

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR AAU HELD ON 2 AND 3 SEPTEMBER 2009**

**Disciplinary Committee:**

Prof Ong Yong Yau (Chairman)  
Dr Wong Sin Yew  
Dr Tan Yew Oo  
Mr Wu Tuck Seng (Lay Member)

**Legal Assessor:**

Mr Ravinran Kumaran  
(M/s Ravi, Lim & Partners)

**Prosecution Counsel:**

Mr Sean La'Brooy  
(M/s WongPartnership)

**Defence Counsel:**

Mr Christopher Chong  
(M/s Rodyk & Davidson)

**DECISION OF THE DISCIPLINARY COMMITTEE**

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

1. The Respondent, Dr AAU is a registered medical practitioner. He is the sole proprietor of his clinic, Clinic A ('clinic').
2. Pursuant to an audit conducted at his clinic by the Clinic Quality Branch on 6 July 2004, the Ministry of Health made a complaint to the Singapore Medical Council ('SMC') on 7 February 2005, against the Respondent for prescribing large quantities of hypnotic medications.
3. On 3 August 2009, 10 charges were preferred against the Respondent for failing to exercise due care in the management of 10 patients of his clinic between various dates. All 10 charges stated that the Respondent was guilty of professional misconduct in that:

- a) His management of his patients were inappropriate in that he did not formulate any long term management plan for the treatments of his patients' medical conditions;
  - b) He did not record or document in his patients' Patient Medical Records sufficient details of his patients' diagnoses, symptoms and conditions;
  - c) He failed to carry out adequate assessments of his patients' medical conditions over the periods of treatment;
  - d) He failed to refer his patients to specialist treatment for his patients' conditions timeously; and
  - e) He has breached the Ministry of Health's Guidelines for Prescribing Benzodiazepines dated 17 August 2002 ('the Guidelines').
4. At the beginning of the Disciplinary Committee ('DC') hearing, Counsel for the SMC informed the DC that 3 charges namely, charges 2, 5 and 8 were being withdrawn and that the Respondent had indicated that he would plead guilty to the remaining 7 charges namely, 1, 3, 4, 6, 7, 9 and 10. The DC gave leave to withdraw the 3 charges.
  5. Upon the charges being read out to the Respondent, the Respondent pleaded guilty to the 7 charges and confirmed that he understood the nature and consequences of these charges. Counsel for the SMC tendered an Agreed Statement of Facts and an Agreed Bundle of Documents. Counsel for the Respondent then tendered a written mitigation plea and we heard him. The DC adjourned the proceedings to deliberate on the matter. Upon considering the matter we had the following concerns, namely:-

- a) That in the written mitigation plea Counsel for the Respondent stated that Stilnox is not a Benzodiazepine and therefore does not come under the purview of the Guidelines. This amounts to a qualification of the plea of guilt in respect of charges 1 and 6. Stilnox is indeed not a Benzodiazepine. We were therefore of the view that the Respondent's pleas of guilt in respect of charges 1 and 6 should be rejected; and
  - b) We noted that in respect of charge 7, the Respondent appeared to have qualified his plea of guilt in the written mitigation plea in that there is a statement there that the Respondent did not breach the Guidelines.
6. We suggested that both Counsel consider the above matters which they did.
  7. Counsel for the Respondent then clarified that the statement referred to in his written mitigation plea above in respect of charge 7, which we accepted.
  8. Counsel for the SMC then applied to amend charges 1 and 6 to delete the word 'Benzodiazepines' and replace it with the word 'Hypnotics'. He also deleted particular (e) in both the charges. A fresh plea was taken from the Respondent in respect of amended charges 1 and 6. The Respondent pleaded guilty to these amended charges. He further confirmed that he understood the nature and consequences of the amended charges.
  9. The Respondent was therefore found guilty of the amended charges 1 and 6. The charges the Respondent pleaded guilty eventually were charges 1, 3, 4, 6, 7, 9 and 10.
  10. We set out below the salient agreed facts of the 7 charges:-

- a) The Respondent was the licensee, manager and proprietor of Clinic A ('Respondent's clinic') and practised at this place.
- b) The MOH inspected the Respondent's clinic on 6<sup>th</sup> July 2004 and photocopied various patient medical records.
- c) MOH then submitted a complaint on 7<sup>th</sup> February 2005 to the SMC that the Respondent was prescribing large quantities of hypnotic medications.
- d) The SMC requested the Respondent to give an explanation on 26<sup>th</sup> May 2005.
- e) A Notice of Inquiry was served on the Respondent on 3<sup>rd</sup> August 2009.
- f) The Respondent ran his clinic with a locum, Dr L.
- g) The Respondent prescribed hypnotic medications to the patients named in the 7 charges.
- h) The Respondent's clinic prescribed the following to the respective patients:-
  - i) Charge 1 – Erimin, Stilnox and Lexotan;
  - ii) Charge 3 – Erimin;
  - iii) Charge 4 – Erimin, Diazepam (Valium);
  - iv) Charge 6 – Stilnox and Lexotan;
  - v) Charge 7 – Erimin, Dormicum;
  - vi) Charge 9 – Erimin; and
  - vii) Charge 10 – Erimin.

- i) In respect of charges 1 and 6:-
  - i) The Respondent's clinical notes were not comprehensive;
  - ii) There were no stated treatment plans regarding the reduction of the use of hypnotics;
  - iii) There were no documented specialists referrals;
  - iv) The Respondent had prescribed hypnotics for more than 2 weeks; and
  - v) In the case of charge 6, the Respondent had prescribed Benzodiazepines together with Stilnox, which is another hypnotic drug (not under the Guidelines).
  
- j) In respect of charges 3, 7, 9 and 10:-
  - i) The Respondent's clinical notes were not comprehensive;
  - ii) There were no stated treatment plans regarding the reduction of the use of Benzodiazepine; and
  - iii) There were no documented specialist referrals save for the patient named in charge 10. A referral was recommended after 12 consultations and prescriptions of Benzodiazepines. Upon the patient declining to go for specialist treatment Erimin was further prescribed on a further 7 occasions.
  
- k) In respect of charge 4:-
  - i) The Respondent had on multiple occasions prescribed more than the 2 weeks prescription limit as stated in the Guidelines;
  - ii) There were no documented treatment plans regarding the reduction of the use of Benzodiazepines; and
  - iii) There were no documented specialist referrals.

11. The MOH issued the Guidelines on 14<sup>th</sup> August 2002. All doctors were and are required to familiarise themselves with these Guidelines. These Guidelines spell out, in detail, the protocol a doctor has to observe when considering prescribing Benzodiazepines to their patients. The reason for the Guidelines, in short, is that whilst the benefits of Benzodiazepines are recognised, their potential for causing tolerance and dependency in patients are real if they are not prescribed with care. A doctor who does not comply with the requirements of the Guidelines can expect to be dealt with by the SMC.
  
12. In mitigation the Respondent's Counsel stated the following:-
  - a) The Respondent practised at his clinic with a locum. Save for the patient in charge 1, the locum treated the remaining patients more often than the Respondent.
  
  - b) The Respondent worked long hours and has built up a large patient base. On an average about 100 patients are seen at the Respondent's clinic daily.
  
  - c) In relation to his large patient base the transgressions only involved a small number of them.
  
  - d) He does not sell hypnotic drugs over the counter and has on occasion refused to prescribe them to his patients.
  
  - e) The Respondent sought to minimise his role in respect of each of the charges and without saying so suggested that his locum was responsible also for the breaches.

- f) The Respondent's Counsel highlighted that the delay in these proceedings has caused him much anxiety especially in making arrangements for his clinic and other affairs in the event of a suspension.
  - g) The Respondent was sorry for his errors and shortcomings in his treatment of his 7 patients. He has learnt his lesson and undertook not to repeat his errors.
  - h) The Respondent has pleaded guilty and saved time and costs.
  - i) A fine would be an appropriate sentence.
13. In our view, the fact the Respondent has a large patient base and worked long hours cannot be a basis for ignoring the Guidelines on prescribing Benzodiazepines and the use of other hypnotic medications.
14. The fact that the Respondent's locum had treated the 7 patients on more occasions than the Respondent does not minimise the Respondent's culpability. It is evident that on each occasion the Respondent attended to the 7 patients, he had the Patient Medical Records of the patient concerned before him. The Respondent had duty to go through the records and determine whether the treatment to be prescribed was proper. He obviously did not do this.
15. We accept that Stilnox is not a Benzodiazepine and therefore does not fall under the purview of the Guidelines. Its chemical structure is unrelated to Benzodiazepines. It is however a hypnotic drug. A doctor should be careful when prescribing it.

16. Counsel for the SMC explained that the delay in bringing these proceedings against the Respondent was caused by the difficulty of getting an expert to provide a report. Be that as it may, the fact is, there was a long delay in this case. We accept that the Respondent was under a fair amount of anxiety for a long time as to when the proceedings against him would be commenced and its consequences for him.
17. The Respondent has pleaded guilty at the first opportunity. We have taken this and the other mitigation points into account.
18. In the circumstances of this case, the decision of the DC is that the Respondent:-
  - a) be suspended from practice for a period of 3 months;
  - b) be fined a sum of \$2,000.00;
  - c) be censured;
  - d) gives a written undertaking to the Singapore Medical Council that he will not engage in the conduct complained of and any similar conduct; and
  - e) pays the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the Singapore Medical Council and the Legal Assessor.
19. The hearing is hereby concluded.

Dated this 3<sup>rd</sup> day of September, 2009.