

ANNOUNCEMENT
DISCIPLINARY PUNISHMENTS BY THE MALAYSIAN MEDICAL COUNCIL
AGAINST
ERRANT REGISTERED PRACTITIONERS FROM JANUARY - DECEMBER 2013

31 DECEMBER 2013

1. It is the Malaysian Medical Council's earnest endeavor and desire to bring to book any errant practitioner who falls foul of the Code of Professional Conduct or any of its related ethical guidelines. Hence, under its disciplinary jurisdiction, the Council meets on a monthly basis to inquire into complaints of unethical practices of registered practitioners.

2. However issues related to medical negligence (unless gross medical negligence) do not fall within the realm and jurisdiction of the Council and are best settled through civil action in the courts. Often complainants are left disappointed when the Council rules that matters complained of are not within the disposal of the Council and solutions have to be sought elsewhere. Nevertheless every complaint is investigated in its own merit before a decision is made.

3. Complaints are inquired under a two-tier system where a Preliminary Investigation Committee initially investigates and if it finds that there are sufficient grounds to support the charge that it frames, recommends to the Council to hold an inquiry.

4. From January to December 2013, a total of 43 new complaints were received making a grand total of 220 complaints with a spillover from the previous year.

5. During the 12-month periods, the five Preliminary Investigation Committees and the Council itself manage to resolve 96 complaints leaving a balance of 124 complaints.

6. Out of the 33 complaints inquired into 11 practitioners were found guilty and meted with punishment by the Council as prescribed under the Medical Act 1971. However of the 11, one practitioner had applied in court for a stay of the Council's decision and against the publication of that decision. As such, his name is not published here. The details of the outcomes of the other 10 inquiries held by the Council in 2013 where the practitioners were found guilty and sentenced are as follows:

6.1 Dr. Nik Zailan Bin Nik Mohamad:

a. He was charged with abusing his professional privilege and skill in that he had pleaded guilty and was convicted of an offence under Regulation 7 (1) (a) Control of Drugs and Cosmetic 1984 to which he were charged under section 12(1) of the Sale of Drugs Act 1952 at Kota Bharu Magistrate Court at Kelantan on 14.12.2010 and sentenced to a fine of RM\$00.00 in default two (2) days imprisonment he are hereby being charged under Section 29(2)(a) of the Medical Act 1971 punishable under Section 30 of the said Act.

b. He was charged with abusing his professional privilege and skill in that he

had pleaded guilty and was convicted of an offence under Regulation 24(1) Poison (Psychotropic Substances) 1989 for having being in possession of large amounts of 36 psychotropic substances and was convicted under section 30 (5) Poisons Act 1952 (Revised 1989) at Ko a Bharu Magistrate Court at Kelantan on 14.12.2010 and sentenced to a fine of RM6000.00 in default four (4) months imprisonment.

- c. The Council, at its inquiry on 14 January 2013, found Dr. Nik Zailan Bin Nik Mohamad guilty and ordered that he be SUSPENDED for ONE (1) year from the Register under Section 30 (ii) of the Medical Act 1971
- d. The practitioner did not appeal to the High Court.

6.2 Dr.Yap Cheng Kwee:

- a. He was charged for having in his possession a Class C controlled drug listed in the First Schedule to the (Singapore) Misuse of Drugs Act (the Act), namely, sixteen (16) tablets containing triazolam without authorisation under the Act or the Regulations thereunder, an offence under section 8(a) punishable under section 33 of the Act to which he had pleaded guilty and was convicted and sentenced to three (3) months imprisonment.
- b. He was charged for having in his possession, without a licence from a licensing officer, for sale midazolam, a poison listed in the Schedule to the (Singapore) Poisons Act in contravention of section 5 of the Poisons Act an offence punishable under section 16(1) of the Poisons Act to which you had pleaded guilty and were convicted and sentenced to twelve (12) months imprisonment.
- c. The Council, at its inquiry on 14 January 2013, found Dr. Yap Cheng Kwee guilty and ordered that he be SUSPENDED for ONE (1) year from the Register under Section 30 (ii) of the Medical Act 1971
- d. The Respondent filed a Judicial Review at the High Court on 21 March 2013 and on 17 October 2013 the Honourable Judicial Commissioner allowed the Applicant's application and quashed the decision of the Malaysian Medical Council against the Applicant dated 14 January 2013 with costs of RM 10,000.00.
- e. MMC had appealed to the Court of Appeal and on the 5th November 2015, the Court decided that the Order of the High Court is null and void ab initio.
Therefore MMC can proceed with its decision dated 14.01.2013 to suspend the Respondent from practicing for a period of one (1) year.

6.3 Dr. Kemala Purnama Waty Bt Mohd Dahlan:-

- a. She was charged with neglect and disregard of her professional responsibilities in that she had:
 - i. employed and permitted a person who was not registered under the Act to practice at her place of practice. as a medical practitioner, namely Dr. Mohd Helmi Bin Hamzah as a locum doctor to attend, treat, prescribe and supply medication to patients at her place of practice to Cik Rosazlin Binti Abdullah.
- b. The Council, at its inquiry on 15 April 2013, found Dr. Kemala Purnama Waty Bt Mohd Dahlan guilty and ordered that she be SUSPENDED for SIX (6) months from the Register under Section 30 (ii) of the Medical Act 1971
- c. The practitioner did not appeal to the High Court.

6.4 Dr. Abdul Hanan Soh Bin Abdullah:

- a. He was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. associated himself with an unauthorized and/or unregistered person;
 - ii. permitted an unqualified and/or unregistered person to attend, treat and prescribe medication to a patient by the name of Sohainah binti Ahmad Subri (NRIC No. 881018-26-5414) at his place of practice on 17/07/2010.
- b. The Council, at its inquiry on 15 July 2013, found Dr. Abdul Hanan Soh Bin Abdullah guilty and ordered that he be REPRIMANDED under Section 30 (iii) of the Medical Act 1971.
- c. The practitioner did not appeal to the High Court.

6.5 Dr. Siti Hazury Binti Zaulkifli:

- a. She was charged with neglect and disregard of his professional responsibilities in that she had:
 - i. associated herself with an unauthorized and/or unregistered person;
 - ii. permitted an unqualified and/or unregistered person to attend,

treat and prescribe medication to a patient by the name of Sohainah binti Ahmad Subri (NRIC No: 881018-26-54 14) at your place of practice on 17/07/2010.

- b. The Council, at its inquiry on 15 July 2013, found Dr. Siti Hazury Binti Zaulkifli guilty and ordered that she be REPRIMANDED under Section 30 (iii) of the Medical Act 1971.
- c. The practitioner did not appeal to the High Court.

6.6 Dr. Zubaidi bin Ahmad:

- a. He was charged with abusing his professional privilege and skill in that he had signed and given a report stating the patient had Diabetes Mellitus which was untrue, misleading or improper without exercising scrupulous care contrary to Section 2.1.4 of the Code of Professional Conduct of the Malaysian Medical Council.
- b. The Council, at its inquiry on 16 July 2013, found Dr. Zubaidi bin Ahmad guilty and ordered that he be SUSPENDED for ONE (1) year from the Register under Section 30 (ii) of the Medical Act 1971.
- c. The practitioner did not appeal to the High Court.

6.7 Dr. Othman Bin Yahaya:

- a. He was charged with abusing his professional privilege and skill in that he had:
 - i. issued medical certificate No. 103056 to Abdul Azim Bin Abdul Mutalib for one Faizal Bin Mohd Ariffin, without examining the said Faizal Bin Mohd Ariffin and containing untrue, misleading and improper statements as to the condition of Faizal Bin Mohd Ariffin.
 - ii. issued backdated medical certificate No. 103074 to Siti Azlinda Binti Adnan (NRIC: 800705-10-5546), without examining the said Siti Azlinda Binti Adnan and containing untrue, misleading and improper statements as to her condition.
 - iii. issued medical certificate No. 103106 to Noor Azlina Binti Abdullah (NRIC: 820511-11-5402), containing untrue, misleading and improper statements as to her condition.
- b. The Council, at its 19 August 2013, found Dr. Othman Bin Yahaya guilty and ordered that he be REPRIMANDED under Section 30 (iii) of the Medical Act 1971.
- c. The practitioner did not appeal to the High Court.

6.8 Datuk Dr.Mohamed Rafiq bin Mohamed Ibrahim:

- a. He was charged by advertising his name, photograph, place of his work and contact number,he have indirectly for the purposes of obtaining patients and/or promoted himself advantage an/or directed attention to his professional skill, knowledge , services,qualification contrary to public interest and discreditable to the profession of medicine contrary to Section 4.1 of the Code of Professional Conduct.
- b. He was charged by offering a highly subsidised package everyday to the first 50 people who respond amounts to an unsolicited communication with potential clients for the purpose of touting and enticing patient which is prohibited contrary to Section 6.2.3 of the Guidelines of the Malaysian Medical Council.
- c. The Council at its meeting on 21 October 2013,found that Datuk Dr. Mohamed Rafiq bin Mohamed Ibrahim guilty and ordered that he be REPRIMANDED under Section 30 (iii) of the MedicalAct 1971.
- d. The practitioner did not appeal to the High Court.

6.9 Dr. Tan Li Ping:

- a. He was charged with abusing his professional privilege and skill in that he had had abused the privileges conferred by custom, under section 2.2 of the Code of Professional Conduct, under sub-section 2.2.4 of the same Code as adopted by the Malaysian Medical Council, by entering into a personal and/or emotional andlor sexual relationship with the Patient, which had disrupted the patient's family life or otherwise damaged, or caused distress to the patient and her husband.
- b. The Council, at its inquiry on 22 October 2013 found Dr. Tan Li Ping guilty and ordered that he be REPRIMANDED under Section 30 (iii) of the Medical Act 1971.
- c. The practitioner did not appeal to the High Court.

6.10 Dr.HILMI BIN Hussein:

- a. He was charged with neglect and disregard of his professional responsibilities in that he had:
 - i. failing to provide sufficiently thorough professional attention and take appropriate and prompt action in attending to the patient who required urgent medical intervention.
 - ii. failing to see the patient, despite having been informed by the nurse on duty that the patient was suffering from shortness of

breath and had requested to see you.

- b. The Council, at its inquiry on 17 December 2013, found Dr. Hilmi Bin Hussein guilty and ordered that he be REPRIMANDED under Section 30 (ii) of the Medical Act 1971.
- c. The respondent appealed to the High Court against the decision of MMC on 21 February 2014.
- d. The Honourable Judge dismissed the appeal with cost of RM 10,000.00.

6.11 Dr. Raveendran Kandiah:

- a. The practitioner failed to explain about the risks involved in the procedure to correct the compression fracture and the availability of alternative non-surgical treatment, he had failed to obtain an informed consent contrary to Section 3.7 of the Good Medical Practice Guideline of the Malaysian Medical Council.
- b. The Council, at its inquiry on 16 December 2013, found Dr. Raveendran Kandiah guilty and ordered that he be REPRIMANDED under Section 30 (ii) of the Medical Act 1971.
- c. The respondent appealed to the High Court against the decision of MMC on 8 January 2014.
- d. The Court dismissed the Appellant's appeal with costs of RM15,000.00 on **29.12.2015**

**DATUK DR. NOOR HISHAM BIN ABDULLAH
PRESIDEN
MALAYSIAN MEDICAL COUNCIL**