

**DISCIPLINARY PUNISHMENT BY THE MALAYSIAN MEDICAL COUNCIL
AGAINST ERRANT REGISTERED PRACTITIONERS
FROM JANUARY - DECEMBER 2016**

1. Dr. Mangaden Malini Sudhakar Krishnan (Full registration no. 23468 dated 17/09/1980)

- a. Dr. Mangaden Malini Sudhakar Krishnan was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. by voting in favour of a motion to terminate the services of Dr. Milton Lum Siew Wah as a consultant to Assunta Hospital at a meeting of the Board of Directors of Assunta Hospital on 9 February 2011, when Dr. Milton Lum Siew Wah was a fellow medical practitioner with whom he had, at the material time, a professional association, he acted in a manner which caused damage to Dr. Milton Lum Siew Wah's practice, contrary to Section 1.3 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 20th January 2016, found **Dr. Mangaden Malini Sudhakar Krishnan** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

The respondent appealed against the punishment at the High Court on 24th March 2016.

Final Outcome:

Dr. Mangaden Malini Sudhakar Krishnan was **SUCCESSFUL** in his appeal against the decision of the Malaysian Medical Council on 20th October 2016. The order that he be reprimanded has been **SET ASIDE**.

2. Dr. Ishak bin Ngah (Full registration no. 22246 dated 24/08/1977)

- a. Dr. Ishak bin Ngah was charged with conduct derogatory to the reputation of the medical profession in that he had;
 - i. certify En. Ibrahim Bin Abdullah as medically fit for duty without physically examining him, he has abused his professional privilege conferred by law in not exercising the most scrupulous care in issuing such certification, notifications, report or document of kindred character which is untrue misleading or improper Contrary to Section 2.14 of the Code of Professional Conduct and Section 3.1.2 of the Good Medical Practice.

The Council, at its inquiry on 16th February 2016, found **Dr. Ishak bin Ngah** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

3. Dr. Toh Boon Kheng (Full registration no. 21447 dated 08/05/1975)

- a. Dr. Toh Boon Kheng was charged with abuse of professional privileges and skills in that he had;
 - i. issued a Sick Certificate for Nor Hashima bt Zainal Abidin dated 09.08.2012 in which he stated that she was not fit for work on 09.08.2012, without carrying out any physical examination on her, he neglected and disregarded his professional responsibilities and abused his professional privileges contrary to Section 2.1.4 of the Malaysian Medical Council's Code of Professional Conduct.
 - ii. record of prescription of medication on the Outpatient Treatment Card for Nor Hashima bt Zainal Abidin on 09.08.2012, without having examined the said Nor Hashima bt Zainal Abidin and without having prescribed any medication to her, he fabricated the medical records for Nor Hashima bt Zainal Abidin, contrary to Section 2.4 of the Good Medical Practice Guidelines of the Malaysian Medical Council.

The Council, at its inquiry on 21st March 2016, found **Dr. Toh Boon Kheng** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

4. Dr. Thomas a/l K. Thomas Koshy (Full registration no. 26730 dated 23/01/1987)

- a. Dr. Thomas a/l K. Thomas Koshy was charged with abuse of professional privileges and skills in that he had;
- i. pleaded guilty at the Klang Magistrate's Court on 11/05/2010 to 3 charges under the Poisons Act 1952 (Revised 1989).
 - ii. supplying drugs of dependence otherwise than in the course of bona fide treatment and/or to gratify the addiction of other persons, he has abused the privileges conferred on him by law, in contravention of Section 2.1.1 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 19th April 2016, found **Dr. Thomas a/l K. Thomas Koshy** guilty and ordered that he be **STRUCK OFF FROM THE REGISTER** under Section 30 (i) of the Medical Act 1971.

The respondent appealed against the punishment at the High Court on 4th July 2016.

Final Outcome:

The Court dismissed the application on the 24th November 2016 and punishment was carried out.

5. Dr. Mohd Suhaidin bin Che Ngah (Full registration no. 38311 dated 10/10/2002)

- a. Dr. Mohd Suhaidin bin Che Ngah was charged with abuse of professional priveleges and skills in that he had;
 - i. examined Puan Siti Khairul Anom Binti Atan's perineal region on 22/11/2011 at the Hospital Sungai Buloh, Selangor, without a chaperone being present during the examination. He has contravened Section 1.1 (c) of the Code of Professional Conduct and Section 3.3 of the Good Medical Practice Guidelines of the Malaysian Medical Council.

The Council, at its inquiry on 18th April 2016, found **Dr. Mohd Suhaidin bin Che Ngah** guilty and ordered that he be **REPRIMANDED** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

6. Dr. Abd Khalid bin Jaafar (Full registration no. 2658 dated 16/06/1987)

- a. Dr. Abd Khalid bin Jaafar was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. prescribing medications for hypothyroidism where there was no indication, he has neglected and/or disregarded his professional responsibilities to his patient for the standard of medical care contrary to Section 2.1.1 of the Code of Professional Conduct as adopted by the Malaysian Medical Council.
 - ii. misled the patient into accepting medications that was unwarranted, contravening Section 2.2.1 of the Code of Professional Conduct as adopted by the Malaysian Medical Council.

The Council, at its inquiry on 20th April 2016, found **Dr. Abd Khalid bin Jaafar** guilty and ordered that he be **Suspended for SIX (6) months** from the Register under Section 30 (ii) of the Medical Act 1971.

The respondent is appealed to the High Court.

Final Outcome:

The Learned Judge delivered her decision on **12 July 2017** wherein Her Ladyship allowed the Appellant's appeal in part, wherein she held that he was guilty of 1 of the 2 charges proffered against him under Section 2.1.1 of the Code of Professional Conduct and vary the punishment.

The Court set aside the six (6) month suspension of registration and substituted the same with a **REPRIMAND** and made an order as to costs of RM2000.00.

7. Dr. Nor Hamidah binti Mohd Salleh (Full registration no. 27168 dated 01/08/1988)

- a. Dr. Nor Hamidah binti Mohd Salleh was charged with infamous conduct in a professional respect in that she had;
 - i. preparing a medical report dated 03/10/2014 on Mr. Christopher Kamalaraj Anandaganeshan and another medical report dated 14/10/2014 on Carl Eugene Christopher, which was based on and/or contains matters which were unsubstantiated and/or untrue and/or misleading and/or improper, you have abused your professional privileges and skills contrary to Part 2.1.4 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 20th June 2016, found **Dr. Nor Hamidah binti Mohd Salleh** guilty and ordered that she be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

8. Dr. Rosnelizaidie bin Ramely (Full registration no. 38536 dated 11/12/2001)

- a. Dr. Rosnelizaidie bin Ramely was charged with infamous conduct in a professional respect in that he had;
 - i. examined Puan Nurshamsili Dzulkefli on 6th August 2012 at the Klinik Kesihatan Putrajaya without the presence of a chaperone, you have thereby contravened Section 1.1(c) of the Malaysian Medical Council's Code of Professional Conduct and Section 3.3 of the Malaysian Medical Council's Good Medical Practice Guidelines.

The Council, at its inquiry on 20th June 2016, found **Dr. Rosnelizaidie bin Ramely** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

9. **Dr. Lourdes Dava Raj A/L Curuz Durai Raj (Full registration no. 30351 dated 01/09/1993)**

- a. Dr. Lourdes Dava Raj was charged with neglected and disregarded his professional responsibilities and abused professional privileges in that he had;
 - i. circulated to the doctors of Assunta Hospital, clinical summaries of patients containing the patients' names, identities and personal details, without confidential cover, for the purpose of discussion during Medical and Dental Advisory Committee meetings held at the Assunta Hospital on 23rd September 2009 and 9th December 2009, and by doing so, he acted in breach of patient confidentiality, and/or in violation of Section 2.2.2. of the Malaysian Medical Council's Code of Professional Conduct and/or Section 3.2 of the Malaysian Medical Council's Guidelines on Good Medical Practice and/or Sections 1, 2, 8 d and 9 of the Malaysia Medical Council's Guidelines on Confidentiality 2008 which are adopted by the Council on 18/7/2008.
- b. The Council, at its inquiry on 21st June 2016, found **Dr. Lourdes Dava Raj A/L Curuz Durai Raj** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.
- c. On 26/8/2019, Federal Court had allowed Dr. Lourdes's appeal and ordered as follows:
 - i. The decision of the Court of Appeal on 27.10.2015 be set aside.
 - ii. All steps and actions taken by MMC vide the Court of Appeal Order of 27.10.2015 including Court of Appeal decision and MMC orders dated 21.06.2016 be set aside and the endorsement in the Malaysian Medical Register be expunged.
 - iii. MMC decision on 20.05.2014 be maintained which decided that no case has been made out against Dr. Lourdes and he is not guilty of infamous conduct in any professional respect under Section 29(2)(b) of the Medical Act 1971.

10. Dr. Mohamad Afzal bin Farikullah Khan (Full registration no. 32223 dated 04/08/1996)

- a. Dr. Mohamad Afzal bin Farikullah Khan was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. including irrelevant and/or improper statements in his medical report on the Complainant's condition dated 21.09.2010, he had signed and given a report which is untrue, misleading or improper contrary to Section 2.1.4 of the Malaysian Medical Council's Code of Professional Conduct and/or demonstrated unprofessional behaviour in the preparation of the said medical report.

The Council, at its inquiry on 21st June 2016, found **Dr. Mohamad Afzal bin Farikullah Khan** guilty and ordered that he be **Suspended for SIX (6) months** from the Register under Section 30 (ii) of the Medical Act 1971.

The respondent is appealing to the High Court on 20 July 2016.

Final Outcome:

On **10 August 2017**, the Learned Judge agreed that the respondent is guilty of the charge proffered against him in relation to Section 2.1.4 and Section 1.1 of the MMC's Code of Professional Conduct.

However, the Learned Judge set aside the six (6) month suspension and substituted the same with a **ONE (1) month suspension**.

The Court made no order as to costs.

11. Dr. Nik Azam bin Wan Hamzah (Full registration no. 20688 dated 27/04/1973)

- a. Dr. Nik Azam bin Wan Hamzah was charged with infamous conduct in a professional respect in that he had;
 - i. failing to maintain proper record of the prescription of dangerous and controlled drugs, and a stock inventory of the same, he abused the privileges conferred by law, thereby contravening Section 2.1 of the Malaysian Medical Council's Code of Professional Conduct and Section 2.5 of the Malaysian Medical Council's Guidelines for Good Medical Practice.

The Council, at its inquiry on 18th July 2016, found **Dr. Nik Azam bin Wan Hamzah** guilty and ordered that he be **Suspended for SIX (6) months** from the Register under Section 30 (ii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

12. Dato' Dr. Tan Meng Lee (Full registration no. 32177 dated 19/06/1996)

- a. Dato' Dr. Tan Meng Lee was charged with neglected and/or disregarded his professional responsibilities in that he had;
 - i. employing a person not qualified nor registered under the Medical Act 1971 and permitting such person to attend and/or treat patients which is in its nature, dangerous to the public, contrary to Section 1.4.1 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 19th July 2016, found **Dato' Dr. Tan Meng Lee** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

13. Dr. Khairul Amin bin Awang (Full registration no. 35543 dated 13/02/2000)

- a. Dr. Khairul Amin bin Awang was charged with neglected and/or disregarded his professional responsibilities in that he had;
 - i. employing, associating himself with 'Zulaikha Jamaluddin' being unqualified and unregistered person, and/or permitting the said 'Zulaikha Jamaluddin' to attend, to treat and/or to prescribe medical treatment and medication in the absence of a registered medical practitioner's immediate personal supervision at his place of practice, contrary to Section 1.4.1 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 16th August 2016, found **Dr. Khairul Amin bin Awang** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

14. Dr. Satvinder Singh Khelae A/L Atma Singh (Full registration no. 29297 dated 01/02/1991)

- a. Dr. Satvinder Singh Khelae A/L Atma Singh was charged with neglect and disregard of his professional responsibilities in that he had;
 - i. been convicted in Malaysia of an offence punishable with imprisonment (whether in itself only or in addition to or in lieu of a fine), he are hereby charged under Section 29(2)(a) of the Medical Act 1971 which is punishable under Section 30 of the said Act.
 - ii. permitting one Dr. Lakhmir Singh Chaudri who was only provisionally registered at the material time, to attend to and/or treat the patient in a matter requiring professional discretion or skill, including instructing and/or permitting the said Dr. Lakhmir Singh Chaudri to administer IM Pethidine 50 mg/Maxolon 10 mg to the patient, he had knowingly enabled a person not duly qualified and/or registered to engage in professional practice as if the said person were duly qualified and registered, thereby contravening Section 1.4.2 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 21st November 2016, found **Dr. Satvinder Singh Khelae A/L Atma Singh** guilty and ordered that he be **suspended for SIX (6) months** from the Register under Section 30 (ii) of the Medical Act 1971.

The respondent is appealing to the High Court on 20 January 2017.

Final Outcome:

The Court dismissed the application on the 24 August 2017 with cost of RM3000.00.

The punishment was carried out.

15. Dr. Kuldip Singh Dhillon (Full registration no. 22388 dated 04/03/1978)

- a. Dr. Kuldip Singh Dhillon was charged with infamous conduct in a professional respect in that he had;
 - i. making a statement in his specialist report dated 15/11/2014 that Dr. Phang Cheong Teh is “out of touch with medicine”, you have disparaged the skill or judgement of Dr Phang Cheong Teh, and thereby contravened Section 1.2.4 of the Malaysian Medical Council’s Code of Professional Conduct.

The Council, at its inquiry on 22nd November 2016, found **Dr. Kuldip Singh Dhillon** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

16. Dr. Jaiwantpal Singh (Full registration no. 34541 dated 02/01/1999)

- a. Dr. Jaiwantpal Singh was charged with infamous conduct in a professional respect in that he had;
 - i. providing information, which as alleged by the Complainant Madam Kelly Mann, was untrue and/or misleading and/or improper in his report/letter dated 14/05/2009 signed by him in his professional capacity, without examining the patient Datuk Udhham Singh Mann (deceased), the subject of said report/letter contrary to Part 2.1.4 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 22nd November 2016, found **Dr. Jaiwantpal Singh** guilty and ordered that he be **Suspended for ONE (1) year** from the Register under Section 30 (ii) of the Medical Act 1971.

The respondent did not appeal to the High Court.

17. Dr. Vivekanandan A/L T Nadarajah (Full registration no. 29164 dated 01/08/1991)

- a. Dr. Vivekanandan A/L T Nadarajah was charged with infamous conduct in a professional respect in that he had;
 - i. submitting under his name and/or authority X-Ray reports of 151 workers to FOMEMA from June 2014 to February 2015, without carrying out actual X-Ray examinations of these workers, he abused the professional privileges conferred on him, thereby contravening Section 2.1.4 of the Malaysian Medical Council's Code of Professional Conduct.

The Council, at its inquiry on 19th Disember 2016, found **Dr. Vivekanandan A/L T Nadarajah** guilty and ordered that he be **Reprimanded** under Section 30 (iii) of the Medical Act 1971.

The respondent did not appeal to the High Court.