

# Medical Registration (Amendment) Bill 2020

*Key changes to strengthen SMC's Disciplinary Processes*

The Singapore Medical Council's (SMC) disciplinary processes came under intense scrutiny in recent years arising from two Disciplinary Tribunals' (DTs) Grounds of Decisions. The Workgroup to Review the Taking of Informed Consent and the SMC's Disciplinary Processes, appointed by the Ministry of Health (MOH) made a total of 29 recommendations in its report issued in end 2019.

Key recommendations from the Workgroup's report were drafted in the Medical Registration (Amendment) Bill (the Bill), which was subsequently passed in Parliament on 6 October 2020. The Bill will commence on a date determined by the Minister for Health.

Some key amendments to the Bill include the following:

- Ensures independence of DTs
- Facilitates greater expedition in dealing with complaints
- Introduces a time-bar for filing of complaints
- Facilitates greater representation from the medical profession in SMC's composition

## Independence of DTs



A Disciplinary Commission (DC) will be established. It seeks to address the perception arising from feedback from the medical profession that DTs lack independence from the SMC. The DC will be sited within MOH and will be independent of the SMC. The DC will be helmed by a senior member of the medical profession as its President and staffed by a secretariat provided by MOH. The ambit of the DC's functions includes overseeing all matters pertaining to DTs such as appointment of individual DTs, and administering the DT processes. The DC will also oversee the training of members within the committees of the medical disciplinary framework.



## Time-bar for filing of complaints

There has been concerns of unfairness arising in situations where doctors are subject to complaints over matters which took place long ago. Doctors may be unable to effectively defend themselves in disciplinary proceedings because of evidentiary issues. Such issues may include difficulties in gathering information or recollecting events which took place years back. The Bill now mandates that complaints in relation to conduct more than six years ago – or the earliest date that the complainant had, or could have had, knowledge of the conduct – will not be referred to the Chairman of the Complaints Panel. The exception to this rule is where the President of the DC determines that it is in the public interest for the matter to proceed further.

## Expeditious resolution of complaints



The Bill established the following mechanisms to facilitate expeditious resolution of complaints. First, an Inquiry Committee (IC) will be established to sieve out unmeritorious complaints at an early stage. Complaints which are frivolous, vexatious, misconceived, or lacking in substance may be dismissed by the IC. The IC is also empowered to issue letters of advice and refer matters for mediation. The latter point warrants elaboration. Prior to the Bill, only Complaints Committees may refer matters for mediation. In empowering ICs to do so, it is hoped that a more conciliatory approach may be taken at an early stage towards matters which are suitable for mediation. Second, the Bill limits the number of extensions of time which the Chairman of the Complaints Panel (or the President of the DC) may grant. Subsequent applications for extensions of time may only be granted by the High Court.

The Bill removes two limitations on the composition of SMC's Complaints Committees. First, the Bill removes the upper limits on the number of medical practitioners and lay persons who may be appointed to the Complaints Panel. At present, a maximum of 100 medical practitioners and 50 lay persons may be appointed to the Complaints Panel. These upper limits constrain the number of persons able to contribute to medical self-regulation. Second, the Bill removes the requirement that all Complaints Committees must be chaired by a member of the SMC. Given that Council members are limited in number, this legislative amendment ought to alleviate their workload and facilitate more expeditious resolution of complaints.

## Greater representation of medical profession in SMC



The Bill changes the composition of the SMC to include representatives from the three medical professional bodies, namely, the Academy of Medicine Singapore, the College of Family Physicians, Singapore, and the Singapore Medical Association. In addition, to encourage representation from younger doctors, the experience requirement for membership of Council has been lowered from 10 years' standing, to 8 years.