

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY COMMITTEE INQUIRY FOR
DR WONG CHEOK WAY HELD ON 17 APRIL 2013**

Disciplinary Committee:

Prof Ho Lai Yun (Chairman)
Prof Christopher Cheng
A/Prof John Wong Chee Meng
Mr Kwan Yew Huat (Lay Member)

Legal Assessor:

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

Counsel for the SMC:

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

Counsel for the Respondent:

Mr Eric Tin
(M/s Donaldson & Burkinshaw)

DECISION OF THE DISCIPLINARY COMMITTEE

1. You, Dr Wong Cheok Way, have been charged with 8 charges for failing to exercise due care in the management of your patients named specifically in Charge Nos 2, 4, 10, 12, 13, 16, 17 and 18 set out in the Agreed Bundle (Volume 1) in that:
 - (a) you inappropriately and/or over-prescribed hypnotic medication in the amounts and over a continued or prolonged period in contravention of the Ministry of Health's Clinical Practice Guidelines for Prescribing Benzodiazepines (September 2008) and/or;
 - (b) you did not formulate and/or adhere to any management plan for the treatment of the patient's medical condition by the prescription of hypnotic medication, including a lack of an obvious plan towards reducing or tapering off the patients' intake of hypnotic medication, and/or;
 - (c) you did not record or document in each patient's Patient Medical Records details or sufficient details of the patient's diagnosis, symptoms and/or condition and/or management plan (including a plan to reduce or taper off the patients' intake of hypnotic medication) such as to enable you to properly assess the medical condition of the patient over the period of treatment.

2. You have pleaded guilty to the said 8 Charges and admitted to the Agreed Statement of Facts submitted by the solicitor for the Council.
3. Briefly, in mitigation, you had submitted, *inter alia*:
 - (a) There is no evidence of actual harm to patients;
 - (b) There is no financial exploitation of patients;
 - (c) 7 out of 8 charges relating to prescription of Dormicum were all volunteered by you;
 - (d) You co-operated with authorities;
 - (e) You are genuinely remorseful and have taken remedial action;
 - (f) This is your first offence, and is not a pill dispenser who indiscriminately prescribed benzodiazepines; and
 - (g) you are cognizant that hypnotics can be abused, and advised patients on alternative non-pharmaceutical methods of treatment. You have also advised patients to reduce hypnotic medication.
4. 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) The Committee considers that you have acted in disregard of your professional duties since the improper prescription of hypnotic medication and failure to maintain proper medical records in accordance with the said Guidelines is inappropriate and unprofessional.
 - (b) Nonetheless, the Committee accepts that there are mitigating factors in respect of the testimonials from your patients and professional colleagues.
5. We note that you have pleaded guilty to the 8 Charges, although you did not do so at the earliest instance. While we note that 7 out of 8 cases involving the prescription of Dormicum were volunteered by you to the Ministry officer during the clinical audit, inappropriate prescription of hypnotic medication is misconduct for which we believe a period of suspension is called for.
6. We had considered the three precedents submitted by you. We note that there are facts in those cases which can be distinguished from your case:-
 - (a) In *Re Tan Hui Hoon*, the Disciplinary Committee found that her clinic was run by her and her husband. Her husband had already been sentenced on 19 September 2011 and a sentence of suspension would be unduly harsh. Moreover, she had 4 charges.

- (b) In *Re Tham Pak Onn* and *Dr Mah Mum Mo Malcolm*, both doctors had ceased practice.
7. In light of all the circumstances, we would determine as follows:
- (a) that you be suspended from practice for a period of **3 months**;
 - (b) that a fine of **\$3,000** shall be imposed;
 - (c) that you be censured;
 - (d) that you give a written undertaking to the Medical Council that you will not engage in the conduct complained of or any similar conduct; and
 - (e) that you pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitor to the Council and the Legal Assessor.
8. We hereby order the Grounds of Decision be published.
9. The hearing is hereby concluded.

Dated this 17th day of April 2013