

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR ABG HELD ON 4 AND 5 MARCH 2010**

Disciplinary Committee:

Prof Raj Nambiar - Chairman
Prof Walter Tan
Dr Chew Chin Hin
Dr Camilla Wong (Lay Member)

Legal Assessor:

Mr Giam Chin Toon S.C. (M/s Wee Swee Teow & Co.)

Prosecution Counsel (M/s Harry Elias Partnership LLP):

Mr Philip Fong
Ms Kylie Peh

Defence Counsel (M/s Rodyk & Davidson LLP):

Mr Lek Siang Pheng
Mr Terence Tan
Mr Benjamin Yam

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. The Prosecution in this case presented 454 charges against Dr ABG (the Respondent) for failing to exercise due care in the management of his Patients. These charges are set out in full in 2 Notices of Inquiries (NOI) as follows:-
 - (a) 444 charges in the Notice of Inquiry dated 15.8.07 (15.8.07 NOI);
and
 - (b) 10 charges in the Notice of Inquiry dated 27.9.07 (27.9.07 NOI).

2. These charges had alleged that the Respondent:
 - (a) Inappropriately prescribed Subutex to the patients, particulars of such prescription are set out in the respective Schedules in the Agreed Statement of Facts (P1);

- (b) Did not formulate and/or adhere to any management plan for the treatment of the patients' medical condition by the prescription of Subutex; and
 - (c) Did not record or document in the 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 him to properly assess the medical condition of the patients over the period of treatment.
- 3. The Respondent chose to plead guilty to 122 charges which are tabulated in the Agreed Statement of Facts (P1):
 - (a) 115 charges from the charges in the 15.8.07 NOI; and
 - (b) 7 charges from the charges in the 27.9.07 NOI.
- 4. The Prosecution has informed the Disciplinary Committee (the "Committee") that they are not proceeding with the remaining:
 - (a) 329 charges in the 15.8.07 NOI; and
 - (b) 3 charges in the 27.9.07 NOI.

A complete list showing the charges pleaded on by the Respondent and the remaining charges not proceeded with was tendered by the Prosecution (P5).
- 5. The Committee approved the Prosecution's application to amend Charge No. 146 listed in 15.8.07 NOI and Charge Nos. 1 & 8 listed in 27.9.07 NOI. These are marked P2, P3 & P4 respectively. These amendments which are relatively minor, do not affect the plea or the Agreed Statement of Facts.
- 6. It was pointed out to the Committee that all the charges concerned treatment of patients for periods prior to the introduction of the "Clinical

Practice Guidelines on Treatment of Opiate Dependence” by the Ministry of Health in November 2005 (the “Guidelines”).

7. To assist the Committee, the Prosecution tendered a list of sentencing precedents of broadly similar cases of professional misconduct dealt with by the Singapore Medical Council (P6).
8. For the purpose of mitigation, the Respondent tendered the following documents in support:
 - (a) Respondent’s Mitigation Plea (R1);
 - (b) Annexure to Respondent’s Mitigation Plea (R2);
 - (c) Expert’s Report (R3);
 - (d) Respondent’s Submission on Sentence (R4); and
 - (e) Respondent’s Bundle of Authorities (R5).
9. Oral submissions were made by both Respondent Counsels - Mr Terence Tan in relation to R1 to R3 and Mr Lek Siang Pheng in relation to R4 and R5, tendered.
10. The Committee had considered the oral mitigation and the written submissions and authorities. In particular, the Committee noted the following:
 - (a) The Respondent had pleaded guilty to 122 charges. This had saved valuable time for all concerned;
 - (b) The charges relate to periods before the Guidelines came into force in November 2005;
 - (c) The Respondent had a genuine interest in the welfare and well being of drug addicts evidenced by the numerous courses and training he had undergone and received in his quest to gain more knowledge about drug abuse, addiction, treatment, supervision and counselling of drug addicts throughout the years of his practice.

- (d) In early November 2002, the Respondent had attended a conference in Malaysia and learnt about the requirement for general practitioners in Singapore to notify the Central Narcotics Bureau and the Ministry of Health that they were treating drug addicts. On his return to Singapore, he dutifully and voluntarily gave the necessary information to the 2 agencies;
 - (e) The Respondent believes that this act had resulted in the charges he is now facing; and
 - (f) The Respondent had good character references from his fellow doctors and testimonials from grateful former drug addicts whom he had treated.
11. Whilst the Respondent has strong mitigation factors in his favour, the importance of maintaining a high standard of professionalism in the practice of medicine cannot be over-emphasised. It is still a doctor's duty to comply with the rules and practice as drawn out by the profession to ensure that standards are not compromised.
12. In this case, the Respondent admits his shortcomings. He had not kept proper records and/or set out management plans as required of him for his practice.
13. The Committee is disappointed that a man of the Respondent's knowledge and dedication has failed to demonstrate that he has had a proper management plan in treating his very large number of patients.
14. The Committee has noted that there were only scant details in the clinical records with respect to clinical history, physical examination and management plan. There were also no follow-up progress reports on patients on treatment.

15. The Committee is therefore of the opinion that the general standard of clinical notes was far below what is expected of the Respondent.

Sentence

16. Taking all factors into consideration, the Committee is however, of the view that a suspension would not be appropriate in this case. In the circumstances, we would order as follows:
 - (a) That you be fined the sum of \$7,000;
 - (b) That you be censured;
 - (c) That you give a written undertaking to the Medical Council that you will not engage in the conduct complained of or any similar conduct; and
 - (d) That you pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the Medical Council and the Legal Assessor.
17. The hearing is hereby concluded.

Dated this 5th Day of March, 2010.