

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY FOR
DR ABW HELD ON 23 MARCH 2011**

Disciplinary Committee:

Dr Tan Kok Soo (Chairman)
Dr Lim Cheok Peng
Dr Tong Khim Leng
Ms Soh Lay Beng (Lay Person)

Legal Assessor:

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

Prosecution Counsel:

Mr Philip Fong
Ms Shazana Anuar
(M/s Harry Elias Partnership LLP)

Defence Counsel:

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. The Respondent Dr. ABW is a general practitioner having his practice at Clinic A at the material time.
2. An audit of the Respondent's clinic was conducted by the Ministry of Health on 20 April 2009. These proceedings arose out of a letter of complaint made against the Respondent on 19 June 2009 by Dr C of the Regulatory Compliance Division of the Ministry of Health to the Singapore Medical Council (the "SMC").
3. Following the complaint, a written response dated 14 September 2009 by the Respondent was submitted to the Complaints Committee, which then referred the matter to this Committee for inquiry.

The Charges

4. In the Notice of Inquiry dated 8 February 2011, 27 charges were framed against the Respondent. At the inquiry, 7 of the charges i.e. charge Nos. 8, 11, 12, 15, 18, 19 and 22 were withdrawn and the remaining 20 charges (the “Charges”) were proceeded with. It is the SMC’s case that by reason of the conduct as set out in these Charges, the Respondent failed to exercise due care in the management of the patients referred to in the Charges, in particular (and as the case may be in respect of the relevant charge), that he inappropriately prescribed

- (a) hypnotic medication, and/or
- (b) medication containing codeine.

The Charges are accompanied by a Schedule setting out the prescription over various periods of time.

5. The Respondent pleaded guilty to the 20 Charges.

Mitigation

6. Briefly, in mitigation, Counsel for the Respondent submitted, *inter alia* that:

- (a) the Respondent has an unblemished record of some 30 years and there is no prior record of misconduct,
- (b) the Respondent is remorseful,
- (c) had pleaded guilty, and had been co-operative,
- (d) the misconduct arose out of the Respondent’s good intentions to treat his patients, and
- (e) that the Respondent had good knowledge of his patients’ background and treated them for other ailments.

7. The Respondent also produced numerous testimonials from various sources, including his patients, 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 a sentence that did not involve any period of suspension, or a minimum period of suspension.
8. Counsel for the SMC tendered and relied upon a table of sentencing precedents for similar misconduct for this Committee's reference.
9. Finally, in seeking a lighter sentence, Counsel for the Respondent also brought to this Committee's attention that in the present case, the misconduct only consisted of inappropriate prescription, and did not include, for example, inadequate documentation or failure to refer the patients to specialist treatment.

Our views

10. The Disciplinary Committee had considered all the points raised in the mitigation plea including the above, and had come to the following conclusions:
 - (a) While this Committee is aware that the Charges consist of the ground of inappropriate prescription and no other misconduct, inappropriate prescription is a serious misconduct in itself. Hypnotic medication is prescribed for patients who have insomnia or as anxiolytics for the short term relief of anxiety. However, the long-term consumption of hypnotics may lead to the development of drug dependence and tolerance by patients. This is also stated in the Agreed Statement of Facts. It is therefore incumbent on all medical practitioners to be apprised of the current medical standards and prescribing practice, in the interests of their patients.
 - (b) Even if we take into account the background of the Respondents' patients e.g. their difficult social problems and chronic nature of their illnesses, the Respondent had acted in disregard of his professional duties because the prescription of hypnotic medication and/or codeine-

based cough medication on a long-term basis is inappropriate and unprofessional.

- (c) The misconduct of improper prescription of hypnotics and/or codeine based medication attracts substantial punishment, which usually involves a period of suspension for a medical practitioner. In the present case, we note with concern that for the present case, there were more than a few instances of concurrent prescription of different types of cough medication and/or different types of hypnotic medication at the same consultation. This is a serious breach of the relevant Guidelines issued by the Ministry of Health due to the potentiating effect of concurrent prescription, and such a breach warrants a substantial punishment.
 - (d) The Committee also noted that for a substantial number of the patients concerned, the prescription on an overall basis for these patients took place over several years, and involved large quantities of medication being prescribed at a consultation. Such a practice does not allow for close monitoring by the Respondent of the patients' condition to formulate appropriate treatment.
11. On the mitigating factors, this Committee accepts that the Respondent had mitigated by pleading guilty and had thus saved substantial time and resources towards the conduct of a full inquiry. The fact that he had ceased the prescription of hypnotics demonstrates the Respondent's remorse. The Committee also takes into account the long good standing of the Respondent, and the testimonials tendered on his behalf.
12. 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 shall be suspended for a period of **5 months**;

- (b) that a fine of **\$5,000** shall be imposed;
- (c) that the Respondent shall be censured;
- (d) that the Respondent shall provide 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 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.

13. The hearing is hereby concluded.

Dated this 23rd day of March 2011.