

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR AAF HELD ON 18, 21, 22 FEBRUARY, 7 AND 8 AUGUST 2008**

Disciplinary Committee:

A/Prof Benjamin Ong (Chairman)
Prof Walter Tan
Dr Ng Swee Cheng
Ms Chan Soo Chung (Lay Member)

Legal Assessor:

Mr Chelva Retnam Rajah (M/s Tan Rajah & Cheah)

Prosecution Counsel (M/s WongPartnership):

Ms Melanie Ho
Ms Agnes Chan

Defence Counsel (M/s Donaldson & Burkinshaw):

Mr Charles Lin
Mr Eric Tin

DECISION OF THE DISCIPLINARY COMMITTEE

(Note: Certain information may be redacted or anonymised to protect the identity of the parties.)

VERDICT:

1. Yesterday, Dr AAF pleaded guilty to 38 charges under Section 45 (1)(d) of the Medical Registration Act. 2 charges related to hypnotic drugs and 36 charges related to Subutex. At his counsel's request, the hearing of his mitigation plea was deferred till today.

2. Today the Disciplinary Committee heard Dr AAF's mitigation plea and the Prosecution's response. The Disciplinary Committee thanks Counsel for all their assistance in this matter and to drawing our attention to the sentencing precedents set out in PD3, PD4 and in Tab S of the Defence's written Mitigation Plea.

3. The Disciplinary Committee has considered the various factors brought to our attention including, in particular, the following:-

- (a) The Agreed Statement of Facts (PD2);
- (b) The sentencing precedents show that conviction on charges under section 45(1)(d) involving hypnotic drugs have all attracted sentences of suspensions ranging from 3 to 12 months. The Disciplinary Committee notes, however, that the number of convictions ranged from 4 to 16 in each of these cases. In our present case there are only 2 convictions on charges relating to hypnotic drugs;
- (c) The 2 sentencing precedents on charges under section 45(1)(d) involving Subutex show only sentences of fines, \$2,500/- in both cases. In each case, however, there were convictions on 19 charges whereas in our case there are convictions on 36 charges;
- (d) He has no record of any previous disciplinary offence under the Medical Registration Act;
- (e) Although he pleaded guilty, it was only after the Prosecution had closed its case and he was mid way through his defence;
- (f) His active participation in committee work for Association A;
- (g) His voluntary participation in humanitarian medical missions to Singapore's neighbouring countries;
- (h) He has 2 aged parents in their 80s whom he is supporting; and
- (i) The testimonial to his good character provided by Dr L.

SENTENCE:

4. Having considered all these factors, it is our decision that the appropriate sentence in the circumstances of this case is:-
 - a) That he be suspended from practice for a period of **3** months;
 - b) That he be fined the sum of **\$4,000**;
 - c) That he be censured;
 - d) That he gives a written undertaking to the Medical Council that he will not engage in the conduct complained of or any similar conduct; and
 - e) That he pays the costs and expenses of and incidental to these proceedings, including the costs of the solicitor to the Medical Council and the Legal Assessor.

5. The hearing is hereby concluded.

Dated this 8th August 2008.