

**PRESS RELEASE**

**BY**  
**Y. BHG. TAN SRI DATO' SERI DR. HJ. MOHD ISMAIL BIN**  
**MER/CAN**  
**THE PRESIDENT**  
**MALAYSIAN MEDICAL COUNCIL**

**DISCIPLINARY PUNISHMENTS BY THE MALAYSIAN MEDICAL COUNCIL**  
**AGAINST ERRANT REGISTERED PRACTITIONERS BETWEEN JANUARY -**  
**JULY 2009**

**AUGUST 2009**

The Malaysian Medical Council meets on the second Tuesday of each month to discuss matters relating to the professional practice of medicine in this country. Concurrently on the previous day and on the morning of the same day, the Council also conducts inquiries under its disciplinary jurisdiction in the Medical Act 1971 against practitioners who had contravened the Council's Code of Professional Conduct.

While issues related to standard of care happens to be the common complaint, it is the more graver dereliction of the Code such as the peddling of psychotropic drugs over the counter by the practitioner or his or her staff to drug addicts, rampant selling of sick certificates without examining patients or when it is not warranted, and the conduct of non therapeutic abortion that undermines the trust of society towards the profession. Towards this end the Council wishes to assure the public that the welfare of the public is its paramount concern and such acts that affect society at large will be dealt with severely. As such, the public are hereby invited to forward any information of such unethical practice to the Council for it to investigate and to act upon.

The following registered practitioners have been found guilty and punished by the Council from January to July 2009.

**1 . DR SIDHU DHARAM SINGH @ DARAM SINGH @ TONDUN SINGH S/O**  
**BAHAL SINGH,** NRIC NO. 440107-08-5737, (APC NO. 5382/2009,  
FULL

REGISTRATION NO. 22298 DATED 20/10/2007) of Klinik Sidhu, 4 Jalan Melati 21, Taman Sri Melati, Selayang, 68100 Gombak was STRUCK OFF the Register for abusing his professional privileges and skills by supplying and making available drugs, including drugs of dependence, dangerous drugs and poisons other than in the course of bona fide treatment, contrary to the Code of Professional Conduct; and in addition, for storing, supplying and offering for sale such drugs in possible contravention of the provisions of the Dangerous Drugs Ordinance and Regulations as well as allowing and/or leaving his unqualified assistants sell scheduled poisons or preparations containing scheduled poisons to the public.

The Respondent appealed against the decision of the Council on 13/8/2009.

27/04/2010 – The Court dismissed the application and the punishment was carried out.

The enforcement unit of the Pharmacy Division, Ministry of Health is currently in the process of prosecuting the practitioner under the Poisons Act.

Prescribing of drugs is a privilege conferred by law to a practitioner under the Poisons Act and/or the Dangerous Drugs Act.

The prescription of controlled drugs is reserved to members of the medical profession and of certain other professions, and the prescribing of such drugs is subject to statutory restrictions.

The Council regards as infamous conduct in a professional respect the prescription or supply of drugs including drugs of dependence otherwise than in the course of bona fide treatment.

Disciplinary proceedings may also be taken against practitioners convicted of offences against the laws which control drugs where such offences appear to have been committed in order to gratify the practitioner's own addiction or the addiction of other persons.

The contravention by a registered practitioner of the provisions of the Dangerous Drugs Ordinance and the Regulations made there under may be the subject of criminal proceedings, and any conviction resulting there from may be dealt with as such by the Council in the exercise of its powers under the Medical Act, 1971. Any contravention of the Ordinance or Regulations, involving an abuse of the privileges conferred there under upon registered practitioners, whether such contravention has been the subject of criminal proceedings or not, will, if proved to the satisfaction of the Council, render a registered practitioner to disciplinary punishment.

The employment for his own profit and under cover of his own qualifications, by any registered practitioner who keeps a medical hall, shop, or other place in which scheduled poisons or preparations containing scheduled poisons are sold to the public, of assistants who are left in charge but are not legally qualified to sell scheduled poisons to the public, is in the opinion of the Council, a practice professionally discreditable and fraught with danger to the public, and any registered practitioner who is proved to the satisfaction of the Council to have committed such offence will be liable to disciplinary punishment.

**2. DR. COLIN LEE SOON SOO**, NRIC. NO. 580301-01-5403, (APC NO. 7737/2009,

FULL REGISTRATION NO. 24987 DATED 20/07/1984) of Damansara Women's Specialist Centre, 55 Jalan SS 21/56B, Bandar Damansara Utama, 47400 Petaling Jaya was **SUSPENDED** from the Register under Section 30(ii) of the Medical Act 1971 for a period of six (6) months for neglecting and disregarding his professional responsibilities in failing to obtain the patient's consent for surgery and the administration of anaesthesia immediately prior to the operation and instead, relying on the consent form signed by the patient almost seven (7) months prior to the surgery; in failing to inform the patient or to obtain the patient's consent for another practitioner to perform or to be involved in the performance of the operation on the patient; and in improperly delegating his medical duties to or permitting another practitioner to perform or to be involved in the performance of the operation on the patient without the patient's prior consent.

Respondent appealed against the punishment on 20/4/2009.

On 25/08/2010 the Court made the following decision:

- i. That the findings of guilty by the Malaysian Medical Council should not be disturbed;
- ii. That the sentence imposed is set aside and in substitution thereof the Appellant is reprimanded

The learned Judge was of the view that the sentence of 6 months suspension was too excessive in the circumstances of the case. The Court also ordered that the costs in the sum of RM 3000.00 be paid by the Appellant to the Respondent.

**Final Outcome:**

The six (6) month suspension is set aside and in substitution thereof the Appellant is reprimanded.

**3. DR. CHAN KING WAH**, NRIC. NO. 471231-08-5453, (APC NO. 3429/2009, FULL

REGISTRATION NO. 21365 DATED 3/05/1975) of Klinik & Surgery K W.Chan, 8 Jalan Douglas,35900 Tanjong Malim, Perak was **SUSPENDED** from the Register under Section 30(ii) of the Medical Act 1971 for a period of one (1) year for abusing his professional privileges and skills in that he had failed to exercise the most scrupulous care in issuing documents, namely medical certificates, without examining the patients and by signing such certificates which were untrue, misleading and improper.

The practitioner appealed to the High Court on 5/6/2009.

On 18/11/2010 the Court has dismissed the Appellant's appeal with costs

**4. DR. CHAN HOCK SOON**, NRIC. NO. 581213-10-6203, (APC NO. 9297/2009, FULL

REGISTRATION NO. 25576 DATED 16/07/1985) of Hospital Lam Wah Ee, Jalan Tan Sri Teh Ewe Lim, 11600 Penang was **SUSPENDED** from the Register kept under Section 11 of the Act for a period of two (2) years for abusing his professional privileges and skill, in that knowing a patient to be comatose and on life support system, he had signed as a witness to a purported will when he had not seen the deceased executing the said will. The Council directed that the application of the said order be immediately suspended for a period of two (2) years, on the condition that:

- (a) During the said period of two (2) years he is not to be found guilty of any similar offence, whereupon the said order will cease to have effect at the end of the said period; but
- (b) If he is found guilty of any similar offence during the said period of two (2) years, the said order shall take immediate effect

**5. DR. NORANA BINTI YACOB**, NRIC. NO. 620122-10-6506, (APC NO. 9498/2009,

FULL REGISTRATION NO. 27861 DATED 1/08/1989) of Hospital Bersalin Razif, 33, 35, 37 & 39, Jalan Sri Sarawak 20A/KS2, Taman Sri Andalas, 41200 Klang, Selangor Darul Ehsan was **SUSPENDED** from the Register kept under Section 11 of the Act for a period of one (1) year. The Council directed that the application of the said order be immediately suspended for a period of one (1) year, on the condition that:

- (a) During the said period of one (1) year she is not to be found guilty of any similar offence, whereupon the said order will cease to have effect at the end of the said period; but
- (b) If she is found guilty of any similar offence during the said period of one (1) year, said order shall take immediate effect".
- (c) She also has to provide evidence of improvement in her medical record system, provide evidence that she has attended courses to enhance her skills in the management of newborns, has employed adequately trained staff (i.e. doctors and nurses) and has improved the facilities at her clinic.

- (d) Documents supporting the above conditions have to be tendered to the Council on six  
(6) monthly basis.

**6. DR. LAN LEN PUI**, NRIC. NO. 600726-11-5561, (APC NO. 14588/2009, FULL

REGISTRATION NO. 30275 DATED 29/02/1992) of Klinik Sura Gate, K-199 Jalan Sura Gate, 23000 Dungun was **SUSPENDED** from the Register kept under Section 11 of the Medical Act for a period of six (6) months for abusing his professional privileges and skills and/or disregarded his professional responsibilities in that he was convicted of three offences and sentenced under the Poison Regulations 1989, for each offence, to a fine of RM500.00 in default ten (10) days imprisonment. The Council directed that the application of the said order be immediately suspended for a period of one (1) year, on the condition that:

- (a) During the said period of one (1) year, he is not to be found guilty of any similar offence, whereupon the said order will cease to have effect at the end of the said period; but  
(b) If he is found guilty of any similar offence during the said period of one (1) year, the said order shall take immediate effect".

While issues related to standard of care happens to be the bulk of the complaints received by the Council, it is the more graver dereliction of the code such as the peddling of psychotropic drugs over the counter by the practitioner himself or his staff to drug addicts, rampant selling of sick certificates without examining a patient or when it is not warranted and the conduct of non therapeutic abortion that undermines the trust of society towards the profession is our main concern.

Towards this end, on behalf of the Council, I wish to assure the public that the welfare of the public has always been our paramount concern and such dastardly acts that affect society at large will be dealt with severely.

As such the public are hereby invited to forward any information of any unethical practice to the Council for further investigation and action.

Thank you.

Yours

sincerely,

**(TAN SRI DATO' SERI DR. HJ. MOHD ISMAIL MERICAN)**

**Disciplinary Inquiries Held by the Malaysian Medical Council - August to  
December 2009**

***MMC Secretariat***

**1. DR SHAMSULBAHARIN BIN ABDUL GHANI** NRIC No. 660704-01-6013 (APC NO. 7523/2009 FULL REGISTRATION NO. 29757 dated 01/01/1993) of Klinik Shamsul dan Surgeri, 28, Jalan Dahlia, Batu Satu, Jalan Buloh Kasap 85000 Segamat, Johor Darul Takzim was charged with issuing Medical Certificates (MC) and affixing his signature on Insurance Company Claim Forms containing false and/or erroneous information for several persons thereby contravening part 2.1.4 of the Code of Professional Conduct, and the said person used the said MC's and Insurance Company Claim Forms to make false claims from an Insurance company.

He was found **guilty of infamous conduct in a professional respect** under Section 29(2)(b) of the Medical Act 1971 on the following grounds:-

- i) His medical record entries were not contemporaneous and did not correspond to the dates of registration of the patient cards presented at the inquiry. Some of the entries were made on dates when the clinic was closed;
- ii) His medical leaves and recommendation for light duties for patients were all given in advance without proper review or follow-up of the patients at any stage of the management of the patients;
- iii) He had admitted at the Preliminary Investigation Committee inquiry that he had signed and affixed his rubber stamp on the interview form conducted by another person as declared in his Statutory Declaration (SD). The Council therefore accepted this SD as a true statement as there is no possibility that this SD or interview form could have been signed without him being present before the Commissioner of Oath;
- iv) The statement in all the insurance claim forms that he was not the patients' usual doctor contradicted with the several entries made by himself on the patient's cards that he had seen the patients a few times.

The Council, at its inquiry on 11 August 2009, ordered that **DR SHAMSULBAHARIN BIN ABDUL GHANI** NRIC No. 660704-01-6013 (APC No. 7523/2009 FULL REGISTRATION NO. 29757 dated 01/01/1993) of Klinik Shamsul dan Surgeri, 28, Jalan Dahlia, Batu Satu, Jalan Buloh Kasap 85000 Segamat, Johor Darul Takzim to be **SUSPENDED** from the Register under Section 30(ii) of the Medical Act 1971 for a period of **TWO (2) YEARS**.

**2. DR ZAWAWI BIN Abdullah** NRIC No. 670108-03-5591 (APC No. 6250/2009 FULL REGISTRATION NO. 29991 dated 01/07/1993) of Impian Emas Medical Centre, 40-44, Jalan Impian Emas 7, Taman Impian Emas, 81300 Skudai, Johar was charged with neglecting and disregarding his professional responsibilities in that:

- (a) he used treatment and procedures of unproven efficacy to treat the condition for which the patient attended at the clinic, namely, diabetes;
- (b) he improperly delegated his medical duties to and permitted an unqualified and unregistered person, to perform a colon cleansing treatment and to attend to and treat the patient during the course of the colon cleansing treatment and the infra red treatment when the patient was experiencing severe abdominal pain, which are matters requiring professional discretion;
- (c) he failed to provide appropriate and prompt action when the patient first started to complain of severe abdominal pain at around 12.00 p.m. on 20.4.2008 whilst she was undergoing the colon cleansing treatment at the clinic, which suggested the existence of a condition requiring urgent medical attention; and
- (d) he failed to provide appropriate and prompt action when the patient's complaint of severe abdominal pain persisted throughout the colon cleansing treatment and when he identified the patient as being in shock, which suggested the existence of a condition requiring urgent medical attention, he instead kept the patient overnight at the clinic until she was taken to the hospital on 21.4.2008.

He was found **guilty of infamous conduct in a professional respect** under Section 29(2)(b) of the Medical Act 1971 on the following grounds:

- i) By his own admission, he had permitted an unqualified and unregistered person to perform the colon cleansing treatment and to attend to and treat the patient during the course of the treatment and as a possible complication of this procedure, the patient died the next day ;
- ii) The Council also took note of the calling card of the unqualified and unregistered person which indicated that she practiced at his premise;

The Council, at its inquiry on 7 September 2009, ordered that **DR ZAWAWI BIN ABDULLAH** NRIC No. 670108-03-5591 (APC No. 6250/2009 FULL REGISTRATION NO. 29991 dated 01/07/1993) of Impian Emas Medical Centre, 40-44, Jalan Impian Emas 7, Taman Impian Emas, 81300 Skudai, Johar to be **SUSPENDED** from the Register under Section 30(ii) of the Medical Act 1971 for a period of **SIX (6) MONTHS**.

Respondent appealed against the punishment at the High Court on 5/11/2009.

The Court dismissed the application on 30/08/2010.

**Final Outcome:**

The suspension was then carried out from 13/12/2010 – 13/6/2011.

**3. DR AYU NINGRAD BINTI NOR AZAHAR** NRIC No. 800404-02-5016 (Provisional Registration No. 29416 dated 15/04/2004) of No. 193, Persiaran Cinta Sayang, Cinta Sayang Golf and Country Resort, 08000 Sungai Petani, Kedah Darul Aman was

charged with neglecting and disregarding her professional responsibilities, contrary to part 1.4.1 of the Code of Professional Conduct, by maintaining and operating a private medical clinic without the requisite registrations (as required by the Private Healthcare Facilities and Services Act 1998 and its Regulations 2006), and employing and/or permitting an unqualified person to run the clinic in her absence and she herself who is only provisionally registered under the Act practiced medicine at the said Clinic, by inter alia treating patients, administering/prescribing medication and issuing medical certificates, without obtaining her full registration nor possessing an Annual Practising Certificate.

She was found **guilty of infamous conduct in a professional respect** under Section 29(2)(b) of the Medical Act 1971 on the following grounds :

- i) She had been operating the said clinic since 2005 with locums .
- ii) Medical supplies and equipments found in the clinic could not have been ordered by the locum as it can only be ordered by the owner of the clinic.
- iii) Her husband, who is not a registered medical practitioner, signed the search list as the owner of the clinic on 29 June 2007.
- iv) She was only provisionally registered and therefore not eligible to have an APC and to practise as a Medical Officer in the clinic.
- v) The agent provocateur identified her as the doctor who treated him on 29 June 2007 and the Council found him to be a credible witness.
- vi) She had failed to produce the CCTV recording which could have proved her innocence .

The Council, at its inquiry on 8 September 2009, ordered that **DR AYU NINGRAD BINTI NOR AZAHAR** NRIC No. 800404-02-5016 (Provisional Registration No. 29416 dated 15/04/2004) of No. 193, Persiaran Cinta Sayang, Cinta Sayang Golf and Country Resort, 08000 Sungai Petani, Kedah Darul Aman to be **STRUCK OFF** from the Register .

4. A registered medical practitioner was charged for advertising his services in pamphlets distributed by his practice which had claimed that the "Ozone Treatment" offered by his clinic had a therapeutic advantage over conventional therapeutic modalities, for "*kencing manis, darah tinggi, strok, penyakit coronary dan lain-lain*" which said advertisement was for the purpose of procuring patients.

After deliberating on the proceedings of the inquiries both at the Preliminary Investigation Committee's and Council's levels and perusing the submissions made by the practitioner as provided for under the Medical Regulations 1974, the Council, at the close of its inquiry on 7 September 2009, found that **no case has been made out** against him and directed that the charge be dismissed.

5. A registered medical practitioner was charged for undue delay in rectifying the bone alignment of the distal end of the complainant's right radius, not advising

the complainant to undergo surgery to correct the displacement of the said fracture and for failure to give proper explanation and the options available.

After deliberating on the proceedings of the inquiries both at the Preliminary Investigation Committee's and Council's levels and perusing the submissions made by the practitioner as provided for under the Medical Regulations 1974, the Council, at the close of its inquiry on 8 December 2009, found that **no case has been made out** against him and directed that the charge be dismissed.

6. Two registered medical practitioners were charged for neglecting or disregarding their professional responsibility for the standard of medical care to a patient by not providing thorough professional attention, examination and where necessary doing diagnostic investigation and failing to attend to the patient when informed by the nurse of the existence of a condition requiring appropriate and prompt action.

After deliberating on the proceedings of the inquiries both at the Preliminary Investigation Committee's and Council's levels and perusing the submissions made by the practitioners as provided for under the Medical Regulations 1974, the Council, at the close of its inquiries on 11 August 2009 and 10 November 2009, found that **no case has been made out** against the practitioners and directed that the charge be dismissed.

7. A registered medical practitioner was charged for failing to provide appropriate, adequate and prompt treatment, due medication and care in attending to a patient and giving the said patient conflicting advice .

After deliberating on the proceedings of the inquiries both at the Preliminary Investigation Committee's and Council's levels and perusing the submissions made by the practitioner as provided for under the Medical Regulations 1974, the Council, at the close of its inquiry on 8 December 2009, found that **no case has been made out** against him and directed that the charge be dismissed.