

**SINGAPORE MEDICAL COUNCIL
DISCIPLINARY COMMITTEE INQUIRY FOR DR GOH CHING LUCK
HELD ON 19 SEPTEMBER 2011**

Disciplinary Committee:

A/Prof Siow Jin Keat (Chairman)
Dr Raymond Chua
Prof Veerasingam Prem Kumar
Mr Kaka Singh (Lay Person)

Legal Assessor:

Ms Jinny Tan
(M/s Wee Tay & Lim LLP)

Prosecution Counsel:

Ms Chang Man Phing
Ms Ng Yen Fang
(M/s Wong Partnership LLP)

Defence Counsel:

Mr Eric Tin
Ms Jessica Soo
(M/s Donaldson & Burkinshaw)

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. The Respondent Dr. Goh Ching Luck is a general practitioner having his practice at Drs Goh & Tan Family Clinic & Surgery at the material time.
2. On 3 March 2009 and 12 June 2009, the Ministry of Health Regulatory Compliance Division inspected Dr Goh's clinic. After reviewing the Drug Dispensing Register and medical records of selected patients of the Clinic, the Ministry of Health referred the matter to the Singapore Medical Council ("SMC").

The Charges

3. In the Amended Notice of Inquiry dated 8 August 2011, 13 charges were framed against the Respondent. 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 that:-

Under Charge No. 5

- a. He had inappropriately prescribed Benzodiazepines to his patient;
- b. He did not record or document in the patient's Patient Medical Records details or sufficient details of the patient's symptoms, condition, advice given, and/or any management plan such as to justify the continued need to prescribe the said medications to the patient over the period of treatment;
- c. He failed to refer the patient to a medical specialist and/or psychiatrist for further management until after the Ministry of Health, Regulatory Compliance Division's inspection of his clinic on 3 March 2009.

Under Charges 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13

- d. He had inappropriately prescribed Benzodiazepines as well as cough mixtures containing codeine to his patients (for all 12 charges);
- e. He did not record or document in the patient's Patient Medical Records details or sufficient details of the patient's symptoms, condition, advice given, and/or any management plan such as to justify the continued need to prescribe the said medications to the patient over the period of treatment (for all 12 charges)
- f. He failed to refer the patient to a medical specialist and/or psychiatrist for further management until after the Ministry of Health, Regulatory Compliance Division's inspection of his clinic on 3 March 2009 (in relation to Charge No. 1, 2, 8 and 12); and
- g. He failed to refer the patient to a medical specialist and/or psychiatrist for further management (Charge Nos. 3 and 7)

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

4. The Respondent pleaded guilty to the 13 Charges.

Mitigation

5. Briefly, in mitigation, Counsel for the Respondent submitted, *inter alia* that:
 - a. he has an unblemished record of 25 years of medical practice and there is no prior record of misconduct,
 - b. he is remorseful,
 - c. he had pleaded guilty, and had been co-operative,
 - d. the misconduct arose out of the Respondent's good intentions to treat his patients,
 - e. only a small proportion of his patients were treated for insomnia, and the type of hypnotics prescribed were not highly addictive;
 - f. there was no actual harm to the patients;
 - g. the prescriptions made by him, were made in context of treating other co-existing medical conditions; and
 - h. his prescribing practice was not to financially exploit the patients.
6. The Respondent also produced numerous testimonials from various sources, including his patients, medical colleagues and various charitable organisations in which he had made contributions (both monetary and in kind). Counsel for the Respondent also invited this Committee to consider the imposition of a sentence that did not involve any period of suspension.
7. Counsels for the SMC and the Respondent tendered and relied upon a table of sentencing precedents for similar misconduct for this Committee's reference.

Our views

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. 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, psychomotor impairment, tolerance and depression by patients. This is also stated in the Agreed Statement of Facts. It is therefore incumbent on all medical practitioners to be appraised 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.
 - 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.
9. 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.

10. 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 3 months,
 - b. that a fine of \$1,000 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.

11. We hereby order that the Grounds of Decision be published.

12. The hearing is hereby concluded.

Dated this 19th day of September 2011.