

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR ABN HELD ON 20 AUGUST 2010**

**Disciplinary Committee:**

Dr Lim Cheok Peng - Chairman  
Dr Wilmot R. Rasanayagam  
A/Prof Teo Eng Kiong  
Dr Michael Tay Ming Kiong (Lay Person)

**Legal Assessor:**

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

**Counsel for the SMC:**

Mr Siraj Omar  
Ms Diptl Jauhar  
(Premier Law LLC)

**Counsel for the Respondent:**

Mr Christopher Chong  
Ms Vanessa Lim  
Mr Benjamin Yam  
(M/s Rodyk & Davidson 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 ABN on 4 December 2008 by the Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, a letter of explanation dated 13 April 2009 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 30 June 2010, the Respondent faces 25 charges for failing to exercise due care in the management of his patients named in the said charges (the "Charges") in that he, as the case may be:

- (a) inappropriately prescribed benzodiazepines and/or cough mixtures (as the case may be) to the patients named in the respective Charges over the periods of treatment stated in the Schedule to the respective charges;
  - (b) 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 advice given and/or management plan such as to enable the Respondent to properly assess the medical condition of the respective patients; and
  - (c) for the respective charges, that the Respondent failed to refer the patients to a medical specialist for further management; and in some cases only after the audit by the MOH on his clinic had taken place;
4. At the hearing, the SMC proceeded with 17 charges (Charges Nos. 6 to 25 with the exception of 17, 19 and 24) and the remaining charges were stood down and not proceeded with by the SMC. The Respondent pleaded guilty to the 17 Charges.
5. Briefly, in mitigation the Counsel for the Respondent sought for a punishment not involving suspension and submitted, inter alia that:
- (a) the Respondent has an unblemished record of 20 years' practice and there is no prior record of misconduct,
  - (b) the Respondent is remorseful,
  - (c) had pleaded guilty, and had been co-operative,
  - (d) the Respondent had ceased the prescription of benzodiazepines,
  - (e) the misconduct arose out of the Respondent's good intentions,
  - (f) the Respondent had training and experience in psychiatry,
  - (g) the Respondent also offered reasons for his poor-record keeping, and
  - (h) there are mitigating factors set out in the expert opinion of Dr. DE.

6. The Respondent also produced numerous testimonials from various sources, including his patients, his family, medical colleagues and various charitable organisations in which he had made contributions. Counsel for the Respondent also invited this Committee to consider the imposition of condition in lieu of a period of suspension.
7. Counsel for the SMC relied on the sentencing precedents and sought a sentence involving a period of suspension as being appropriate.
8. The Disciplinary Committee had considered all the points raised in the mitigation plea 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 and it is incumbent on all medical practitioners to be apprised of the current medical standards and prescribing practice, in the interests of their patients.
  - (b) The Committee also considers that the Respondent had acted in disregard of his professional duties since the prolonged prescription of benzodiazepines and cough medication without specialist referral or proper medical records is inappropriate and unprofessional. There is also a lack of management plan, a requirement stipulated by the relevant medical guidelines.
  - (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 proper patients' records, as ultimately these records will form the primary evidence of the work and treatment by them. Further, these records also contain the patients' medical history, and failure in this respect will affect the well-being of the patients. In the present case, in this respect the Respondent's medical records were sorely lacking in detail and clearly contravened paragraph 4.1.2 of the Ethical Guidelines.

- (d) The misconduct of improper prescription of hypnotics attracts substantial punishment, which usually involves a period of suspension for a medical practitioner.
9. Taking into account the mitigating factors presented, the circumstances of the case and considering the sentencing precedents cited, this Committee determines the appropriate sentence to be:
- (a) The Respondent's registration in the Register of Medical Practitioners be suspended for a period of **3 months**,
  - (b) that a fine of **\$2,000** be imposed;
  - (c) that the Respondent be censured;
  - (d) that the Respondent provides a written undertaking to the SMC that he will not engage in the conduct complained of, or of any similar conduct; and
  - (e) 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.
10. On the sentence that has been imposed, this Committee is of the view that by the precedents cited, this present case merits a longer period of suspension and a heavier fine. However, this Committee is impressed by the show of support for the Respondent, and the testimonials tendered by him, for which due regard had to be accorded.
11. The hearing is hereby concluded.

Dated this 20th day of August 2010.