

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY FOR
DR ABV HELD ON 9 MARCH 2011**

Disciplinary Committee:

Prof Ong Yong Yau (Chairman)
Prof Walter Tan (Member)
Prof Quak Seng Hock (Member)
Ms Soh Lay Beng (Lay Member)

Legal Assessor:

Mr Joseph Liow Wang Wu (Straits Law Practice LLC)

Prosecution Counsel (Harry Elias Partnership LLP)

Mr Philip Fong
Ms Shazana Anuar

Defence Counsel (M/s Rodyk & Davidson LLP):

Mr Lek Siang Pheng
Mr Mar Seow Hwei
Mr Andrew Lee

GROUND OF DECISION OF THE DISCIPLINARY COMMITTEE

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

Charges

1. The Respondent, Dr ABV, had pleaded guilty to 30 charges of professional misconduct. In each of the 30 charges, he is accused of failing to exercise due care in the management of his patients, in that, in each case, he had inappropriately prescribed hypnotic medication. The charges go on further to assert that the prescription of hypnotics were either inappropriate in terms of the amount prescribed or in terms of the duration over which they were prescribed for the patients.

2. Upon ascertaining that he understood the nature and consequences of his plea of guilt, we accepted his plea and accordingly found him guilty of the 30 charges.

SENTENCE AND VERDICT

3. In considering the charges and the Agreed Statement of Facts, in our view, there exist aggravating factors in this case. From the facts, it is clear that the Respondent demonstrated, at the very least, a clear indifference to the accepted standard of practice and in particular, to the prescribing guidelines issued by the Ministry of Health (“MOH”) in relation to benzodiazepines in 2002. We particularly expected more from a doctor of 22 years experience and who is held in good regard by his peers in this profession.
4. Professional misconduct in respect of improper or lack of due care in the management of patients with regards to the prescription of hypnotics merits a suspension. This reflects the severity of such improper conduct and acts as a deterrent to the profession at large. We believe that there is a need to deter some who may consider committing such transgressions for pure financial gains. The danger of improper care in the management of patients with regards to the prescription of such hypnotic medicine is that the patient may develop tolerance and dependence for such medicines.

5. In the Respondent's case, although there may have been some evidence suggesting that the Respondent was attempting to wean his patient from drug dependency, we are of the view that such attempts were neither meaningful nor effective.
6. Prior to sentencing, Defence Counsel presented a plea of mitigation on behalf of Dr. ABV. It was said that although Dr ABV had failed to exercise due care in the management of his patients, there were instances where he had complied with the guidelines. Defence Counsel referred to instances where the Respondent had given the medications "within the guidelines and was generally fine". In our view, the fact that Dr ABV complied with the guidelines in part, is not a mitigation factor to a charge that he failed to exercise due care in the management of his patient. He was not following the spirit of the prescribing guidelines.
7. We also do not accept, as a point of mitigation, that it is relevant that the patients of the Respondent do not fit the profile of drug abusers. Whether or not the patients were drug abusers, the gravamen of the charge was that the Respondent failed to exercise due care in the management of his patients.
8. We do however note that the Respondent is a first time offender.
9. We also considered the glowing testimonies made not only by his patients but also by his peers in this profession as to his character and

capability. The Respondent appears to have made (and continues to do so) substantial community service. We have only considered these points made during mitigation for the purposes of considering whether the Respondent is likely to re-offend. In our view, he is not likely to.

10. Whilst the plea of guilt by the Respondent in this case was late in the day, it did save some time for this Committee and for the Prosecution. On this point, we must state that had the plea of guilt been indicated much earlier, we would have viewed the plea of guilt much more favourably. In this regard, we have given some consideration for this as a mitigation point.
11. Defence Counsel pointed out that the failings of the Respondent were underlined by good intentions. On this point, we agree with the Prosecution that good intentions do not excuse the Respondent from failing to meet the professional standards that this profession demands of him.
12. Having taken all these matters into consideration, this Disciplinary Committee has decided on the appropriate sentence. Before we pass sentence, we wish to impress upon the Respondent that but for the strong mitigating factors that were ably presented by his Counsel, we would have no difficulty in passing a harsher sentence on the Respondent.

13. In these circumstances, we hereby exercise our powers as provided for in Section 45 (2) of the Medical Registration Act as follows:-

- (a) that the Respondent be suspended from practice for a period of **5 months**;
- (b) that the Respondent be fined a sum of **\$5,000.00**;
- (c) the Respondent do provide an undertaking that he will comply with the Guidelines for Prescribing Benzodiazepines dated 17 August 2002, the Administrative Guidelines on the Prescribing of Benzodiazepines and Other Hypnotics dated 14 October 2008, Prescribing of Benzodiazepines (MOH Clinical Practice Guidelines 2/2008) and any other related guidelines relating to such matters that may be issued from time to time by the Ministry of Health; and,
- (d) that the Respondent pays the costs and expenses of and incidental to these proceedings, including the costs of the Counsel to the SMC and the Legal Assessor.

14. This hearing is hereby concluded.

Dated 9th day of March 2011.