

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR AAR HELD ON 12 AUGUST 2009**

Disciplinary Committee:

Prof Ng Han Seong (Chairman)
Dr Wong Sin Yew
Dr Lim Beng Hai
Prof Bernard Tan Tiong Gie (Lay Member)

Legal Assessor:

Mr Joseph Grimberg, S.C
(M/s Drew & Napier)

Prosecution Counsel:

Ms Doris Chia
Ms Kylie Peh
(M/s Harry Elias Partnership)

Defence Counsel:

Mr Eric Tin
(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 AAR practised as a general practitioner at Clinic A (“the Centre”).
2. On 18 August 2006 officers of the Ministry of Health (MOH) inspected the Centre and made copies of 20 patient medical records and a copy of the Subutex Dispensing Register for the period of 1 July, 2006 to 11 August, 2006.
3. It is apparent from the documents before us, although not included in the Bundle, that arising from the MOH inspection, a letter of complaint was addressed to Dr AAR on the 19 September, 2006. The complaint was forwarded to Dr AAR by the Singapore Medical Council (SMC) on 27 October, 2006.

4. Dr AAR submitted a written explanation to the SMC by letter dated the December 1, 2006. The explanation runs to 9 closely typed pages, excluding attachments which comprised individual summaries of each of the patients referred to in the MOH's letter of complaint. Apart from conceding that he had difficulties with the Central Addiction Registry of Drugs (CARDS) system, and thus failed to record any of his Buprenorphine (Subutex) prescriptions in the system, Dr AAR's explanation was in essence an assertion that he tried to approach the management of his patients in an empathetic and yet consistent fashion, in order to balance the needs of the patient, ensuring at the same time that there was no abuse that was within his control. He kept his patient pool small, charged a low flat fee for each visit, and allowed credit to patients who were in financial difficulties.
5. Despite Dr AAR's explanation, the MOH inspection referred to above resulted in 19 charges being laid against Dr AAR. The charges are in two categories, and relate to 19 out of the 20 patients whose medical records were inspected by MOH. The charges are identical, save that in the first category, it is alleged (a) that Dr AAR's management of the patient was inappropriate, and that (b) he failed to record adequate details of the patient's symptoms, and/or condition, or any management plan for the patient's treatment.
6. The second category of charges comprised the particulars referred to in the charges referred to in paragraph 5 above, but added further particulars (particular b.) namely that Dr AAR failed to register his patient in accordance with CARDS.
7. In respect of all the charges, the SMC contended that Dr AAR was guilty of professional misconduct within the meaning of section 45(i) (d) of the Medical Registration Act (Cap. 174).
8. The hearing before the Disciplinary Committee took place on August 12, 2009. At the commencement of the hearing, the Committee was informed that Dr

AAR was to plead guilty to charges 1 to 11, and that charges 12 to 19 were to be withdrawn. This was confirmed by both Counsel. The Committee gave leave to the SMC to withdraw charges 12 to 19 inclusive, and Dr AAR duly pleaded guilty to charges 1 to 11. An Agreed Statement of Facts was submitted to the Committee, following which Dr AAR was convicted of charges 1 to 11 inclusive.

9. Counsel for Dr AAR made a lengthy and thorough submission in mitigation in respect of charges 1 to 11. His oral submission was supported by a 30 page written submission, and by a substantial bundle of documents. In the Committee's view, Counsel said all that could reasonably be said in mitigation on behalf of his client, and the Committee took due account of the whole of his submission. Counsel stated that Dr AAR regretted the events giving rise to these proceedings, and accepted responsibility "commensurate to his actions". He has had doubts as to whether he should continue his practice, and has wondered whether his decision to become a doctor was a mistake. A number of letters of gratitude, and certain testimonials in support of Dr AAR, were read.
10. In conclusion, Counsel for Dr AAR submitted that there were strong mitigating factors in this case. He concluded that there were no aggravating factors, and no need for a severe penalty. By pleading guilty to the 11 charges that were proceeded with, Dr AAR saved the Committee's time and refrained from taxing its patience. He argued that Dr AAR's degree of culpability was at the lowest end of the spectrum. 5 previous cases, which were decided on the basis of similar facts, were referred to as useful precedents on the issue of appropriate sanctions to be imposed in this case.
11. Counsel for the SMC, in response, submitted a schedule of the same decided cases, and invited the Committee to consider its sentence with reference to the approach of Disciplinary Committees in previous cases.

12. The Committee carefully considered the contents of Dr AAR's written explanation, the Agreed Statement of Facts, the separate reports of the psychiatrists, Drs E1 and E2 where relevant, the lengthy submission of Dr AAR's Counsel in mitigation, that of Counsel for the SMC, and the decided cases that were referred to by Counsel. Taking all the above into consideration, the Committee imposes the following sentence on Dr AAR:

- (i) that he be fined the sum of \$2,500;
- (ii) that he be suspended for a period of 3 months;
- (iii) that he be censured;
- (iv) that he provides a written undertaking to the SMC that he will not engage in the conduct complained of in the charges, or similar conduct; and
- (v) that he pays the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC and the Legal Assessor.

13. The hearing is hereby concluded.

Dated this 12th day of August, 2009.