

**SINGAPORE MEDICAL COUNCIL
DISCIPLINARY COMMITTEE INQUIRY FOR DR FOO YEW SIN PATRICK
HELD ON 5 OCTOBER 2011**

Disciplinary Committee:

Dr Wong Sin Yew (Chairman)
A/Prof Pang Weng Sun
Dr Anthony Goh
Mr Sajjad Ahmad Akhtar (Lay Observer)

Legal Assessor:

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

Counsel for the SMC:

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

Counsel for the Respondent:

Mr Lek Siang Pheng
Mr Melvin See
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. These proceedings arose out of a letter of complaint made against Dr Foo Yew Sin Patrick ("the Respondent") on 10 August 2007 by the Health Regulation Branch, Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, a written response dated 22 November 2007 was submitted to the Complaints Committee, which then referred the matter to this Committee for formal inquiry.
3. The Respondent faces 10 Charges for failing to exercise due care in the management of his patients named in the Charges set out in the Amended Notice of Inquiry dated 5 October 2011. In particular (and as the case may be in respect of the relevant charge), the particulars of the Charges are that the Respondent:
 - a) did not formulate and/or adhere to any management plan for the treatment of the patient's medical condition and/or

- b) inappropriately prescribed Subutex to the relevant patient in the amounts and on the consultation dates as set out in the schedules annexed to the notice of inquiry where he knew or ought to have known of the amounts prescribed to the patient by other doctors in the clinic including Dr A on earlier consultation dates.
4. The Respondent pleaded guilty to the Charges and admitted to the Agreed Statement of Facts submitted by counsel for the SMC.
5. Briefly, the Respondent's counsel in mitigation had submitted, *inter alia*:
- a) The Respondent is a first offender; who had pleaded guilty and did not contest the charges against him,
 - b) the Respondent is a paid employee and did not profit from the conduct complained of;
 - c) the Respondent's treatment of the patients was carried out in good faith with the patients' well-being and interests in mind. The Respondent had involved the patients' families in his treatment;
 - d) the reports by the medical experts had attested to various positive aspects of the Respondent's medical practice; and
 - e) various testimonials by his patients and colleagues attesting to the Respondent's good character and the quality of his work were presented to this Committee.
6. After taking this Committee through the precedent cases, Counsel for the Respondent urged that the appropriate sentence to be imposed not involve any suspension of the

Respondent's registration as a medical practitioner. It was submitted that the Respondent's case is akin to the precedents involving misconduct prior to the introduction of the MOH Guidelines for the Treatment of Opiate Dependence dated 26 October 2005 (the "MOH Guidelines") on the administration of Subutex, where usually only a fine is imposed. Counsel for the Respondent also sought to distinguish the present case from the precedents involving cases that "straddle" pre and post introduction of the MOH Guidelines.

7. The Disciplinary Committee has considered all the points raised in the plea in mitigation including the above. At the onset, this Committee will state that a medical practitioner ought to be aware of, and should adhere to good clinical practice on the prescription of medication. Prolonged prescription of Subutex without specialist referral, or a proper management plan or in a manner not in accordance with the MOH Guidelines is inappropriate and unprofessional.
8. This Committee had considered the addresses by both counsel on the issue of an appropriate sentence, and is of the view that the following are relevant mitigating factors:
 - a) The Respondent was acting in the interests of his patients. In particular, his notes were reasonably well-documented, he had made referral to specialists and he had actively engaged the patients' families during the course of treatment.
 - b) The present charges did not involve the concomitant prescription of Subutex and benzodiazepines, unlike the cases in a few of the precedents presented to this Committee.
 - c) This Committee also considered the views contained in the reports of both the SMC's and the Respondent's medical experts as mitigating.

- d) While a few of the incidences of misconduct had taken place after the MOH Guidelines were introduced, the time period was relatively short at about 6 weeks.
 - e) Of the 10 charges in the present case, only 4 charges involved 2 particulars of misconduct, and the majority only contained one particular involving the failure to formulate and/or adhere to a management plan. This is a relevant factor towards the gravity of the offences.
 - f) This Committee also notes that Dr A, who practices at the same clinic was fined \$7,000 for misconduct involving substantially more patients. Any sentence imposed on the Respondent must take that into account to avoid being disproportionate and inconsistent. At the same time, we are mindful that the charges involving Dr A relate to misconduct that took place prior to the introduction of the MOH Guidelines.
 - g) Finally, the Respondent had also pleaded guilty to the Charges and had saved time and expenses which would have been incurred by prolonged proceedings if a full inquiry had been necessary.
9. In light of the circumstances of this case, after due consideration this Committee determines that the appropriate sentence is:
- a) The Respondent shall be fined the sum of \$3,000;
 - b) the Respondent shall be censured;
 - c) 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

d) 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.

10. We also order that the grounds and outcome of this inquiry be published.

11. The hearing is hereby concluded.

Dated this 5th day of October 2011.