

**SINGAPORE MEDICAL COUNCIL
DISCIPLINARY COMMITTEE INQUIRY FOR DR TAN TECK HONG
HELD ON 11 OCTOBER 2011**

Disciplinary Committee:

Dr Lim Cheok Peng (Chairman)
A/Prof Chin Jing Jih
Dr Siaw Tung Yeng
Ms Ng Kim Choon Elaine (Lay Member)

Legal Assessor:

Mr Joseph Liow Wang Wu
(M/s Straits Law Practice LLC)

Prosecution Counsel

Ms Josephine Choo
Ms Ng Yeng 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 medical practitioner, one Dr Tan Teck Hong (“the Respondent”), who at all material times was practising as a general practitioner at Excelsior Clinic and Surgery at Block 283 Bukit Batok East Ave 3 #01-261, Singapore 650283, initially faced nineteen (19) charges of professional misconduct under section 45(1)(d) of the Medical Registration Act (Cap. 174) by failing to exercise due care in the management of his patients, in relation to prescription of benzodiazepines (which included Erimin and Dormicum) as well as codeine containing cough mixtures.

2. These proceedings arose out of a letter of complaint made against the Respondent on 1 February 2010 to the Singapore Medical Council (“SMC”) by the Ministry of Health.

The charges

3. At the commencement of the hearing before this Disciplinary Committee, the charges were amended and the prosecution proceeded with only sixteen (16) charges and withdrew the remaining three (3) charges.
4. The particulars of the individual amended charges of failing to take due care in the management of patients in relation to the prescription of benzodiazepines and codeine containing cough mixtures amounting to professional misconduct under section 45(1)(d) of the Medical Registration Act (Cap. 174) were set out in the Amended Notice of Inquiry ("NOI. See Agreed Bundle of Documents Volume No. 1 pages 1 to 66 (1AB 1 to 66)).
5. The majority of charges show concomitant prescription of both benzodiazepines and codeine-containing medication.

The Proceedings

6. The amended charges were read to the Respondent and the Respondent pleaded guilty to each charge as they were read out to him. An Agreed Statement of Fact was prepared and read to the Respondent. This was marked as "ASOF" and was admitted by him as correct.
7. Prior to convicting the Respondent, the Disciplinary Committee inquired of the Respondent as to whether he understood the nature and consequences of the charges which he had pleaded guilty to. In particular, he was reminded of all the sentencing options that this Disciplinary Committee had at its disposal. The Respondent was asked whether, in view of the fact that he understood the nature and consequences of his plea, whether he would still maintain his plea. To that question, he answered in the affirmative and accordingly the Disciplinary Committee convicted him of all 16 charges as amended.

8. In the course of his counsel's presentation of a plea of mitigation on his behalf, this Disciplinary Committee formed the view that certain aspects of the Mitigation Plea qualified the plea of guilt. See Exhibit D-1. In its unamended form, the Mitigation Plea suggested that the Respondent had in fact taken care to implement a management plan in dealing with the patients named in the charges and who were known to him from the onset to be benzodiazepine-dependent. Some parts of the said unamended Plea of Mitigation even suggested that the Respondent was in fact successful in weaning off some of his patients from benzodiazepine addiction. The Disciplinary Committee highlighted to both counsels that under the relevant guidelines of 2002 and 2008 relating to the prescription of benzodiazepines and other hypnotics, the treatment of patients who have formed dependency required a management plan that involves reduced dosages for over sustained periods ranging from 3 months to a year.
9. The Disciplinary Committee indicated to the counsel for Respondent that the Disciplinary Committee would have no choice but to reject the plea of guilt entered by the Respondent in view of the qualifying aspect in the plea of mitigation. At the request of the counsel for the Respondent, the Disciplinary Committee stood down this matter to allow the counsel for the Respondent to take instructions from his client.
10. At the resumption of the disciplinary hearing on the same day, the counsel for the Respondent tendered an amended plea of mitigation marked as "Exhibit D-1A". The counsel for the Respondent made changes to the earlier plea of mitigation and stressed to this Disciplinary Committee that there was no intention on the part of the Respondent to qualify his plea of guilt.
11. Having received such assurance and in view of the amendments made in the plea of mitigation, this Disciplinary Committee was thus assured that it was safe to convict and sentence the Respondent.

Evidence before this Disciplinary Committee

12. We note that parties had prepared two volumes of Agreed Bundles of Documents. Agreed Bundles Volumes 1 and 2 were admitted and marked as “1AB pages 1 to 244” and “2AB pages 1 to 633” respectively.
13. Having found the Respondent guilty of all the charges as set out in the NOI, we invited counsel for SMC and counsel for the Respondent to make submissions on sentencing.
14. The counsel for SMC submitted some sentencing precedents which were marked as “Exhibit P-1”. The counsel for SMC indicated that the benchmark for similar offences was for a term of suspension to be imposed unless there were exceptional mitigating circumstances. The counsel for SMC further submitted that the number of charges and the duration of such mismanagement of patients and prescription of such medication were relevant consideration.
15. In response, counsel for the Respondent sought to persuade this Disciplinary Committee that there were exceptional mitigating circumstances in the Respondent’s case and that this Disciplinary Committee should not impose any sentence that involved suspension.

Sentence

16. After deliberation, this Disciplinary Committee agreed with the counsel for SMC that the sentencing precedents do indicate a clear trend that in cases where a medical practitioner has failed to take due care in the management of his patients in the prescription of benzodiazepines and codeine containing medication, an order for suspension would be appropriate. This Disciplinary Committee is of the view that it is relevant to consider the length of the misconduct by the medical practitioner and the number of patients involved.

17. Having regard to the schedules annexed to the Amended Notice of Inquiry and having regard to the submissions made by counsel for SMC, we have no difficulty in finding that the degree of failure to take due care in the management of the Respondent's patients was significant. Without proper management of his patients, the Respondent's patients could have become addicted to benzodiazepines and codeine-containing medication; or worse, the Respondent was simply fuelling an existing addiction.

18. Even after taking into account the mitigating factors, we were still of the view that a sentence of suspension was appropriate. We feel that there is a clear need to deter medical practitioners from committing such acts for what we see as obvious financial gains from the practice of indiscriminately prescribing benzodiazepines and codeine-containing medication. We have made note of the various testimonials given in favour of the Respondent by his patients and peers. However, being cognizant of the harm or potential harm which the Respondent may have caused his patients, we cannot give too much weight to this mitigating factor since the conduct of the Respondent is of such nature that could bring disrepute to the medical profession.

19. In the above premises, having found the Respondent guilty of 16 charges of professional misconduct within the meaning of section 45(1)(d) of the Act, the Committee sentenced the Respondent as follows:
 - (a) that the Respondent, Dr Tan Teck Hong, be suspended from practice for a period of **three (3) months**;
 - (b) that the Respondent be fined **\$5,000**;
 - (c) that the Respondent be censured;
 - (d) that the Respondent 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 pays the costs and expenses of and incidental to these proceedings including the costs of the solicitors to the SMC and the Legal Assessor.

20. The Disciplinary Committee further orders and directs that this ground of decision be published. As we have stated earlier, there is a need to deter any medical practitioner who may consider embarking on such practices and the publication of this grounds of decision will serve that purpose.
21. The hearing is hereby concluded.

Dated this 11th day of October 2011.