



## SINGAPORE MEDICAL COUNCIL

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### PRESS RELEASE

#### DISCIPLINARY TRIBUNAL INQUIRY FOR DR SIM KWANG SOON

1. A Disciplinary Tribunal (“**DT**”) inquiry (the “**Inquiry**”) was held for Dr Sim Kwang Soon (“**Dr Sim**”) on 24 March 2016, 9 September 2016, 13 January 2017 and 18 August 2017.
2. Dr Sim, aged 53, is a registered medical practitioner. At the material time, he was practising as a General Practitioner (“**GP**”) at Alliance Clinic & Surgery, Block 652 Jalan Tenaga, 01-50, Singapore 410652.
3. The proceedings arose from a complaint made to the Singapore Medical Council (“**SMC**”) by Dr Sim’s patient (the “**Patient**”). On 16 June 2010, Dr Sim diagnosed the Patient to be suffering from a corneal ulcer in her left eye but did not refer the Patient to see an eye specialist immediately. Instead, he advised her that the corneal ulcer was small and would not affect her vision. He also advised her that that she should return to consult him if her condition did not improve, whereby he would then refer her to a specialist. The Patient subsequently filed a complaint with the SMC on 28 May 2013 in relation to Dr Sim’s treatment of her eye condition.
4. The SMC proceeded on one charge against Dr Sim for failing to refer the Patient to a specialist for management of the Patient’s medical issues in a timely manner. Dr Sim pleaded guilty to the charge and acknowledged that his failure to refer the Patient to an eye specialist timeously was in breach of section 4.1.1.6 of the SMC’s Ethical Code and Ethical Guidelines (2002 edition) (“**2002 ECEG**”), which requires a doctor to

practise within the scope of his own competence in managing a patient. Accordingly, the DT found Dr Sim guilty of the charge.

5. Another charge for failing to exercise due care in the management of the Patient by failing to carry out an adequate history taking of the Patient was taken into consideration for the purposes of sentencing.
6. In deciding on the appropriate sentence to impose on Dr Sim, the DT conducted a thorough review of the authorities cited by parties in an attempt to distil the relevant factors to be considered in deciding whether a suspension order was appropriate or not. Based on its review of the relevant case law, the DT found that a suspension order would generally be imposed if one or more of the following factors are present:
  - (a) Serious and direct breach of the relevant rules and/or statutory provisions;
  - (b) Negative consequences, including any pain and/or harm caused to the patient(s); and/or
  - (c) Elements of dishonesty.
7. The DT noted that these are broad factors and there is a spectrum of gravity of the offending conduct within each factor. In addition, each case will turn on its own set of unique facts, and there have been instances where the Courts and/or Tribunals have deviated from imposing suspension orders notwithstanding the presence of one or more of these factors in light of the exceptional circumstances present in such cases.
8. Applying these factors to Dr Sim's case, the DT was of the view that a suspension term was not appropriate as a sanction for two main reasons. First, Dr Sim's breach of section 4.1.1.6 of the 2002 ECEG was not so serious and direct as to warrant a suspension term. Second, the negative consequences that were caused to the Patient were not so serious as to warrant a suspension term.
9. In respect of the first reason, the DT noted that the expert reports adduced in support of the charge had differing opinions as regards the way Dr Sim had managed the Patient, though it was clear that Dr Sim's decision to observe the Patient's eye condition for a few more days was erroneous. For example, one expert was of the view that a referral should be made immediately upon diagnosis of a corneal ulcer, while another expert did not specify a time when referral ought to be made but opined that Dr Sim

should have insisted on close review and monitoring of the Patient. The DT was therefore unable to make a finding as to whether Dr Sim ought to have referred the Patient to a specialist on the same day.

10. Furthermore, the DT noted that Dr Sim had intended to refer the Patient to a specialist if her condition did not improve over the next few days, and there was no evidence that suggested that Dr Sim withheld referral for reasons of personal gain, out of malice, or out of a total disregard for the Patient's wellbeing.
11. In respect of the second reason, the DT observed that it was unclear if there was a causal link between the Dr Sim's failure to refer the Patient to a specialist on 16 June 2010, and the corneal transplant and cataract operation that she subsequently underwent. The DT noted that there were certain facts which may cast doubt on the issue of causation, namely:
  - (a) The Patient had been referred by another GP to Singapore General Hospital on 17 June 2010, just one day after Dr Sim had diagnosed the corneal ulcer; and
  - (b) The Patient had initially been discharged on 3 July 2010 after some improvement was noted. However, the corneal transplant was performed on 21 July 2010 after the left corneal infiltrate was noted to be enlarging despite medical treatment.
12. As such, the DT found that there was there was insufficient evidence to show that the harm caused to the Patient was due to Dr Sim's failure to refer her to a specialist timeously.
13. The DT considered and gave full credit to Dr Sim for pleading guilty at an early stage, for his long good standing in the medical profession, and the good testimonials tendered on his behalf. The DT was also satisfied that Dr Sim did not manifest a propensity to re-offend, given that there was no evidence of dishonesty in the present case and that there were no further complaints of possible misconduct from the date of the offence to date.
14. Having considered all the circumstances of the case, including the nature of the complaint together with Dr Sim's conduct and the need to impose a sanction which was

not only sufficiently deterrent but also proportionate in all the circumstances, the DT ordered that Dr Sim:

- (a) pay a fine of \$30,000;
- (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) pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors, to the SMC.

15. The DT also ordered that the Grounds of Decision be published.

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