

## 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, Johor 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
- (c) 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, Johor to be **SUSPENDED** from the Register under Section 30(ii) of the Medical Act 1971 for a period of **SIX (6) MONTHS**.

***Dr Zawawi bin Abdullah has appealed against the punishment and the appeal is pending disposal at the High Court.***

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.