

## Disciplinary Inquiries held by the Malaysian Medical Council January - June 2011

### *MMC Secretariat*

#### Suspension

1. **Dato Dr Che Rozmey bin Che Din** was charged with neglect and disregard of his professional responsibilities in that he had:

- a. caused untrue information to be provided in the advertisement boards and articles by stating that he was a specialist in obesity research when he did not have such qualification;
- b. procured, sanctioned and/or acquiesced to the publication of the articles that commented on or directed attention to his professional skills, capabilities, knowledge, services and qualification;
- c. by such advertisement boards and articles drawn public attention to his capability and skills, which are acts tantamount to disseminating information in an unethical manner;
- d. self-advertised himself in the articles and advertisement Boards, contrary to the Code of Professional Conduct against advertising and canvassing, directly and/or indirectly for the purpose of obtaining patients or promoting his own professional advantage;
- e. by the advertisement boards and articles advertised the value of the herbal medicine in the treatment of obesity and in the lightening of skin, which is of unproven efficacy and of an undisclosed nature or composition; and
- f. by the advertisement boards and articles associated himself with the distribution and sale of the herbal medicine, which was a commercial undertaking in which he had a pecuniary interest.

The Council, at its inquiry on 11 January 2011, found **Dato Dr Che Rozmey bin Che Din** guilty and ordered that he be **SUSPENDED for 2 years** from the Register under Section 30 (ii) of the Medical Act 1971.

**He is currently undergoing the punishment from 15 March 2011 to 15 March 2013.**

2. **Dr Thanalingam s/o Kasipillay** was charged with abuse of his professional privileges and skills and conducted himself in a manner derogatory to the reputation of the medical profession and violated the Code of Professional Conduct as adopted by the Malaysian Medical Council in that he breached his professional responsibilities by issuing medical certificates No. 1346, 1352 & 1396 for the period 6 May 1998 to 17 August 1998 containing false and/or inaccurate statements as to the condition of Ramesh s/o Ramasamy (NRIC No: 701022-05-5523).

The Council, at its inquiry on 9 May 2011, found **Dr Thanalingam s/o Kasipillay** guilty and ordered that he be **SUSPENDED for 1 year** from the Register under Section 30 (ii) of the Medical Act 1971.

**Dr Thanalingam s/o Kasipillay has appealed against the punishment and the appeal is pending disposal at the High Court.**

### **Suspended the Suspension**

**Dr Shamsulbaharin bin Abd Ghani** was charged with neglect and disregard of his professional responsibilities in that he:

- a. signed false medical reports pertaining to injuries said to have been sustained by the named persons, without at any time having attended to such persons;
- b. issued false receipts and medical certificates for persons he had never attended to; and
- c. falsely represented to the complainant that such persons had sought treatment at his clinic, when the same was not true.

The Council, at its inquiry on 10 January 2011, found **Dr Shamsulbaharin bin Abd Ghani** guilty and ordered that he be **SUSPENDED for 2 years and SUSPENDED THE SUSPENSION for 2 years** from the Register under Section 30 (iv) of the Medical Act 1971.

### **Reprimand**

1. **Dr Nor Yatimah bt Moin** was charged with neglect and disregard of her professional responsibilities in that she failed to provide a conscientious assessment of the history, symptoms and signs of the Infant's condition when attending to him at the hospital on 4 February 2007 in that no examination was conducted thoroughly or at all.

The Council, at its inquiry on 8 February 2011, found **Dr Nor Yatimah bt Moin** guilty and ordered that she be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

2. **Dr K Vijaya Bhaskaran** was charged in relation to his interpretation of the pathology report dated 20 April 2007 in which he had failed to provide thorough professional attention to the histopathology report, and had thereby caused delay in treatment of a serious breast cancer and caused anguish to the complainant, and therefore had failed to provide a good standard of medical care to his patient contrary to Section 1.1(c) of the Code of Professional Conduct.

The Council, at its inquiry on 8 February 2011, found **Dr K Vijaya Bhaskaran** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

**Dr K Vijaya Bhaskaran** appealed to the High Court but subsequently withdrew the appeal.

3. **Dr Myinth Myinth Htwe** was charged with having abused her professional privileges by practicing Medicine at a place not permitted under her full registration certificate and Annual Practising Certificate.

The Council, at its inquiry on 14 March 2011, found **Dr Myinth Myinth Htwe** guilty and ordered that she be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

## Disciplinary Inquiries held by the Malaysian Medical Council July - December 2011

### MMC Secretariat

#### Deregistration

**Dr Kum Ting Choong** was charged with abuse of his professional privilege and skill in that he had:

- a. Purchased, stored with the purpose of prescribing and supplying psychotropic drugs of dependence and/or dangerous drugs and poisons otherwise than in the course of *bona fide* treatment, with a view to gratify or sustain the addiction of persons; and
- b. By storing, supplying and offering for sale such drugs in possible contravention of the provisions of the Dangerous Drugs Ordinance and Regulations, he had acted contrary to part 2.1.2 of the Code of Professional Conduct of the Malaysian Medical Council.

The Council, at its inquiry on 21 November 2011, found **Dr Kum Ting Choong** guilty and ordered that his name be **STRUCK OFF** from the Register under Section 30 (i) of the Medical Act 1971.

#### Suspended the Suspension

1. **Dr Tason bin Surat** was charged with disregard and neglect of his professional duties in that he had:

- a. used a device, namely, "Sunathrone", that was not approved by the Ministry of Health in a mass circumcision program;
- b. failed to provide sufficient information to the patient's parent on the procedure to be used in carrying out the circumcision by using the device and thereby endangered the life of the patient;
- c. failed to give adequate time for the patient's parent to study and sign the lengthy consent form to utilize the device for the mass circumcision

The Council, at its inquiry on 9 August 2011, found **Dr Tason bin Surat** guilty and ordered that he be **SUSPENDED for 1 year and SUSPENDED THE SUSPENSION for 1 year** from the Register under Section 30 (iv) of the Medical Act 1971.

2. **Dr Rosnah binti Abu Hassan** was charged with neglect and disregard of her professional responsibilities in that she failed to provide competent and considerate professional management:

- a. in allowing or permitting the patient to be examined and attended to by the clinic assistant who is not medically trained or qualified;
- b. in failing to provide for a system which will ensure that the medical practitioner on call for the Birth Clinic on a particular date is physically present at the Birth Clinic to provide prompt medical attention on the said date and /or Patient is attended to by qualified and/or trained nurses;

- c. in failing to provide for a system that maintains an accurate, updated and untampered medical records at the Birth Clinic.

The Council, at its inquiry on 11 October 2011, found **Dr Rosnah binti Abu Hassan** guilty and ordered that she be **SUSPENDED for 1 year and SUSPENDED THE SUSPENSION for 1 year** from the Register under Section 30 (iv) of the Medical Act 1971.

### **Reprimand**

1. **Prof Dr Abdul Karim bin Hj Tajudin** was charged with neglect and disregard of his professional responsibilities in that he failed to conduct a proper examination and prepare an honest report as a government pathologist or forensic pathologist entrusted with performing an autopsy on the body of the deceased who died while in custody, as required under item No. 4 of the Guidelines of the Malaysian Medical Council entitled "Ethical Implications of Doctors in Conflict Situations".

The Council, at its inquiry on 11 July 2011, found **Prof Dr Abdul Karim bin Hj Tajudin** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

**Prof Dr Abdul Karim bin Hj Tajudin appealed against the punishment which was heard at the High Court on 23 February 2012. The appeal was dismissed with costs of RM10,000 awarded to the Council.**

2. **Dr Alice Prethima Michael** was charged with disregard or neglect of her professional responsibilities for the standard of medical care to her patient (the complainant), by failing to conduct a professional assessment of the complainant and by the non-conscientious assessment of the history, symptoms and signs of the patient's (the complainant) condition before beginning the therapy sessions for laser treatment.

The Council, at its inquiry on 12 July 2011, found **Dr Alice Prethima Michael** guilty and ordered that she be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

3. **Dr Hanita Binti Yusop** was charged with neglect and disregard of her professional responsibilities in that she failed to immediately, or within reasonable time thereafter, personally conduct any initial assessment of the patient's history, symptoms and signs when the condition of the patient was made known to her at or about 7 am but instead she relied on the observations of the clinic assistant who is not medically trained or qualified.

The Council, at its inquiry on 10 October 2011, found **Dr Hanita Binti Yusop** guilty and ordered that she be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

4. **Dr Tai Shzee Hau** was charged with neglect and disregard of his professional responsibilities in that he failed to provide and maintain a good standard of medical care for

the patient as required under part 1.1(b) of the Code of Professional Conduct and conduct a sufficiently thorough professional examination of the deceased taking into account her age and high blood pressure to ascertain whether her condition truly warranted an immediate gastroscopy examination.

The Council, at its inquiry on 10 October 2011, found **Dr Tai Shzee Hau** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

**Dr Tai Shzee Hau has appealed against the punishment and the appeal is pending disposal at the High Court.**