

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR ABI HELD ON 28 JUNE 2010**

**Disciplinary Committee:**

Prof Ong Yong Yau (Chairman)  
Prof Walter Tan Tiang Lee  
Adj A/Prof Chew Chin Hin  
Mdm Suwarin Chaturapit (Lay Person)

**Legal Assessor:**

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

**Counsel for the SMC:**

Mr Kenny Chooi  
Mr Kelvin Fong  
(M/s Yeo Leong & Peh LLC)

**Defence Counsel:**

Mr Eric Tin  
Ms Kang Yi Xian  
Ms Sheryl Loh  
(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. These proceedings arose out of a letter of complaint made in respect of the Respondent, Dr ABI, on 26 July 2007 by the Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, a letter of explanation dated 8 October 2007 was sent by the Respondent to the Complaints Committee, which then referred the matter to this Committee for a formal inquiry.
3. By the Notice of Inquiry dated 12 March 2010, the Respondent faces 10 charges for failing to exercise due care in the management of his patients named in Charges 1 to 10 set out in the Agreed Bundle (the "Charges") in that he:

- (a) inappropriately prescribed hypnotics to the patients named in the respective Charges over the period of treatment stated in the Schedule annexed to the respective charge;
  - (b) failed to refer the patients to a medical specialist for further assessment and treatment;
  - (c) did not record or document in the said patients' Patient Medical Records details or sufficient details of the patients' diagnosis, symptoms and/or condition save for the initial consultation; and/or
  - (d) did not formulate any long term management plan for the treatment of the patients' medical condition.
4. At this hearing, charges 2, 3 and 8 were stood down by the SMC. The Respondent pleaded guilty to all of the remaining seven Charges and admitted to the Agreed Statement of Facts submitted by Counsel for the SMC.
5. Briefly, in mitigation Counsel for the Respondent sought for a punishment not involving suspension and submitted, *inter alia* that:
- (a) the Respondent had pleaded guilty, and had co-operated with the authorities at an early stage,
  - (b) the Respondent has an unblemished record of 45 years' practice,
  - (c) the charges involved are relatively few, and that
  - (d) the Respondent had voluntarily ceased his practice since February 2008.
6. 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) Hypnotic medication is prescribed for patients who have insomnia or as anxiolytics for the short term relief of anxiety. However, long-term consumption of hypnotics may lead to drug dependence and tolerance. It is incumbent on all medical practitioners to be apprised of current medical

standards and prescribing practice, in the interests of their patients. The formulation of a long term management plan is crucial if these patients are to be treated without dependency on such medication.

- (b) The Committee also considers that the Respondent had acted in disregard of his professional duties since the prolonged prescription of benzodiazepines without specialist referral or proper medical records is inappropriate and unprofessional.
  - (c) In respect of the maintenance of proper documentation, this Committee takes the view that it is important and in the interest of physicians to maintain patients' records, as ultimately these will form the primary evidence of the work and treatment by them. Given the codification of the obligation of proper record keeping in paragraph 4.1.2 of the Ethical Guidelines, the failure to maintain proper records amounts to misconduct.
  - (d) The misconduct of improper prescription of hypnotics attracts substantial punishment, which usually involves a period of suspension for a medical practitioner.
7. However, we are mindful of the mitigating factors presented to us, especially the factors set out in paragraph 5 above. This Committee is also mindful that the Respondent is a senior member of the medical profession and has a long standing good record until these proceedings.
8. In light of all the circumstances, this Committee determines that the appropriate sentence to be:
- (a) that a fine of **\$4,000** be imposed;
  - (b) that the Respondent be censured;
  - (c) that the Respondent provides a written undertaking to the SMC that he will not engage in the conduct complained of, or any similar conduct; and

(d) that the Respondent bears the costs and expenses of and incidental to these proceedings, including the costs of the counsel to the SMC and the Legal Assessor.

9. For the avoidance of doubt, the sentence did not include a term of suspension because of the strong mitigating factors as set out above. This case ought not be relied upon as one stating that misconduct involving inappropriate prescription of hypnotics will attract merely a fine.

10. The hearing is hereby concluded.

Dated this 28<sup>th</sup> day of June 2010.