

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR ABL HELD ON 19 JULY 2010**

Disciplinary Committee:

Prof Walter Tan - Chairman
Prof Ong Yong Yau
Dr Mesenas Steven Joseph
Mdm Suwarin Chaturapit (Lay Person)

Legal Assessor:

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

Counsel for the SMC:

Ms Chang Man Phing
Mr Liew Kuang Ping
(WongPartnership LLP)

Defence Counsel:

Mr Mansur Husain
Mr Remesha Pillai
(Jacob Mansur & Pillai LLP)

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 ABL, on 9 July 2008 by the Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, a letter of explanation dated 20 September 2008 was sent by the Respondent to the Complaints Committee, which then referred the matter to this Committee for a formal inquiry.
3. By a Notice of Inquiry dated 19 January 2010, the Respondent faces 53 charges for failing to exercise due care in the management of his patients named in Charges 1 to 53 set out in the Agreed Bundle in that he, during the various periods of the treatment of the patients (and as the case may be for the relevant charges),

- (a) failed to formulate any management plan for the treatment of the patient's medical condition;
 - (b) inappropriately prescribed benzodiazepines to the relevant patients,
 - (c) did not record or document in the patients' Patient Medical Records sufficient details of the patients' diagnosis, symptoms, condition throughout the periods of treatment; save for the initial consultation in certain cases;
 - (d) failed to carry out an adequate assessment of the patients' medical condition over the periods of treatment;
 - (e) failed to refer the relevant patients to a medical specialist and/or CAMP (as the case may be) for further assessment and management; or until after the Ministry of Health's Regulation Division's inspection of his clinic on 7 December 2005 in certain cases;
 - (f) had breached the MOH's Guidelines dated 26 October 2005 for the treatment of Opiate Dependence;
 - (g) had during the period of treatment of the patients with Subutex, prescribed benzodiazepines.
4. At this hearing, the SMC did not proceed with 6 charges (Charge Nos. 17, 21, 33, 38, 43 and 45). The Respondent pleaded guilty to the remaining 47 Charges and admitted to the Agreed Statement of Facts submitted by Counsel for the SMC.
5. Briefly, in mitigation Counsel for the Respondent urged the imposition of a punishment not involving suspension and submitted, *inter alia* that:

- (a) the Respondent had pleaded guilty at any early stage, and this is evidence of his remorse,
 - (b) the Respondent has an unblemished record so far in his practice, and is a first offender,
 - (c) the charges involved concerned misconduct that was predominantly committed prior to the issuance of the 2005 Guidelines by the MOH,
 - (d) the Respondent had voluntarily ceased his practice since 30 June 2010, and that
 - (e) the Respondent had suffered great stress over the last few years.
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) The use of Subutex is intended for patients in the treatment of their opiate dependence. However, the prescription of Subutex is subject to close monitoring and prescription guidelines by the MOH. Where there are no guidelines, such prescription ought to be made in accordance with the standards of the medical profession and good practice.
 - (b) Similarly, 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.
 - (c) The Committee also considers that the Respondent had acted in disregard of his professional duties since the prescription of Subutex / benzodiazepines without appropriate specialist referral or adherence to the MOH Guidelines is inappropriate and unprofessional.

- (d) In respect of the lack 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. Proper documentation is all the more so important where there is any departure from established guidelines or medical practice.
 - (e) The misconduct of the improper prescription of Subutex / benzodiazepines attracts substantial punishment, given the serious consequences for the patients if the proper prescription practice is not carried out.
7. We are mindful of the mitigating factors presented to us, especially the factors set out in paragraph 5 above. However, notwithstanding the precedents cited in support of the Respondent's call for the imposition of only a fine, this Committee takes the view that the precedents are different in that the misconduct there were committed pre-Guidelines and did not involve co-prescription with benzodiazepines. In respect of the closure of the Respondent's clinics, we note that it was effected only recently and accordingly not much weight can be accorded to it. We are also of the view that the record keeping in this case was exceptionally poor with little, if any detail of the clinical conditions of the patients and the management plan. The misconduct continued for a portion of the patients even after the audit by the MOH.
8. In light of all the circumstances, this Committee determines that the appropriate sentence to be:
- (1) that the Respondent's registration in the Register of Medical Practitioners shall be suspended for a period of **6 months**;
 - (2) that a fine of **\$6,000** shall be imposed;

- (3) that the Respondent is censured;
- (4) that the Respondent shall provide a written undertaking to the SMC that he will not engage in the conduct complained of, or any similar conduct; and
- (5) that the Respondent shall bear the costs and expenses of and incidental to these proceedings, including the costs of the counsel to the SMC and the Legal Assessor.

9. The hearing is hereby concluded.

Dated this 19th day of July 2010.