

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR TAN BOON HUAT ON 29 JUNE 2011**

**Disciplinary Committee:**

Prof Ong Yong Yau - Chairman  
A/Prof Ong Biauwei Chi  
Dr Chew Chin Hin  
Ms Tan Mui Ling - Lay Observer

**Legal Assessor:**

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

**Counsel for the SMC (M/s Harry Elias Partnership LLP):**

Mr Philip Fong  
Ms Joana Teo

**Defence Counsel (M/s Lee & Lee):**

Mr Maurice Cheong

**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 Tan Boon Huat on 12 December 2007 by the Ministry of Health to the Singapore Medical Council (the "SMC").
2. Following the complaint, written responses dated 26 November 2008, 11 December 2008 and one undated (at pages 91 to 92 of the Agreed Bundle) were submitted to the Complaints Committee, which then referred the matter to this Committee.
3. The Respondent faces 33 charges of failing to exercise due care in the management of his patients, the particulars of which are set out specifically in the 33 Charges contained in the Amended Notice of Inquiry dated 29 June 2011. These particulars set out how the Respondent

- (a) inappropriately prescribed benzodiazepines and/or hypnotics,
  - (b) inappropriately prescribed medication without adequate clinical evaluation, and that
  - (c) he did not record or document in the said patients' Medical Records sufficient details of the patients' diagnosis, symptoms and/or condition and/or management plan such as to enable him to properly assess the medical condition of the patients over the period of treatment.
  
4. The Respondent pleaded guilty to all of the 33 Charges and admitted to the Agreed Statement of Facts (marked "A") submitted by counsel for the SMC.
  
5. Briefly, the Respondent's counsel in mitigation had submitted, *inter alia*:
  - (a) briefly on his background and practice,
  - (b) the fact that the Respondent is a first time offender;
  - (c) that the Respondent is remorseful and had voluntarily ceased his practice since October 2008; and that
  - (d) he had co-operated with the authorities at the earliest opportunity.
  
6. On the other hand, counsel for the SMC had cited various precedents involving inappropriate prescriptions and improper / insufficient recording of his patients' medical records.
  
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 the relevant Guidelines for the prescription of benzodiazepines issued by the MOH;
  - (b) misconduct involving the inappropriate prescription of benzodiazepines and other hypnotics brings disrepute to the medical profession, and
  - (c) such misconduct should attract a punishment involving a term of suspension in view of the potential harm to patients that may arise from inappropriate prescription. The minimum period of suspension under the pre-2010 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 is remorseful and it takes into account the fact that he had ceased his practice since October 2008,
  - (b) the Committee also considered the Respondent's long unblemished record and noted the fact that he is a first-time offender as a mitigating factor,
  - (c) most of the Charges involved a one-off or short period of prescriptions, and
  - (d) the Respondent had also pleaded guilty to the Charges and had thereby saved time and expenses which would have been incurred by a prolonged inquiry.
9. However, the Committee also noted the following aggravating factors i.e. the fact that there are 33 Charges and that the Respondent's record keeping for the relevant period was poor. The Respondent is urged to improve on his record-keeping and documentation of his patients' medical records.

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 a period of 4 months;
  - (b) a fine of \$4,000 shall be imposed,
  - (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 also order that these grounds of our decision be published.
12. The hearing is hereby concluded.

Dated this 29<sup>th</sup> day of June 2011.