

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY FOR  
DR PHAN OI PENG HELD ON 23 MAY 2011**

**Disciplinary Committee:**

A/Prof Siow Jin Keat (Chairman)  
Prof Walter Tan  
Dr Arthur Tan Chin Lock  
A/Prof Seet Gim Lee, Gerald (Lay Person)

**Legal Assessor:**

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

**Prosecution Counsel:**

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

**Defence Counsel:**

Mr Eric Tin  
Ms Kang Yixian  
(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. Phan Oi Peng is a general practitioner having her practice at The People's Clinic, Block 145 #01-161, Teck Whye Avenue Singapore 680145 at the material time.
2. An audit of the Respondent's clinic was conducted by the Ministry of Health on 6 May 2009. These proceedings arose out of a letter of complaint made against the Respondent on 8 October 2009 by the Ministry of Health to the Singapore Medical Council (the "SMC").
3. Following the complaint, a written response dated 7 January 2010 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 15 March 2011, 25 charges were framed against the Respondent. At the inquiry, 6 of the charges i.e. charge Nos. 6, 12, 14, 15, 17 and 23 were withdrawn and the remaining 19 charges (the "Charges") were proceeded with.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 she inappropriately prescribed
  - (a) hypnotic medication, and/or
  - (b) medication containing codeine.

The Charges are accompanied by 25 Schedules setting out the prescription over various periods of time to 25 named patients.

5. The Respondent pleaded guilty to the 19 Charges.

### **Mitigation**

6. Briefly, in mitigation, Counsel for the Respondent submitted, *inter alia* that:
  - a. the Respondent has an unblemished record of some 40 years and there is no prior record of misconduct,
  - b. had pleaded guilty, and had been co-operative,
  - c. the misconduct arose out of the Respondent's good intentions to treat her patients, and
  - d. that the Respondent received glowing testimonials from her peers and patients in the profession as to her character and capability.
7. The Respondent produced numerous testimonials from various sources, including her patients, medical colleagues and charitable organisations in which she had made contributions.

8. Counsels for both the SMC and the Respondent tendered and relied upon a table of sentencing precedents for similar misconduct for this Committee's reference.

**Our views**

9. 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. 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. 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.
10. 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 Committee also takes into account the

long good standing of the Respondent, and the testimonials tendered on her behalf.

11. 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 \$3,000 shall be imposed;
  - c. that the Respondent shall be censured;
  - d. that the Respondent shall provide a written undertaking to the SMC that she 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.
  
12. We hereby order that the Grounds of Decision be published.
  
13. The hearing is hereby concluded.

Dated this 23<sup>rd</sup> day of May 2011.