

Disciplinary Inquiries held by the Malaysian Medical Council January – June 2012

MMC Secretariat

Suspensions

1. **Datuk Dr Haji Che Rozmey bin Che Din** was charged with neglect and disregard of his professional responsibilities in that he had involved himself in advertising and canvassing whether directly or indirectly for the purpose of promoting his own professional advantage whilst registered as a medical practitioner and associating himself with a commercial enterprise, contrary to Parts 4.1 and 3.4 of the Code of Professional Conduct, by:
 - (a) participating in interviews by newspaper reporters and causing the publication of such interviews and advertisements in the newspapers on 26/03/2009 as a form of promoting his own professional advantage, thereby contravening Section 4.1 of the Code of Professional Conduct; and
 - (b) engaging in the sale of substances claiming to be of value to reduce body weight and allegedly utilizing part of the said Centre to carry out packing and / or storage of the said substances, thereby contravening Section 3.4 of the Code of Professional Conduct.

The Council, at its inquiry on 16 January 2012, found **Datuk Dr Haji Che Rozmey bin Che Din** guilty and ordered that he be **SUSPENDED for TWO (2) years** from the Register under Section 30 (ii) of the Medical Act 1971.

2. **Dr. Roland Masing** was charged with abuse of his professional privilege and skill in that he had allowed and / or left his unqualified assistants in charge to sell scheduled poisons or preparations containing scheduled poisons to the public, contrary to Part 2.1.3. of the Code of Professional Conduct.

Further, by purchasing, supplying and / or offering for sale such scheduled poisons without maintaining proper prescription records of the same, in contravention of the provisions of the Poisons Act 1952 and Poisons (Psychotropic Substances) Regulation 1989, he was convicted in the Malaysian Sessions Court with offences punishable with imprisonment or in lieu a fine, and subject to disciplinary jurisdiction under Section 29(2)(a) of the Medical Act 1971.

The Council, at its inquiry on 19 March 2012, found **Dr. Roland Masing** guilty and ordered that he be **SUSPENDED for SIX (6) months** from the Register under Section 30 (ii) of the Medical Act 1971.

Suspended the suspension

1. **Dr. M S Balajeyagaran** was charged with neglect and disregard of his professional responsibilities in that he had :

- (a) procured, sanctioned and / or acquiesced to the publication, in his calling card, of information pertaining to his purported ability or expertise to cure all sorts of maladies including cancer, heart attack and diabetic gangrene, which is misleading and directly and / or indirectly for the purpose of obtaining patients or promoting his own professional advantage; and
- (b) failed to provide competent and considerate professional management and failed to comply with the standards of good medical practice when he prescribed to a patient, medication in an unlabelled or unmarked bottle and blister pack.

The Council, at its inquiry on 16 January 2012, found **Dr M S Balajeyagaran** 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.

Reprimand

1. **Dr Chow Chong Chek** was charged with neglect and disregard of his professional responsibilities in that he had failed to exercise a conscientious assessment of the history of the complainant's condition, failed to provide sufficiently thorough professional attention, examination and diagnostic investigation and failed to provide competent and considerate professional management when he prescribed methotrexate to the complainant without explaining to the complainant the possible side effects of the drug, despite having known that he is a diabetic with end stage renal failure and is undergoing haemodialysis.

The Council, at its inquiry on 20th February 2012, found **Dr Chow Chong Chek** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

2. **Dr Ng Ah See** was charged with neglect and disregard of his professional responsibilities in that he had failed to provide sufficiently thorough professional attention and competent and considerate professional management when he had permitted a nurse to administer intravenous pethidine and metoclopramide to a patient at approximately 5:30 pm on 16th March 2010, and had failed at any time, to explain to the patient the effects, adverse or otherwise, of pethidine and metoclopramide.

The Council, at its inquiry on 21st February 2012, found **Dr Ng Ah See** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

3. **Dr N M Ananda Murthy a/I K. Narayana Moorthy** was charged with neglect and disregard of his professional responsibilities in that he had employed a person not qualified nor registered under the Medical Act and permitting such person to attend, treat patients which is in its nature is dangerous to the public contrary to Section 1.1.4. of the Code of Professional Conduct.

The Council, at its inquiry on 19th March 2012, found **Dr N M Ananda Murthy a/l K. Narayana Moorthy** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

4. **Dr Chew Yoong Fong** was charged with neglect and disregard of his professional responsibilities in that he had:

- (a) on the evening of 7th March 2010, permitted a nurse employed in his clinic to sign and / or endorse a medical certificate issued to a patient, on his behalf; and
- (b) on the evening of 7th March 2010, permitted a doctor, who was provisionally registered at that time and employed as a locum in his clinic, to issue a medical certificate to a patient, in his name.

The Council, at its inquiry on 21st May 2012, found **Dr Chew Yoong Fong** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

**DISCIPLINARY PUNISHMENTS BY THE MALAYSIAN MEDICAL COUNCIL
AGAINST ERRANT REGISTERED PRACTITIONERS FROM JULY-DECEMBER 2012**

1. Dr. Rajendra a/l Nadason (Full registration no. 31235 dated 02/12/1992)

- a. Dr. Rajendra a/l Nadason was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. failed to obtain sufficient medical history from the patient prior to the surgical procedure,
 - ii. failed to conduct adequate pre-operative assessment of the deceased who was a high risk patient; and
 - iii. not taken appropriate consent specific to the procedure and conducted the surgical procedure without appropriate facilities to provide general anesthesia when required, and emergency endotracheal intubation, and other facilities, to resuscitate the patient when he had cardiac arrest during the procedure.
- b. The Council, at its inquiry on 14th August 2012, found **Dr. Rajendra a/l Nadason** guilty and ordered that he be **SUSPENDED for TWO (2) years** from the Register under Section 30 (ii) of the Medical Act 1971.
- c. The respondent appealed to the High Court against the decision of MMC on 17th October 2012. However, this appeal was dismissed by the High Court on 18th July 2013.

2. Dr. Abdul Rasid Bin Mohamed Ali (Full registration no. 30658 dated 03/02/1993)

- a. Dr. Abdul Rasid Bin Mohamed Ali was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. procured, sanctioned and/or acquiesced to the Advertisement Boards that commented on or directed attention to his capabilities and services provided at the Clinic; and
 - ii. by such Advertisement Boards drawn public attention to his capabilities and services provided at the Clinic, which are acts tantamount to disseminating information in an unethical manner.

- b. The Council, at its inquiry on 10th September 2012, found **Dr. Abdul Rasid Bin Mohamed Ali** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.
- c. The respondent did not appeal to the High Court.

3. Dr. Mahendran a/l Markandoo (Full registration no. 24816 dated 04/04/1984)

- a. Dr. Mahendran a/l Markandoo was charged with abuse of professional privileges and skills in that he had:
 - i. given reports which were untrue, misleading and improper and by not exercising the most scrupulous care in issuing such documents.
- b. The Council, at its inquiry on 11th September 2012, found **Dr. Mahendran a/l Markandoo** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.
- c. The respondent did not appeal to the High Court.

4. Datuk Dr. Che Rozmey B Che Din (Full registration no. 32449 dated 17/07/1994)

- a. Datuk Dr. Che Rozmey B Che Din was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. by the Articles published in the newspaper Harian Metro dated 4.6.2009 and 27.6.2009 associated himself with Herba Prima Marketing Sdn. Bhd. (the Company) in the distribution and sale of the Herbal Medicine called Jus Mate 5, which was a commercial undertaking in which he had a pecuniary interest, contrary to the Code of Professional Conduct,
 - ii. self-advertised himself in the Articles and Advertisement published in the newspaper Harian Metro issued on 4.6.2009 entitled "JM5 terus meletup", in violation to the Code of Professional Conduct against advertising and canvassing, directly or indirectly for the purpose of obtaining consumers or promoting his own professional advantage and offer to the public to be a direct sales agent of the Herbal Medicine, a product by his own formula which he claimed to be effective in weight reduction which is of unproven efficacy and is of undisclosed nature of composition and readers were given telephone numbers to contact him for details,
 - iii. procured, sanctioned and/or acquiesced to the publication of the said Articles that commented on or directed attention to his professional skill, capabilities, knowledge, services and qualification to draw public

- attention to his capability and skills, which are acts tantamount to disseminating information in an unethical manner; and
- iv. in violation to Section 4A (b) of Medicine Advertisement & Sales Act 1956, had associated himself with promotion of the product "Jus Mate 5" in Articles and advertisements published by the newspaper Harian Metro dated 4.6.2009 and 27.6.2009, a product by the Company of which is of unproven efficacy that does not have approval from the Medical Advertisement Board, as confirmed by the Pharmaceutical Services Division of the Ministry of Health Malaysia, in violation to section 4B of the same Act.
- b. The Council, at its inquiry on 15th October 2012, found **Datuk Dr. Che Rozmey B Che Din** guilty and ordered that he be **SUSPENDED for TWO (2) years** from the Register under Section 30 (ii) of the Medical Act 1971.
 - c. The respondent did not appeal to the High Court.

5. Dr. Jasprith Singh a/l Meer Singh @ Sarban Singh (Full registration no. 38279 dated 24/11/1998)

- a. Dr. Jasprith Singh a/l Meer Singh @ Sarban Singh was charged with abuse of professional privileges and skills in that he had:
 - i. charged for an offence being in breach of Regulation 36(a) Poisons (Psychotropic Substances) 1989 to which he had pleaded guilty and were convicted and sentenced under Section 30 (5) Poisons Act 1952 (Revised 1989) at the Petaling Jaya Magistrate's Court in Selangor on 4/4/2011 to a fine of RM1500.00 in default one (1) month imprisonment.
- b. The Council, at its inquiry on 19th November 2012, found **Dr. Jasprith Singh a/l Meer Singh @ Sarban Singh** guilty and ordered that he be **SUSPENDED for ONE (1) year** from the Register of the Medical Act 1971, but **suspend the suspension for ONE (1) year** on the following conditions :
 - i. He is to be assessed by the Medical Review Panel to review his condition,
 - ii. He is to see a psychiatrist and to send to the MMC a psychiatrist report and any relevant medical reports within one month of receiving the letter from the MMC; and
 - iii. He is not to prescribe any psychotropic drugs until the review is completed by the Medical Review Panel.
- c. The respondent appealed to the High Court against the decision of MMC on 6th February 2013. However, this appeal was dismissed by the High Court on 25th June 2013.