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16 January 2017

PRESS RELEASE

DISCIPLINARY TRIBUNAL INQUIRY FOR DR YONG THIAM LOOK PETER

1. On 16 January 2017, the Court of Three Judges ("**the Court**") dismissed an appeal filed by Dr Yong Thiam Look Peter ("**Dr Yong**") against an order by a Disciplinary Tribunal ("**DT**") that Dr Yong be suspended from practice for a period of six months.

DT INQUIRY

2. The brief background of the appeal is as follows.
3. Dr Yong, aged 75, is a registered medical practitioner who was practising as a general practitioner with AcuMed Medical Group of Clinics at Block 64 Yung Kuang Road #01-107 Singapore 610064 ("**Clinic**") at the material time.
4. The DT proceedings arose out of a complaint made on 25 June 2013 by one of Dr Yong's patients to the Singapore Medical Council ("**SMC**") in relation to the medical care and/or treatment provided by Dr Yong in respect of the patient's trigger finger surgery.
5. Dr Yong was charged with :-
 - (a) two charges of professional misconduct, under section 53(1)(d) of the Medical Registration Act ("**MRA**"), in that :-

- (i) on 16 August 2012, Dr Yong had performed a trigger finger release surgery (“**Procedure**”) at the Clinic on the left middle finger of the patient without having obtained his informed consent; and
 - (ii) between 16 and 31 August 2012, Dr Yong had failed to keep clear and accurate medical records in respect of the treatment of and performance of the Procedure on the patient; and
 - (b) one charge for failing to provide professional services of the quality which is reasonable to expect of him, under section 53(1)(e) of the MRA, for failing to provide appropriate care to the patient by performing the Procedure at the consultation table of the Clinic, when such a procedure should properly have been undertaken in a procedure room or operating theatre.
6. Dr Yong pleaded guilty to the above three charges at the hearing before the DT on 1 February 2016.
7. Before the DT, the SMC submitted that the appropriate sentence in this case should be:
- (a) A period of suspension between 4 to 6 months;
 - (b) A fine of not less than \$10,000; and
 - (c) The usual orders in relation to the imposition of censure, undertaking and payment of the SMC’s fees and expenses.
8. Dr Yong’s counsel submitted that a fine instead of a suspension should be imposed.
9. In its Grounds of Decision, the DT made the following observations in relation to the two charges of professional misconduct:-

- (a) Dr Yong had given little, if any, advice to his patient before the Procedure was performed. There was not the slightest indication that Dr Yong's conduct came even close to meeting the minimum standard of obtaining proper informed consent set out in Guideline 4.2.2 of the SMC Ethical Code and Ethical Guidelines ("**ECEG**").
 - (b) The DT accepted the observations of the SMC's expert that the legibility of Dr Yong's medical notes was generally very poor. The DT found that Dr Yong had failed to adhere to the minimum standards that were expected of him in keeping medical records, as set out under Guideline 4.1.2 of the ECEG.
 - (c) The lack of proper and clear medical records raised concerns over the basis upon which Dr Yong made his diagnosis and recommended treatment. Medical notes which merely record a doctor's conclusions, but do not record the basis for those conclusions will not provide sufficient clarity to anyone else involved in managing the patient.
10. In relation to the charge under section 53(1)(e) of the MRA, the DT observed that :-
- (a) There has not been any other disciplinary inquiry involving a medical practitioner for a breach of section 53(1)(e) of the MRA, which is a unique provision inserted into the MRA in 2010.
 - (b) In this regard, the DT found Australian case law to be useful and held that the standard that would apply to a doctor of equivalent training and experience and/or that which is to be reasonably expected of him by the public and his professional peers provides a useful starting point in determining whether a doctor had breached section 53(1)(e) of the MRA. In this case, the DT considered what the standard which is

objectively and reasonably to be expected of a doctor of Dr Yong's training and experience should be.

- (c) Given that Dr Yong has more than three decades of experience, he should have been well acquainted with the necessity for asepsis and lighting during the performance of the Procedure which involved deep tissue where infection was a major issue and should not be performed at the consultation table.
11. In the course of the inquiry, the DT also considered Dr Yong's two antecedents – one during his practice in Australia and the other in Singapore. The DT noted that in the present case, Dr Yong had repeated what he was specifically cautioned against for his earlier antecedent in Singapore– i.e. the failure to maintain proper medical records, and had paid scant regard to the undertaking he had given to the SMC to guard against such conduct.
12. At the end of the inquiry, the DT ordered that Dr Yong :-
- (a) be suspended from practice for a period of six (6) months;
 - (b) pay a penalty of \$10,000;
 - (c) be censured;
 - (d) give a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct; and
 - (e) pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.
13. The DT also ordered the Grounds of Decision to be published.

APPEAL BEFORE THE COURT OF THREE JUDGES

14. Dr Yong appealed against the DT's decision on the grounds that the six-month suspension ordered by the DT was *manifestly excessive*. On 16 January 2017, the Court dismissed Dr Yong's appeal and upheld the decision

of the DT as it was satisfied that the sentence ordered by the DT was not *manifestly excessive*. In dismissing Dr Yong's appeal, the Court noted, amongst other things, that Dr Yong's violations were serious and that given Dr Yong's antecedents, there was a need for both general and specific deterrence.

15. The Court also awarded costs of the appeal to the SMC, to be fixed at \$20,000, and allowed Dr Yong's request for his suspension to take effect on 1 February 2017. Accordingly, Dr Yong's six-month suspension will take effect on 1 February 2017 and will run to 31 July 2017 (both dates inclusive).

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