

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR AAK HELD ON 20 NOVEMBER 2008**

Disciplinary Committee:

Prof Ong Yong Yau (Chairman)
Prof Ho Lai Yun
Dr Lee Kim En
Ms Wong Hai Hong (Lay Member)

Legal Assessor:

Mr Jimmy Yim, S.C. (M/s Drew & Napier LLC)

Prosecution Counsel (M/s WongPartnership LLP):

Mr Sean La'Brooy
Ms Kylee Kwek

Respondent:

Dr AAK

DECISION OF THE DISCIPLINARY COMMITTEE

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

GROUND

1. The Respondent pleaded guilty to all 14 charges for professional misconduct under Section 45(1)(d) of the Medical Registration Act (Cap. 174); 12 charges related to the dispensation of the drug Subutex (Buprenorphine), and 2 charges related to the dispensation of various benzodiazepines.

2. For sentencing, the Committee considered various factors which the Committee felt were relevant to their decision:

- (a) The Respondent's cooperation with the prosecution by his plea of guilt and his agreement to the Statement of Facts (P2);
- (b) The range of sentences in charges involving Subutex by reference to 4 preceding cases under Section 45(1)(d) of the Medical Registration Act (Cap. 174). The earliest decision attracted only a fine whereas the 2nd case went before the High Court published as Ho Paul v Singapore Medical Council [2008] SGHC 9 which reduced the sentence to a fine. The latter 2 cases decided more recently attracted sentences of fines and 3 months suspensions;
- (c) The range of sentences in charges involving benzodiazepines by reference to such precedents for conviction under Section 45(1)(d) of the Medical Registration Act (Cap. 174). It was noted that the abuse of Subutex particularly by intravenous injection, has far more adverse effects and complications ranging from infectious endocarditis, blood-borne infections such as Hepatitis B and C, limb gangrene and even death, compared to the abuse of benzodiazepine. And yet convictions of abuse of benzodiazepine have generally attracted sentences of suspensions which have ranged from 3 to 20 months whereas the abuse of Subutex has attracted apparently lighter sentences. We think that this is an anomaly which has not been fully appreciated. In any event, in our present case, there are also 2 convictions on charges relating to benzodiazepines;
- (d) He has no record of any previous disciplinary offence under the Medical Registration Act (Cap. 174);
- (e) He has submitted an explanation by a letter dated 11 September 2007, and he did not offer any additional mitigation plea when invited to do so by the Committee;

- (f) For Charge 1, he prescribed Subutex on 1 occasion in combination with a benzodiazepine which concomitant use has been known to cause death in patients, in view of the potentiating effect. The Ministry of Health (MOH) has brought this to the notice of all medical practitioners by their Professional Circular No. 21/2005 dated 26 October 2005;
- (g) For Charges 4 and 8, that the Respondent prescribed Subutex for 2 patients on 28 August 2006 and 4 September 2006 respectively after the deadline of 27 August 2006 set by the MOH Circular No. 27/2006 to all medical practitioners issued on 8 August 2006. It is clear that after this deadline, the prescription of Subutex is expressly forbidden unless the patient is registered under the Subutex Voluntary Rehabilitation Programme (SVRP); Subutex being classified as a Controlled Drug with effect from 14 August 2006;
- (h) The Respondent admitted that he has received all these professional circulars from the MOH and therefore has notice of their contents;
- (i) Given the obvious necessity for urinary tests in such cases, he only carried out urinary tests for 6 of the 12 patients on Subutex (for Charges 1, 3, 4, 5, 6 and 7), only after the MOH's Clinical Assurance and Audit Branch inspected his clinic on 20 March 2006;
- (j) A further aggravation is that for 2 of the 12 patients on Subutex (for Charges 9 and 10), he failed to carry out any urinary test during those patients' period of treatment;
- (k) The particular facts and other aggravating factors brought up in the Statement of Facts from paragraphs 7 to 15, and those factors noted by the prosecution's expert report in paragraphs 16 to 20 were also noted by the Committee;

- (l) The Committee is of the view that the punishment must fit the crime having regard to the various aggravating factors which have been taken into account.

SENTENCE

3. Having considered all these factors, it is our unanimous decision that the appropriate sentence in the circumstances of this case is:-
- a) That he be suspended from practice for a period of **6** months;
 - b) That he be fined the sum of **\$5,000**;
 - 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.
4. The hearing is hereby concluded.

Dated this 20th November 2008.