty to the charge.

11. The DT hearing was held on 15, 22 to 25 June and 15 September 2015.
12. SMC's case was that Dr Wong's conduct amounted to professional misconduct in that it was an intentional and deliberate departure from the standards observed or approved by members of the profession of good repute and competency.
13. The DT accepted the testimony of SMC's expert witness that Dr Wong had failed to discharge the onus on him to discuss with the Patient and to establish whether there were adequate conditions for rest and rehabilitation post operation or the availability of light duty before issuing the medical leave or certifying the Patient fit for light duties. The DT also accepted the SMC's expert's testimony that the applicable standard of conduct among members of the medical profession of good standing and repute for someone with a distal radius fracture that had been fixed and a metacarpal fracture that had been treated conservatively is two weeks of medical leave.
14. As such, the DT found that Dr Wong had failed to comply with the applicable standard of conduct in the management of the Patient.
15. Nevertheless, the DT acquitted Dr Wong on the basis that SMC had not proven beyond a reasonable doubt that Dr Wong's departure from the applicable standard of conduct was intentional and deliberate. The DT was of the view that there was no conclusive evidence to show that Dr Wong proceeded to certify the Patient fit for light duties despite knowing that there were no light duties available, and the fact that Dr Wong issued an inappropriate number of days of medical leave was, by itself, not sufficient to arrive at a determination that he had intentionally and deliberately departed from the applicable standards of conduct.

Appeal

16. The SMC filed an appeal to the Court of Three Judges against the DT's decision to acquit Dr Wong of professional misconduct. On 10 May 2016, the

Court set aside the DT's decision and convicted Dr Wong of professional misconduct.

17. On the issue of the appropriate sentence, Counsel for SMC submitted that in light of the aggravating factors of the case, a suspension of 4 months was appropriate.
18. Noting, amongst other things, that Dr Wong had considered irrelevant factors in issuing the medical certificate and disregarded the Patient's wellbeing, the Court made the following orders:
 - (i) Dr Wong be suspended from practice for a period of 6 months, such suspension to take effect immediately;
 - (ii) Dr Wong be censured;
 - (iii) Dr Wong gives an undertaking to the SMC that he will abstain in future from the conduct complained of and any similar conduct; and
 - (iv) Dr Wong bears the SMC's costs for the DT inquiry and the appeal.

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