

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY
FOR DR LING NGAN NGIENG**

Disciplinary Committee:

A/Prof Siow Jin Keat (Chairman)
Dr Wilmot Rasanayagam
A/Prof Teo Eng Kiong
Prof Boey Yin Chiang Freddy (Lay Person)

Legal Assessor:

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

Prosecution Counsel:

Ms Chang Man Phing
Ms Kylee Kwek
(M/s WongPartnership LLP)

Defence Counsel:

Mr Tham Hsu Hsien
Ms Koh En Ying
(M/s Allen & Gledhill LLP)

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. These proceedings arose out of a letter of complaint made against the Respondent Dr. Ling Ngan Ngieng on 18 April 2008 by Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, a written response dated 22 July 2008 by his counsel was submitted to the Complaints Committee, which then referred the matter to this Committee.
3. The Respondent is charged with 19 charges for failing to exercise due care in the management of his patients named specifically in Charges 1 to 19 set out in the Amended Notice of Inquiry in that he failed to exercise due care in the management of his patients named in the Charges in the use of Subutex, in particular (and as the case may be in respect of the relevant charge), that
 - a) his management of the patients was inappropriate in that he did not formulate any long term plan for the treatment of the patient's medical condition (19 charges);

- b) he did not record or document in the said patients' Medical Records sufficient details of the patients' diagnosis, symptoms and/or condition throughout the period of treatment save for the initial consultation (18 charges);
 - c) he failed to carry out an adequate assessment of the patient's medical condition over the period of treatment (18 charges);
 - d) in respect of the prescription and/or administration of dosages, he contravened the Ministry of Health Professional Circular No. 21B/2005 on Treatment of Opiate Dependence dated 26 October 2005 (2 charges); and
 - e) he failed to refer the patients to the Community Addiction Management Program and have thereby contravened the MOH Guidelines (17 charges).
4. The Respondent pleaded guilty to the Charges and admitted to the Agreed Statement of Facts (marked "P2") submitted by counsel for the SMC.
5. Briefly, the Respondent's counsel in mitigation had submitted, *inter alia*:
- a) The Respondent's long practice of 55 years with an unblemished record;
 - b) the Respondent is a paid employee and did not profit from the conduct complained of;
 - c) the Respondent's treatment of the patients were carried out in good faith with the patients' well-being and interests in mind;
 - d) various testimonials attesting to the Respondent's good character and high standard of work were presented to this tribunal;
 - e) Dr. P, the expert for the SMC had identified various mitigating factors that counsel for the Respondent had brought to our attention.

Counsel for the Respondent urged that a minimal sentence of a 3-month suspension be imposed.

6. On the other hand, counsel for the SMC had cited various precedents and contended that the appropriate sentence is one involving the suspension of the Respondent's

registration as a medical practitioner and the imposition of an appropriate fine. It was highlighted that the MOH Guidelines had been breached in the present case.

7. 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) A medical practitioner ought to be aware of, and should adhere to Guidelines prescribed by the MOH;
 - b) the Committee considers that the Respondent had acted in disregard of his professional duties since the prolonged prescription of Subutex without specialist referral, proper medical records or in a manner not in accordance with the MOH Guidelines is inappropriate and unprofessional;
 - c) in cases of misconduct involving inappropriate prescription of Subutex and breach of MOH Guidelines, such misconduct would invariably attract a punishment involving a term of suspension. The minimum period of suspension under the Medical Registration Act is 3 months, up to a maximum of 36 months.

8. This Committee had considered the addresses by both counsel and is of the view:
 - a) that it accepts that the Respondent's prescription of the medication was made only in connection as a paid employee and not with an element of profit;
 - b) the Committee also considered the Respondent's long unblemished record and the fact that he is actively helping in the community, and
 - c) the Respondent had also pleaded guilty to the Charges and had saved time and expenses which would have been incurred by prolonged proceedings.

9. At the hearing today, Counsel for the Respondent brought to our attention the fact that the Respondent had voluntarily abstained from practice for a period of some 8 months. To this Committee, this is a clear show of remorse by the Respondent.

10. In light of all the circumstances, after due consideration this Committee determines as follows:

- a) that the Respondent shall be suspended from practice for the minimal period of 3 months;
 - b) no fine will be imposed in view of the mitigating circumstances,
 - c) that the Respondent shall be censured;
 - d) that the Respondent shall give a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct; and
 - e) that the Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of 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 26th May 2011.