

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY FOR  
DR ABO HELD ON 20 & 22 SEPTEMBER 2010**

**Disciplinary Committee:**

Prof John Wong - Chairman  
Dr Lim Cheok Peng  
Dr Cai Yiming  
Mrs Tan Wai Fun (layperson)

**Legal Assessor:**

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

**Prosecution Counsel:**

Mr Burton Chen  
Mr Jonathan Lim  
(M/s Tan Rajah & Cheah)

**Defence Counsel:**

Mr Richard Tan  
Ms Diana Xie  
(M/s Tan Chin Hoe & Co)

**DECISION OF THE DISCIPLINARY COMMITTEE**

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

1. The Respondent Dr ABO is a general practitioner who practises at Clinic A.
2. These proceedings arose from a complaint dated 18 September 2007 by Dr C of the Clinical Assurance and Audit Branch of the Ministry of Health to the Singapore Medical Council (the "SMC"). Following the complaint, a letter of explanation dated 24 September 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 24 September 2009 (which was amended on 20 September 2010 with the Respondent's consent), the Respondent is charged with failing to treat his patients according to generally accepted methods of treatment, in breach of paragraph 4.1.4 of the SMC Ethical Code and Ethical Guidelines. The particulars of the charge (that supports the charge that the Respondent is guilty of professional misconduct) relate to the Respondent's use

of the Bioresonance Machine to treat his patients' smoking habits, allergies and behavioural issues as a result of autism.

4. The Respondent pleaded guilty to the charge and admitted to the Agreed Statement of Facts on 20 September 2010. Counsel for the SMC and for the Respondent then addressed this Disciplinary Committee on 22 September 2010 on the issues of mitigation and sentencing.

Mitigation

5. Counsel for the Respondent addressed this Committee at length with written as well as oral submissions. Briefly, in mitigation counsel for the Respondent submitted, *inter alia* that:
  - (a) There is literature on the use of Bioresonance Machine in various countries, and that the Respondent had relied on them.
  - (b) The Respondent also relied on what he had learnt in seminars and other practitioners in Singapore, Indonesia and Germany for his belief in the use of Bioresonance Machine.
  - (c) The Respondent has a genuine belief in the use of the Bioresonance Machine and had administered the treatment with good intentions.
  - (d) There is no known adverse effect or harm suffered by the Respondent's patients.
  - (e) The Respondent had saved time by not contesting the charge.
  - (f) The Respondent had not profited from the treatment provided by him.

Counsel for the Respondent also adduced testimonials from various patients, in support of the mitigation.

6. At the request of the Respondent, this Committee also heard his personal plea of mitigation. The Respondent addressed this Committee and implored it to consider the following factors:
  - (a) He did not deliberately breach the Ethical Guidelines, and had borne in mind guiding principles of patients' safety and efficacy of the treatment;
  - (b) he had exercised prudence;
  - (c) the patients had benefitted from the treatments;
  - (d) he had viewed doctoring as a calling and passion and that the Bioresonance Machine is one of the tools that he used; and
  - (e) the Respondent pleaded for leniency from this Committee.
  
7. Counsel for the SMC tendered two precedents in the course of his address to this Disciplinary Committee on the appropriate sentence to be meted out to the Respondent. We note that both precedents are not directly on point in respect of the type of treatments, and in both cases (of which one of the conviction was overturned on appeal), a fine of \$5,000 was imposed.

Our decision

8. 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) Paragraph 4.1.4 of the Ethical Guidelines mandates that members of the medical profession shall not offer to patients remedies that are not generally accepted by the profession, except in the context of a formal and approved clinical trial.
  - (b) Our view is that any practitioner who wants to introduce a new method of treatment must, for the protection of the public from harm, and in the public's best interests, undergo the requisite clinical trial in accordance

with the Bioethics Advisory Committee's Guidelines for Institutional Review Boards for such treatment. Unless that was done, a medical practitioner should not introduce or attempt novel treatments on patients. In this context, such misconduct by a medical practitioner is not a trivial one.

- (c) This Committee has considered that it is mitigating that the use of the Bioresonance Machine is not invasive in nature. There is also no evidence to-date of any actual harm or adverse effect to any of the Respondent's patients arising from these treatments.
- (d) We were impressed by the Respondent's plea of guilt, although we note that it could have been made earlier. At this juncture, we would observe that at several points of the mitigation, the Respondent through his counsel treaded closely to a qualification of the plea by repeated references to evidence of the accepted use of the Bioresonance Machine. However, the position was made clear at the conclusion of the mitigation plea by an affirmation of the Respondent's acceptance that use of the Bioresonance Machine is not generally accepted by the medical profession in Singapore.

9. Having regard to the representations made by both counsel and the nature of the misconduct, it is this Committee's decision that the appropriate sentence is as follows:-

- (a) that the Respondent shall be fined the sum of \$5,000,
- (b) that the Respondent be censured;
- (c) that the Respondent shall give a written undertaking to the Medical Council that he will not engage in the conduct complained of or any similar conduct. Pending the provision of the written undertaking, the Respondent is directed to immediately cease the use of the Bioresonance Machine for the treatment of his patients; and

- (d) that the Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitor to the SMC and the Legal Assessor.

10. The hearing is hereby concluded.

Dated this 22<sup>nd</sup> day of September 2010.