

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR ABA HELD ON 23 NOVEMBER 2009**

Disciplinary Committee:

Prof Walter Tan (Chairman)
Dr Lim Cheok Peng
Dr Yii Hee Seng
Mdm Suvarin Chaturapit (Lay Person)

Legal Assessor:

Mr Andy Chiok
(M/s Michael Khoo & Partners)

Prosecution Counsel:

Mr Francis Goh
Ms Cassandra Ow
(M/s Harry Elias Partnership)

Defence Counsel:

Mr Harpreet Singh Nehal, S.C.
Ms Dawn Ho
(Drew and Napier LLC)

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. These proceedings arose out of a letter of complaint made in respect of you, Dr ABA, on 11 March 2008 by Dr C, for the Director of Medical Services, Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, various responses dated 14 May 2008, 21 May 2008, 26 May 2008 and 21 June 2008 were tendered by you to the Complaints Committee, which then referred the matter to this Committee for a formal inquiry.

3. You are charged by the SMC with 7 charges for failing to exercise due care in the management of your patients named in Charges 1 to 7 set out in the Agreed Bundle (marked and at pages “AB-1” to “AB-7” therein) in that:
 - (a) you inappropriately prescribed benzodiazepine to the patients as named in the respective Charges over the period of treatment stated in the Schedule annexed to the respective charge; and/or
 - (b) you did not record or document in the said patients’ Patient Medical Records details or sufficient details of the patients’ diagnosis, symptoms and/or condition and/or any management plan such as to enable you to properly assess the medical condition of the patient over the period of treatment.
4. You have pleaded guilty to all of the Charges and admitted to the Agreed Statement of Facts (marked “ASF”) submitted by Counsel for the SMC.
5. Briefly, your Counsel in mitigation had submitted, *inter alia*:
 - (a) that you had pleaded guilty and had co-operated with the authorities at all times,
 - (b) that you will voluntarily undertake not to apply for a practicing certificate for a period of 12 months,
 - (c) that you have an unblemished record of practice for over 40 years,
 - (d) that in the report of Dr. PE for the SMC, there were mitigating factors relating to reviews of patients, no breach of the Guidelines in respect of dosage and that you were treating these patients for other conditions, and

- (e) that the benzodiazepines prescribed by you were of low dosage and is a mild tranquiliser.
- 6. It was also brought to our attention that you had ceased practice after 31 December 2008, which is also evident from your letter dated 15 December 2008 at page 1 of the bundle marked "DB".
- 7. The Disciplinary Committee had considered all the points raised in the plea in mitigation including the above, and had come to the following conclusions:
 - (a) Benzodiazepines are prescribed as hypnotic medication for patients who have insomnia or as anxiolytics for the short term relief of anxiety. However, long-term consumption of benzodiazepines may lead to drug dependence and tolerance. It is incumbent on all medical practitioners to be appraised of current medical standards and prescribing practice, in the interests of their practice and patients.
 - (b) The Committee considers that you have acted in disregard of your professional duties since the prolonged prescription of benzodiazepines without specialist referral or proper medical records is inappropriate and unprofessional.
 - (c) We are of the view that the misconduct of improper prescription of benzodiazepines attracts substantial punishment, which usually involves a period of suspension for the medical practitioner.
- 8. However, we are mindful of the mitigating factors presented to us, including the fact that the benzodiazepines are of low dosage, that you had pleaded guilty and co-operated fully, your long clean record and that you did not practice in 2009. Our attention had been also drawn to the relatively low number of 7 charges in contrast to the precedents cited to us. However, in

respect of any order for suspension of your practice, the minimum period of suspension under the Medical Registration Act is 3 months.

9. In light of all the circumstances, this Committee thus determine that the appropriate sentence to be:
 - (a) that you be suspended from practice for a period of 3 months;
 - (b) that you be fined \$1,000;
 - (c) that you be censured;
 - (d) that you give a written undertaking to the SMC that you will not engage in the conduct complained of, or any similar conduct; and
 - (e) that you pay the costs and expenses of and incidental to these proceedings, including the costs of the counsel to the SMC and the Legal Assessor.
10. On a final note, you have requested that in respect of any publication of the outcome of this inquiry, your name be withheld. After much deliberation of the circumstances, we are not inclined to grant this request.
11. The hearing is hereby concluded.

Dated this 23 November 2009.