

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL INQUIRY FOR
DR WONG KEE MIEW SOLOMON ON MONDAY, 26 MAY 2014**

Disciplinary Tribunal:

Dr Yap Lip Kee - Chairman
A/Prof John Wong Chee Meng
Ms Jocelyn Ong – Legal Service Officer

Counsel for SMC:

Mr Philip Fong
Mr Lionel Chan
(M/s Harry Elias Partnership LLP)

Counsel for the Respondent:

Mr Eric Tin
Ms Soo Yu-Han Jessica
(M/s Donaldson & Burkinshaw LLP)

DECISION OF THE DISCIPLINARY TRIBUNAL

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

Background

1. These proceedings arose out of a complaint lodged on 14 March 2012 by Ms C of the Institute of Mental Health (“IMH”) against the Respondent, Dr Wong Kee Miew Solomon. The complaint was in relation to an allegation by the Respondent’s former patient that he had carried on a sexual relationship with the former patient. The Respondent was referred to this Disciplinary Tribunal (“DT”) by the Complaints Committee who reviewed the case. 1 charge was preferred against the Respondent, as set out in a Notice of Inquiry (“NOI”) dated 13 December 2013.
2. At the DT Inquiry, the Respondent pleaded guilty to the amended charge tendered to the DT. The amended charge reads as follows:

“That you DR WONG KEE MIEW SOLOMON (MCR No. 16405D) are charged that, whilst being a registered medical practitioner at the Institute of Mental Health located at 10 Buangkok View Singapore 539747, you did misuse your professional position to pursue and establish an improper relationship with Ms P... whilst Ms P was a patient under your care.”

- (a) *Your first consultation with [Ms P] was on or around 4 April 2011 when you were a Registrar at the General Psychiatry Department of the Institute of Mental Health. [Ms P] was a patient under your care until on or around 14 October 2011 when you were transferred to the Addiction Medicine Department of the Institute of Mental Health.*
- (b) *You knew or ought to have known that [Ms P], being a psychiatric patient, was in a particularly vulnerable position.*
- (c) *Notwithstanding the above, after your first consultation with [Ms P] on 4 April 2011, you had suggested that [Ms P] attend consults with you at time slots that would allow you to spend more time with [Ms P]. Specifically, you had suggested that [Ms P] attend consults on Friday evenings such that the consults with [Ms P] could take place over a longer period of time than your normal consults.*
- (d) *During the period from 4 April 2011 to 14 October 2011, you had a total of 6 consults with [Ms P]. At the said consults, you had intentionally spent more time with [Ms P] than was necessary to carry out your duties as [Ms P]'s doctor because you found [Ms P] attractive and liked to listen to [Ms P] talk.*
- (e) *During your last consult with [Ms P] on 14 October 2011, you had:*
 - (i) *complimented [Ms P] on her complexion and touched [Ms P] on the cheek;*
 - (ii) *asked [Ms P] if she would be interested to maintain contact with you after the said consult; and*
 - (iii) *asked for [Ms P]'s telephone number.*
- (f) *During the period from November 2011 to February 2012, you entered into and maintained an improper relationship with [Ms P].*
- (g) *During the above period, you had left the grounds of the Institute of Mental Health on at least 2 occasions, whilst on duty, to meet [Ms P] in order to pursue and maintain your romantic relationship with [Ms P]. Specifically, you had, on 5 November 2011, met [Ms P] at Punggol Park whilst you were on duty at the Institute of Mental Health. In addition, you had, on 5 February 2012, watched a musical with [Ms P] at the Grand Theatre at the Marina Bay Sands whilst you were on duty at the Institute of Mental Health.*

(h) *During the above period, you also began an improper sexual relationship with [Ms P] in or around December 2011 and continued to have the sexual relationship with [Ms P] until in or around January 2012.*

(i) *At all times, you knew or ought to have known that it was improper for you to enter into a romantic and sexual relationship with either a current or former patient.*

(j) *At all times, your conduct was not above suspicion.*

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) (2004 Rev. Ed.)”

3. The Respondent also agreed to the Agreed Statement of Facts tendered at the Inquiry.

Mitigation

4. Counsel for the Respondent drew the DT's attention to the written Mitigation Plea dated 16 May 2014 (marked as "R1") that was submitted earlier and highlighted the following salient points:

- a) The Respondent was a "1st time offender" and there is no pattern of similar past behavior.
- b) The various testimonials from colleagues and thank you notes from patients exhibited in R1.
- c) The Respondent's personal circumstances as mentioned in page 2 of R1 and the unique and exceptional factors elaborated at paragraphs 3 and 4 of that document.
- d) The Respondent had taken full responsibility for his actions and shown genuine remorse through concrete actions (e.g. sought psychotherapeutic treatment and is still undergoing therapy).
- e) The relatively short duration of the improper relationship (3 months).

- f) With regard to the threat he made to his former patient to report her to the Ministry of Community Development, Youth and Sports (“MCYS”), this was done in the heat of the moment and he immediately apologised.
5. The Respondent’s Counsel submitted that in view of the exceptional mitigating factors in this case, a period of suspension of 12 months was appropriate.

Submissions on Sentencing

6. Counsel for the SMC tendered sentencing precedents for offences relating to improper doctor/patient relationships (“P2”) at the DT inquiry and drawing our attention to the case of Dr D in P2 (serial no. 2), highlighted the observation of the Disciplinary Committee in that case that in the general scope of misconduct, the misconduct of having a sexual relationship with a patient is a particularly grave one and brings disrepute to the medical profession. The Respondent had taken the initiative to pursue the improper relationship. The patient being a psychiatric patient was particularly vulnerable. The patient had told the Respondent about her son and he had abused his position of confidence and trust when he threatened to report her to the MCYS knowing that this would cause her distress.
7. Counsel for the SMC submitted that these were aggravating factors and urged the Tribunal to impose a suspension of 36 months, the maximum allowable. Counsel submitted that while the length of the sexual relationship may be an aggravating factor, the duration of the relationship in itself should not be taken to trivialise the nature of what is a grave offence. It was also pointed out that the Respondent had taken time off whilst he was on duty, “sneaking off” as it were, to meet with the patient.

Analysis

8. The Tribunal considered all the circumstances of the case, including all the mitigating as well as the aggravating factors. With regard to the fact that the Respondent had left hospital grounds whilst he was on duty to pursue his relationship with the patient, we noted that he had ensured that he was contactable by telephone on those occasions.

9. As for the threat to report the patient to MCYS, we could understand that this was said in the heat of the moment and that he immediately apologised. It was probably borne out of desperation and we do not believe the Respondent had any intention to actually carry out the threat.
10. We then considered the sentencing precedents at P2. In the first case, Dr A (serial no. 1) was removed from the Register. We noted that this was a 1994 case and that the prescribed period of suspension at that time was from 3 to 12 months. That Disciplinary Committee had its hands tied as the maximum period of suspension that it could impose was only 12 months. While we consider the offence committed by the Respondent to be a serious one, we did not think it warrants removal from the Register.
11. Nonetheless, we take the point that the misconduct occurred when Ms P was the Respondent's patient and that he was the one who had initiated and pursued the romantic relationship. We are in full agreement that the misconduct of having a sexual relationship with a patient is particularly grave and brings disrepute to the medical profession. We agreed that a censure and a period of suspension were warranted for an offence of this nature.
12. We felt that a 12-month period of suspension as submitted by the Respondent's Counsel was too light and does not reflect the gravity of the misconduct. Based on the sentencing precedents at P2 for similar misconduct, the suspension periods were between 24 months and 36 months but the question was what would be appropriate in this case.
13. We think this case can be distinguished from the case of Dr D in P2 (serial no. 4) where the maximum period of suspension of 3 years was imposed. Unlike the case of Dr D who had claimed trial, we gave full credit to the Respondent for his early indication of his intention to plead guilty. We also have no doubt that his remorse is genuine as shown in the positive steps he had taken, for example, undergoing therapy and counselling and attending a course on "Maintaining Proper Boundaries".

Orders by this Disciplinary Tribunal

14. The Respondent had been on Conditional Registration when the misconduct took place and that registration has since been cancelled. Having regard to all

the circumstances of the case and considering the submissions and precedents cited, we determine and order that the Respondent:-

- a) be suspended from medical practice for a period of **24 months** and shall give a written undertaking to the SMC that he will not apply for registration of any form with the SMC during the period of his suspension;
- b) be censured;
- c) gives a written undertaking to the SMC that he will abstain future from the conduct complained of and any similar conduct; and
- d) pays the cost and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.

15. We also order that the Grounds of Decision be published.

16. The hearing is hereby concluded.

Dated this 26th day of May 2014.