

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL INQUIRY FOR  
DR NG TECK KENG ON 31 OCTOBER 2014**

**Disciplinary Tribunal:**

Prof Ho Lai Yun – Chairman  
Dr Khoo Chong Yew  
Mr Tan Boon Heng – Legal Service Officer

**Counsel for the SMC:**

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

**Counsel for the Respondent:**

Mr Matthew Saw  
Ms April Cheah  
(M/s Lee & Lee)

**DECISION OF THE DISCIPLINARY TRIBUNAL**

*(Note: Certain information may be redacted or anonymised to protect the identity of the parties.)*

**A. INTRODUCTION**

1. This inquiry relates to a physician's professional misconduct for inappropriately prescribing Dormicum, a highly dependence-forming benzodiazepine to his patient, for a period exceeding 7 years from 23 March 2005 to 31 July 2012.

**B. EVENTS LEADING TO THE INQUIRY**

2. The respondent, Dr Ng Teck Keng (the "Respondent") is a registered medical practitioner and licensee of Sunshine Clinic Family Practice and Surgery at Block 445 Tampines Street 42, #01-02, Singapore 520445 (the "Clinic") at the material time.
3. The complainant is Mr C ("the Complainant"), whose son Mr P ("the Patient") was being treated by the Respondent at the material time. By a letter dated 22 August 2012, the Complainant had expressed his concern that his son, the Patient had been addicted to benzodiazepines for over 10 years and that the Complainant and his wife had been trying very hard to regulate the Patient's reliance on benzodiazepines. The Complainant also indicated that the Patient was at that time undergoing treatment at the Psychiatry Department of the Singapore General Hospital.

4. The Complainant also said that he had discovered that the Respondent had prescribed the Patient a total of 80 tablets of Dormicum 15 mg on 8 occasions within a 5 month period between 5 March 2012 and 31 July 2012. The prescriptions were made despite the Complainant's appeal letter dated 11 March 2011 addressed to the Respondent requesting that the Respondent refrain from treating the Patient with the prescription of medication that would support his addiction.
5. In accordance with Section 39 of the Medical Registration Act (Cap 174) (Rev. Ed. 2004) (the "MRA"), the matter was referred to the Complaints Committee of the Singapore Medical Council ("SMC") for further investigation. The Complaints Committee subsequently directed that an exculpatory statement be obtained from the Respondent, which was submitted on or around 15 January 2013. Following the Complaints Committee's investigations, the matter was referred to the Disciplinary Tribunal for a formal inquiry. A Notice of Inquiry dated 1 September 2014 in respect of the Complaint was served on the Respondent on the same date.

### C. THE CHARGE

6. In this inquiry, the SMC has preferred one charge section 53(1)(d) of the MRA against the Respondent for professional misconduct. ***The substance of the charge against the Respondent is that he had inappropriately prescribed Dormicum, a highly dependence-forming benzodiazepine to the Patient for a period of 7 years from 23 March 2005 to 31 July 2012 in the amounts set out in the Patient Schedule.*** The detailed Charge is as follows:

CHARGE

*That you DR NG TECK KENG are charged that in the period from 23 March 2005 to 31 July 2012, whilst practising as a general practitioner at Sunshine Clinic, Blk 445, Tampines St 42, #01-02, Singapore 520445, you had, in breach of Article 4.1.3 of the Singapore Medical Council Ethical Code and Ethical Guidelines inappropriately prescribed medication to your patient, namely one P in that:*

PARTICULARS

- i. You had inappropriately prescribed Dormicum, a highly dependence-forming benzodiazepine, to your patient for a period of 7 years from 23 March 2005*

*to 31 July 2012 the particulars of which are set out in the Prescription Schedule annexed hereto including acting in contravention of the Ministry of Health's Administrative Guidelines on the Prescribing of Benzodiazepines and Other Hypnotics dated 14 October 2008;*

- ii. You had continued inappropriately prescribing Dormicum to your patient after having been made aware that your patient may have been obtaining Dormicum from other medical practitioners concurrently;*
- iii. You did not sufficiently document in your patient's Patient Medical Records details or sufficient details of the patient's diagnosis, symptoms, conditions, advice given and/or management plan such as to enable you to properly assess the medical condition of the patient over the period of treatment; and*
- iv. You did not attempt to (a) refer your patient to a psychiatrist or other appropriate specialist for management of your patient's sleep-related issues in a timely manner; and (b) facilitate joint management, collaboration and communication with the psychiatrist in respect of your patient's treatment, management and the prescription of medication to your patient;*

*and that in relation to the facts alleged you have been guilty of professional misconduct under section 53(1)(d) of the Medical Registration Act (Cap. 174).*

#### **D. THE PROSECUTION'S CASE**

7. The Respondent was aware that the Patient may have obtained Dormicum from other medical practitioners concurrently but he continued to prescribe Dormicum to the Patient. The Patient Medical Records which the Respondent maintained for the Patient did not also contain any or any sufficient details of his diagnosis for the Patient, advice given and/or management plan for the treatment of the Patient with the prescription of Dormicum. His prescribing practice was also at the material time in contravention of the Administrative Guidelines on the Prescribing of Benzodiazepines and Other Hypnotics issued by the Ministry of Health ("MOH") from 2008. These Guidelines were issued on 14 October 2008.

8. The Respondent did not also refer the Patient to a psychiatrist or other appropriate specialist for management of the Patient's sleep-related issues in a timely manner. The patient was only referred to a psychiatrist, one Dr PW ("Dr PW") at the Singapore General Hospital in 2007 following his admission in July 2007 due to his fainting / passing out (syncope). However, the Respondent did not subsequently facilitate a joint management of the Patient with Dr PW and did not communicate with Dr PW regarding the Respondent's treatment and/or management plan for the Patient.
9. Hypnotic drugs are prescribed to treat insomnia, anxiety and other psychiatric and medical conditions. However, improper or long-term consumption of benzodiazepines may lead to tolerance and psychological as well as physical dependence. Withdrawal symptoms such as anxiety, perceptual disturbances and tremors may develop upon cessation of benzodiazepine use. In August 2002, the Ministry of Health developed the "Guidelines for Prescribing Benzodiazepines" to guide doctors on the proper prescribing of benzodiazepines. These guidelines were updated and revised in 2008. All medical practitioners are advised to comply with the guidelines. MOH also wanted to monitor the appropriate use and documentation of all benzodiazepines prescribed to each patient and therefore required the strict cooperation of all medical practitioners in complying with the guidelines.
10. The Prosecution Expert Witness is Dr PE, Senior Consultant and Medical Director of an institution. He is currently also a clinical tutor of the undergraduate Family Medicine Posting Programme at the Yong Loo Lin School of Medicine. He served as a council member of the College of Family Physicians Singapore and was also a Teaching Fellow of the Institute of Family Medicine in the college. He was also a member of the MOH Workgroup on Clinical Practice Guidelines on Benzodiazepines. For the purposes of this Inquiry, Dr PE has prepared an expert opinion report dated 27 March 2014 in respect of the Respondent's management of the Patient. In his report, Dr PE had opined, *among others*, that:
  - (a) the Respondent's diagnoses, the most common being that of insomnia, were not supported by documented evidence to show how the Respondent arrived at such a diagnosis;
  - (b) the Respondent did not also appear to have appreciated the "red flags" displayed by the Patient such as his inadequate social coping and possible substance misuse or drug intoxication;

- (c) based on the documentation in the Patient Medical Records, there did not appear to be an overall concerted management plan to address the Patient's chronic insomnia or treat his dependence on hypnotic drugs. There was also no obvious documentation on the recommendation of non-pharmacological advice; and
- (d) there were no obvious attempts to refer the Patient to a specialist when the Patient continued to require sedatives despite the MOH Guidelines which had advised that "patients who require or have been prescribed benzodiazepines / other hypnotics beyond a cumulative period of 8 weeks" should be referred to the specialist.

#### **E. AT THE DISCIPLINARY TRIBUNAL (DT) INQUIRY**

- 11. At the DT inquiry, the Respondent elected to plead guilty to the single Charge as stated in paragraph 6 above i.e. professional misconduct under Section 53(1)(d) of the Medical Registration Act (Cap. 174) (Rev. Ed. 2004).
- 12. He admitted to the Agreed Statement of Facts submitted by the Counsel for the SMC, Mr Philip Fong.

#### **F. IN MITIGATION**

- 13. In mitigation, Counsel for the Respondent, Mr Matthew Saw ('Mr Saw'), submitted that the Respondent has been a kind and caring albeit naively trusting physician who has managed a long-term relationship with a challenging patient. In addition, Mr Saw also urged the DT to consider the following, among others, that:
  - (a) the Respondent elected not to contest the charge against him and has been sincerely remorseful about the distress he had unwittingly caused to the Patient and his family;
  - (b) the Respondent had faced only one charge in respect of one patient as opposed to multiple charges;

- (c) a suspension would do irreparable damage to the Respondent's practice. Sunshine Clinic Family Practice and Surgery ("Sunshine Clinic") is effectively solely run by the Respondent. His practice partner has been overseas for the past 10 years and there is no one to take over the practice if he is suspended;
- (d) Sunshine Clinic has not been doing well financially. To make ends meet, the Respondent's wife who was already helping out at the clinic, has had to take on a part-time job as a property agent. Her income is however irregular and the Respondent is essentially the sole bread-winner;
- (e) the Respondent has four dependent children to provide for, aged 22, 20, 19 and 16. The family's financial situation has been such that his eldest son has had to defer his university education for one year because the Respondent is unable to afford the tuition fees. A suspension would put an immense strain on an already challenging financial situation;
- (f) the Respondent has sunk into depression as a result of this case. The tension of the case has caused him to be withdrawn at home and distressed to the point of loss of appetite and sleep for the past few months;
- (g) the Respondent has not committed the offence of inappropriate prescription for financial gain. Rather, his predominant intention was to provide compassionate care for the Patient, to the extent that his clinical judgment was unfortunately clouded, albeit out of good intentions; and
- (h) the Respondent has received numerous testimonials from his patients on how caring he has been as a doctor including endorsements of his good character by fellow physicians.

## **G. THE DT'S OPINION**

- 14. We had carefully considered the nature of the charge, the circumstances leading to the charge and the mitigation tendered.
- 15. In determining the appropriate penalties, we wish to highlight the following aggravating factors in the present matter:

- (a) the Respondent had inappropriately prescribed Dormicum to the Patient for a very long period of time exceeding 7 years to feed the Patient's addiction. This is an aggravating factor which tilts the scales in favour of a suspension rather than a mere monetary penalty as can be seen in the precedents cited;
- (b) besides the length of time in which the inappropriate prescription was made, we were also taken aback by the huge quantum of Dormicum the Respondent prescribed to the Patient, i.e., a total of 80 tablets of Dormicum 15 mg on 8 occasions within a 5-month period between 5 March 2012 and 31 July 2012. As physicians are empowered to decide the dispensation of such drugs, the authority must be exercised with extreme prudence and caution. If misapplied, the consequences may be dire as it happened to the Patient in the present case. He was warded into the Intensive Care Unit for overdose. This is, no doubt, another aggravating factor that explains why over-prescription is typically penalised with a suspension; and
- (c) though the Respondent had received a letter from the Complainant dated 11 March 2011 requesting the Respondent to refrain from treating the Patient with the prescription of medication that would support his addiction, the Respondent continued with his inappropriate prescription till 31 July 2012. The Respondent's failure to address the Complainant's concerns accentuated the Respondent's blameworthiness which fortifies our assessment that a suspension is necessary in the circumstances.

**H. COMPARATIVE ANALYSIS OF THE CITED PRECEDENTS**

- 16. We are in general agreement with the precedents cited by both the SMC and Respondent's counsel. We further note that in the vast majority of these matters, a suspension of 3 to 4 months would usually be made over and above a monetary penalty averaging typically in the range of \$3,000 to \$5,000. The following is a summary of the selected relevant precedents:

<b>Case</b>	<b>Summary</b>	<b>Sentence</b>
Dr Boon Seng Poh	Pleaded guilty to 15 out of 18 charges (3 taken into	3 month suspension \$5,000 penalty

<b>Case</b>	<b>Summary</b>	<b>Sentence</b>
(26 March 2014)	consideration) for failure to provide appropriate care, management and treatment to patients in respect of prescription of hypnotics	Censure Give written undertaking to SMC Pay costs
Dr Wong Cheok Way (17 April 2013)	Pleaded guilty to 8 charges for failing to exercise due care in the management of patients in respect of prescription of hypnotics	3 month suspension \$3,000 penalty Censure Give written undertaking to SMC Pay costs
Dr Tan Yang Khai (30 November 2012)	Pleaded guilty to 10 charges (8 taken into consideration) for inappropriate prescription of Benzodiazepines and/or other hypnotics	3 month suspension \$5,000 penalty Censure Give written undertaking to SMC Pay costs
Dr Goh Ching Luck (19 September 2011)	Pleaded guilty to 13 charges in respect of inappropriate prescription of Benzodiazepines and/or codeine-containing cough mixtures	3 month suspension \$1,000 penalty Censure Give written undertaking to SMC Pay costs
Dr Tan Teck Hong (11 October 2011)	Pleaded guilty to 16 charges of professional misconduct by failing to exercise due care in the management of his patients, in relation to prescription of benzodiazepines (which included Erimin and	3 month suspension \$5,000 penalty Censure Give written undertaking to SMC Pay costs



Case	Summary	Sentence
	Dormicum) as well as codeine containing cough mixtures.	
Dr Tan Boon Huat (29 June 2011)	Pleaded guilty to 33 charges of failing to exercise due care in the management of his patients in respect of inappropriate prescription of Benzodiazepines and/or other hypnotics	4 month suspension \$4,000 penalty Censure Give written undertaking to SMC Pay costs

## I. THE DT'S DECISION

17. In view of the aggravating factors in this case, Mr Philip Fong, counsel for the SMC has submitted that a suspension of more than 3 months and a penalty exceeding \$5,000 be imposed. On the other hand, Mr Matthew Saw, counsel for the Respondent has argued that a monetary penalty will suffice, but if the DT is of the view that a suspension is required, it should be no more than 3 months.
18. Bearing in mind the strong aggravating factors, the DT is of the view that the minimum 3 months suspension would not adequately address the seriousness of this case. This is not only an over-prescription for an extremely long period of time (i.e., exceeding 7 years and by large quantities); it is also a case of mismanagement of the Patient. We are particularly troubled that the Patient had to be warded in the ICU due to an overdose. Given these reasons, we agree that the period of suspension ought to be more than 3 months.
19. Having heard the Respondent's mitigation, we are mindful that neither his family nor the Sunshine Clinic is doing well financially. We recognise that if a suspension is ordered, that in itself is already a financial penalty among others. As the Respondent has elected to plead guilty to the Charge at an early stage of the proceedings, we are giving the Respondent the full credit for his remorse. From the evidence adduced, we are also satisfied that the Respondent was not motivated by financial gain in making the inappropriate medical prescription. For these reasons, this DT would exercise its discretion not to impose a monetary penalty.

20. In light of all the circumstances, this Tribunal determines that the Respondent:
- (a) be suspended from practice for a period of **4 months**;
  - (b) be censured;
  - (c) gives a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct; and
  - (d) to pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.

**J. PUBLICATION OF DECISION**

21. We order that the Grounds of Decision be published with the necessary redaction of identities and personal particulars of parties including but not limited to the Patient and Complainant.
22. The hearing is hereby concluded.

Dated this 31<sup>st</sup> day of October 2014.