

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR AAL HELD ON 26 NOVEMBER 2008**

**Disciplinary Committee:**

Prof Nambiar (Chairman)  
Prof Ong Yong Yau  
A/Prof Alan Ng Wei Keong  
Ms Catherine Chua Siew Hong (Lay Member)

**Legal Assessor:**

Mr Joseph Grimberg  
(M/s Drew & Napier)

**Prosecution Counsel:**

Mr Sean La'Brooy  
Ms Reina Chua  
(M/s Wong Partnership)

**Defence Counsel:**

Mr Eric Tin  
Mr Charles Lin  
(M/s Donaldson & Burkinshaw)

**DECISION OF THE DISCIPLINARY COMMITTEE**

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

1. Dr AAL is a general practitioner, who carries on his practice at the Clinic A("the Clinic"). Dr AAL is a practitioner of approximately 42 years' standing.
2. On 25 June 2004 officers of the Clinical Quality Branch of the Ministry of Health ("MOH") reviewed 20 patients' medical records at the Clinic. The records related to the prescribing of Dormicum, Erimin, Stilnox and Valium. Upon review of these records a complaint was addressed by MOH to the Singapore Medical Council ("SMC"), which in turn invited Dr AAL to furnish a written explanation of his conduct in relation to the patients whose records had been considered.
3. Dr AAL submitted a written explanation on 30 June 2005. In summary, Dr AAL stated that he was aware of MOH's guidelines, which he "tried" to adhere to. He counselled his patients to reduce their dependence on hypnotic medicines. Most of his patients exhibited anxiety and chronic insomnia, the latter a very

common complaint that often lasts for more than a year. In Dr AAL's view, based on his experience, insomnia medication taken over a long period does not lead to abuse and dependence problems. If this medication is withheld, fatigue and other symptoms ensue, which in turn may lead to family, social and employment problems. Accordingly, the management of patients with insomnia is "extremely challenging", and Dr AAL invariably considered the risk benefits, including counselling. In the result, many of his patients enjoyed long term treatment benefit. In all cases, he bore the well-being of his patients in mind.

4. Having considered Dr AAL's explanation, the SMC decided to appoint this Disciplinary Committee ("the DC") to formally inquire into the conduct of Dr AAL, against whom a total of 20 charges were laid.
5. The charges cover the period November 2002 to April 2005. Dr AAL is variously charged with inappropriate prescribing practice and/or failing to record or document the patients' symptoms and his diagnosis, and/or failing to refer the patient for specialist treatment, each charge involving the prescribing of one or more of the drugs referred to in para 2 above.
6. The hearing before the DC took place on the 26th November 2008. At the commencement of the hearing, minor amendments were made to 4 of the charges by consent.
7. An Agreed Statement of Facts (P2) was tendered. The Statement recited the facts leading to the DC, bare details of the 20 charges, and the fact that Dr AAL would be pleading guilty to the charges. The charges were then put to Dr AAL, who duly pleaded guilty to all of them.
8. Counsel for the SMC then proceeded to refer to a number of documents, including patients' medical records, Dr AAL's written explanation, and the MOH guidelines, which he submitted where relevant to sentencing. The DC had due regard to all the documents referred to by Counsel.

9. In mitigation, Counsel for Dr AAL pointed out that Dr AAL was not charged with over prescribing. Most importantly, there was no suggestion that any of his patients came to any harm as a result of the treatment they received. Counsel submitted a comprehensive, compelling and eloquent written mitigation plea, to which was annexed the report of Dr AAL's expert, Dr DE. The DC gave very careful consideration to the mitigation plea, in its entirety. Dr AAL has closed his clinic and given up medical practice. Counsel described the case as one of a "one-off aberration" on the part of Dr AAL, and urged the DC to impose a fine and not a suspension.
10. Counsel for the SMC, in his response, submitted a schedule of sentencing precedents concerning the inappropriate prescription of hypnotics. The DC considered each of the cases appearing in this schedule. Counsel joined issue with his counterpart and submitted that the case against Dr AAL did indeed involve over-prescription, and referred to the schedules setting out the prescribing practice of Dr AAL in relation to the drug, Stilnox.
11. In the circumstances, and taking into account all the submissions and the whole of the evidence, the DC imposes the following sentence pursuant to section 45(2) of the Medical Registration Act :-
  - a) that Dr AAL k be suspended for a period of 3 months;
  - b) that he be fined in the sum of \$2000;
  - c) that he be censured;
  - d) that he gives a written undertaking to the Singapore Medical Council to abstain in future from 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 Singapore Medical Council and the Legal Assessor.
12. The hearing is hereby concluded.

Dated this 26th day of November, 2008.