

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY FOR
DR ABQ HELD ON 17 SEPTEMBER 2010**

Disciplinary Committee:

A/Prof Benjamin Ong (Chairman)
A/Prof Ong Biauwei Chi
A/Prof Tan Puay Hoon
Mr Patrick Chia (Lay Person)

Legal Assessor:

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

Prosecution Counsel:

Mr Tan Chee Meng
Ms Chang Man Ping
Ms Kylee Kwek
(M/s WongPartnership LLP)

Defence Counsel:

Mr Christopher Chong
Ms Sharon Liu
(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. The Respondent Dr. ABQ is an obstetrician and gynaecologist having his practice at Clinic A at the material time.
2. These proceedings arose from a complaint dated 20 June 2007 by Dr. C to the Singapore Medical Council (the "SMC"). Following the complaint, a letter of explanation dated 18 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 9 September 2009, the Respondent face a charge of making laudatory and/or misleading statements in his clinic's advertisement published in The Guide to Singapore's Private Medical & Dental Specialist Care in 2007, in breach of paragraph 4.4.2 of the SMC Ethical Code and Ethical Guidelines. The particulars of the charge are set out at pages 2 and 3 of the Notice of Inquiry. The substance of the charge is that the statements

made by the Respondent are laudatory/misleading in that they give the impression that:

- (a) He is one of the pioneers of stem cell treatment; and/or
- (b) His clinic is part of an internationally established medical group which practises innovative and advanced techniques and treatment, including stem cell treatment; and/or
- (c) that Stem cell treatment is a medically accepted and effective therapy both for the treatment and prevention of degenerative diseases of ageing such as “*Arthritis, hypertension, diabetes, Parkinson’s degeneration and cancer*”.

A preliminary point

- 4. A preliminary point was raised by the Defence in respect of the Respondent’s concern with the duplicity of charges in this hearing and another Disciplinary Committee hearing in November 2010. This preliminary point was not pursued after counsel for the SMC confirmed that the present proceedings are strictly on the charge as set out above and that a preliminary point on duplicity may be raised at the subsequent Disciplinary Committee hearing.

The plea of guilt

- 5. The Respondent pleaded guilty to the charge and admitted to the Agreed Statement of Facts, and counsel for the SMC and for the Respondent addressed this Disciplinary Committee on the issue of mitigation and sentencing.

Mitigation

- 6. Briefly, in mitigation counsel for the Respondent submitted, *inter alia* that:
 - (a) the Respondent did not contest the charge against him, and

- (b) the Respondent expressed his sincere apologies for the advertisement containing the laudatory / misleading statements.

Further, the Respondent also undertook to remove similar laudatory / misleading statements elsewhere, apart from the advertisement.

- 7. Counsel for the SMC tendered eight precedents in the course of his address to this Disciplinary Committee on the appropriate sentence to be meted out to the Respondent.

Our decision

- 8. At the outset, this Committee will state that while the complaint of Dr. C raised several allegations of misconduct against the Respondent, it is careful in the course of these proceedings to consider only the allegation in respect of the nature of the advertisement placed by the Respondent. The other allegations are not relevant to this proceedings and this Committee need not, and did not consider them.

- 9. 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 4.4.2 of the Ethical Guidelines embodied the standards of the medical profession in respect of information furnished by medical practitioners to the public and their patients.

- (b) In the present, this Committee has considered the fact that the statements relate to stem cell treatment which is largely unproven. In that context, where there is potential for harm to patients, a punishment involving a suspension of the medical practitioner may be appropriate. However, as there is no evidence on that aspect before this Committee, we are mindful not to include that consideration in determining an appropriate sentence. There is also no evidence that any actual harm had resulted to any patient because of the laudatory / misleading statements.

- (c) In any case, this Committee has no power to impose a sentence involving a shorter period of suspension than the minimum period prescribed under the Act.
10. Having regard to the representations made by both counsel and the nature of the misconduct, in particular the circulation of the statements in a specialist directory and the magnitude of the laudatory / misleading nature of these statements, it is this Committee's decision that the appropriate sentence is as follows:-
- a. that the Respondent be fined the sum of **\$7,000**;
 - b. that the Respondent be censured;
 - c. that the Respondent gives a written undertaking to the Medical Council that he will not engage in the conduct complained of or any similar conduct; and that he will remove similar laudatory / misleading statements elsewhere, apart from the advertisement; and
 - d. that the Respondent pays the costs and expenses of and incidental to these proceedings, including the costs of the solicitor to the SMC and the Legal Assessor.
11. The hearing is hereby concluded.

Dated this 17th day of September 2010.