



SINGAPORE MEDICAL COUNCIL

16 College Road, #01-01 College of Medicine Building, Singapore 169854

E-mail Address: enquiries@smc.gov.sg

Website: <http://www.smc.gov.sg>

Fax Numbers: (65) 6221-0558

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SUMMARY OF DISCIPLINARY TRIBUNAL INQUIRY FOR DR LIM LIAN ARN

1. A Disciplinary Tribunal (“DT”) held an inquiry for Dr Lim Lian Arn (“Dr Lim”) on 20 June 2018 (“Inquiry”). The Grounds of Decision (“GD”) for the Inquiry has been published on the Singapore Medical Council’s (“SMC”) website. A summary of the Inquiry is set out below.
2. Dr Lim is registered as a specialist in orthopaedic surgery. He practised under the name of Alpha Joints & Orthopaedics Pte Ltd, Gleneagles Medical Centre, 6 Napier Road, #02-20, Singapore 258499 (“Clinic”) at the material time.
3. The Inquiry arose out of a complaint dated 11 January 2016 made by one of Dr Lim’s patient (“the Patient”) to the SMC. The complaint pertained to Dr Lim’s failure to advise the Patient on the possible complications arising from his administration of 10mg of triamcinolone acetonide with 1% lignocaine in a total volume of 2ml (“H&L Injection”) into her left wrist on 27 October 2014, and his recommendation that she undergo physiotherapy.
4. Dr Lim, who was represented by lawyers at the Inquiry, pleaded guilty to a single charge (“the Charge”) of professional misconduct under section 53(1)(d) of the Medical Registration Act for failing to obtain informed consent from the Patient before administering the H&L Injection, in breach of Guideline 4.2.2 of the 2002 edition of the SMC Ethical Code and Ethical Guidelines (“2002 ECEG”).
5. The Charge was supported by a report from an expert witness (“the Expert”). Dr Lim did not challenge the expert report.
6. Dr Lim also admitted to, amongst others, the following facts relevant to the Charge:
 - (a) Dr Lim did not advise the Patient of the risks and possible complications that could arise from the H&L Injection before he administered it.
 - (b) The Patient subsequently experienced complications (such as swelling and pain in the injected area and she developed a “*paper-thin skin with discoloration, loss of fat and muscle tissues*”). These complications are complications that Dr Lim should have informed the Patient about.

- (c) At all material times, Dr Lim was aware that he was required by Guideline 4.2.2 of the 2002 ECEG to ensure that the Patient was made aware of the benefits, risks and possible complications of the H&L Injection and any alternatives available so that she was able to participate in decisions about her treatment and to provide informed consent.
- 7. As Dr Lim pleaded guilty, the Inquiry dealt only with the issue of sentencing. In deciding on the appropriate sentence, the DT noted both parties' sentencing positions as set out below:
 - (a) Dr Lim asked for the maximum fine of \$100,000, or alternatively, the minimum suspension period term of three months if the DT decided to order a suspension.
 - (b) The SMC sought a suspension of five months.
- 8. The DT agreed with the SMC that a doctor's duty to obtain informed consent from his or her patient is a serious one and that a failure to do so is a serious dereliction of the doctor's professional duties as the patient's autonomy and trust of the doctor would be undermined. However, the DT found that not every failure to obtain informed consent must necessarily attract a sentence of suspension. This was a fact-dependent inquiry and much turned on whether the conduct of the errant doctors was egregious and whether there were serious aggravating factors.
- 9. Based on the sentencing precedents and the facts and circumstances of Dr Lim's case, the DT concluded that a suspension was not warranted. The DT found that Dr Lim's conduct was not so egregious and there were no serious aggravating factors that warranted the imposition of the statutory minimum three-months' suspension (or higher) because, amongst others:
 - (a) the harm occasioned to the Patient as a result of Dr Lim's failure to advise her of the risks and possible complications arising from the H&L Injection was limited in nature and extent; and
 - (b) Dr Lim's degree of culpability was on the low end, was unlikely to re-offend and had strong mitigating factors.
- 10. The DT also gave Dr Lim full credit for having pleaded guilty at the earliest available opportunity.
- 11. The DT agreed with Dr Lim that the imposition of the maximum fine of \$100,000 would be the appropriate sentence, and that it would serve the aim of general deterrence. The DT also found that there was no inordinate delay in the institution or prosecution of proceedings in Dr Lim's case, and hence, no reduction or a discount in sentence was warranted.

12. Accordingly, the DT ordered that Dr Lim:
 - (a) pay a fine of \$100,000;
 - (b) be censured;
 - (c) give a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct; and
 - (d) pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.
13. Both the SMC and Dr Lim did not appeal the DT's decision.

IMPORTANCE OF GOOD CLINICAL PRACTICE FOR INFORMED CONSENT

14. The SMC had been made aware that certain members of the medical profession hold the view that it is not necessary to obtain a patient's informed consent for an H&L Injection because such consent would be implied, as with cases where blood is drawn from a patient via an injection, and that there is no universal practice to take informed consent in such cases.
15. The SMC would like to emphasise the importance of a doctor's duty to obtain informed consent from his or her patients. Patients need to be adequately informed so that they may meaningfully participate in decisions about their treatment and to provide informed consent. It is also good clinical practice and medical record keeping for doctors to document in the case notes that a patient has been adequately informed and agreeable to the proposed treatment. The SMC draws the profession's attention to the following observations and findings by the DT:
 - (a) The DT noted the Expert's opinion that it was not a universal practice to take a written consent for H&L Injection that is performed in the consultation room setting. However, it was good clinical practice and medical record keeping to document in the case notes that the patient had been adequately informed and was agreeable to the injection.
 - (b) The DT agreed with the Expert that Dr Lim should have informed the Patient about the possible complications arising from the H&L Injection, and that he should have provided adequate information to the Patient and document the details in the case notes to ensure that the informed consent was obtained.

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