

**Statistics on Disciplinary Cases
Handled by the Medical Council**

Complaints Received by the Medical Council

<u>Nature</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
1. Conviction in Court					
(a) fail to keep proper record of dangerous drugs	-	4	2	1	-
(b) Others	1	5	7	6	5
2. Disregard professional responsibility to patient	101	105	133	120	114
3. Drug-related Cases (excluding court convictions)					
(a) Failure to properly label drugs dispensed	3	7	1	3	8
(b) Failure to keep proper record of dangerous drugs	-	1	-	1	-
(c) Prescription of drugs of dependence other than bona-fide treatment	1	1	4	-	4
(d) Abuse of Drugs	-	-	-	-	-
(e) Others	-	-	1	-	-
4. Termination of Pregnancy	1	-	-	1	-
5. Abuse of professional position to further improper association with patients	-	-	-	-	-
6. Improper, indecent behaviour to patient	4	2	12	2	3
7. Abuse of professional confidence	2	1	1	-	-
8. Advertising/canvassing	20	29	33	35	25
9. Sharing fee & improper financial transaction	-	-	-	1	-
10. Depreciation of other medical practitioner(s)	1	1	2	2	-
11. Misleading, unapproved description & announcement	4	5	8	9	4
12. Issuing misleading, false medical certificate	13	8	18	26	14
13. Improper delegation of medical duties to unregistered persons	2	3	2	1	1
14. Fitness to practice	-	-	2	-	1
15. Miscellaneous	15	18	19	22	48
Total :	168	190	245	230	227

Remarks:

- (i) Of the 227 complaints received in 2000:
- 34 cases (15%) were inactionable because the complainants failed to provide further information or statutory declaration, or the complaints were anonymous, & etc.
 - 77 cases (34%) were dismissed by the PIC Chairman and Deputy Chairman (**Please see table 2 for details*)
 - 67 cases (30%) were referred to the PIC meeting; and
 - 49 cases (21%) are under investigation, pending further information
- (ii) For cases referred to the PIC meeting, some of them will be carried forward to the PIC meeting to be held in 2001.
- (iii) The major categories of cases on disregard of professional responsibility to patient in 2000 include:
- (1) failure/unsatisfactory result of surgery (24%)
 - (2) failure to properly/timely diagnose illness or to give proper advice (38%)

Breakdown on the complaints received in 2000 which were dismissed by the PIC Chairman and Deputy Chairman

<u>Reasons for dismissal</u>	<u>No. of cases</u>
– Doctors' attitude	9
– Commercial dispute	5
– Communication problem	6
– Complications of treatments	8
– Unsatisfactory results of treatments	4
– Difference in medical opinion	4
– Misdiagnosis	3
– No evidence	7
– Groundless	31
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Table 3

Work of the Council's Preliminary Investigation Committee (PIC)

<u>Nature</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
(1) Total cases considered by the PIC	42	44	56	39	58
(2) Total cases referred by the PIC to Council for inquiries	9	10	7	17	15
(3) Total cases referred by the PIC to Health Committee for hearing	-	-	-	2	-

Remarks:

The major categories of cases considered by the PIC in 2000 include:

	<u>No. of cases</u>
(a) Conviction in court	3
(b) disregard of professional responsibility to patients	
• inappropriate prescription of drugs	9
• failure to properly/timely diagnose illness	11
• failure to give proper advice/explanation	7
• conducting unnecessary or inappropriate treatment/surgery	3
• others	3
(c) Advertising/canvassing	9
(d) issuing untrue or misleading medical certificates	6
(e) depreciation of other medical practitioners	1
(f) improper labelling of drugs	4
(g) miscellaneous	2
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The major categories of cases referred by the PIC to the Council for inquiry in 2000 include:

	<u>No. of cases</u>
(a) Conviction	3* <i>(these cases were of minor offences and the Council accepted the PIC's recommendation that no inquiry is to be held)</i>
(b) disregard of professional responsibility to patients	
• inappropriate prescription of drugs	3
• failure to properly/timely diagnose illness	1
• failure to give proper advice/explanation	1
• others	1
(c) Advertising/canvassing	2
(d) Issue of misleading or untrue medical certificate	4
	<hr/> 15 <i>(Of these 15 cases, 5 cases have been heard by the Council in 2000. 7 cases will be heard in 2001.)</i>

Table 4

**Work Statistics of the Council's Preliminary Investigation Committee
in the Year of 2000**

	Quarter				Total
	Jan.-Mar	Apr.-June	July-Sept.	Oct.-Dec.	
No. of PIC Meetings	2	3	3	3	11
No. of cases considered	10	17	14	17	58
No. of cases dismissed (%)	8 (80.0%)	12 (70.6%)	9 (64.3%)	10 (58.8%)	39 (67.2%)
No. of cases pending further investigation (%)	- (-)	- (-)	- (-)	4 (23.5%)	4 (6.9%)
No. of cases referred to inquiry (%)	2 (20.0%)	5 (29.4%)	5 (35.7%)	3 (17.7%)	15 (25.9%)
No. of cases referred to Health Committee	- (-)	- (-)	- (-)	- (-)	- (-)

Disciplinary Inquiries conducted by the Medical Council in 2000

<u>No. of Cases</u>	<u>Nature</u>	<u>Findings by Medical Council</u>
5	Disregard professional responsibilities to patients	1 Warning letter (hearing carried forward from 1999) 2 Reprimand 1 Warning letter 1 Not guilty
1	Failing to keep proper records of dangerous drugs	Removal for 6 months, suspended for 1 year
1	Conviction of theft	Reprimand
3	Issue untrue, misleading or improper sick leave certificates	2 Warning letter 1 Removal for 1 year
2	Using misleading titles/ information on signboard	1 Warning letter 1 Removal for 1 month
1	Claiming superiority and disparaging the work of other doctors	Not guilty

[Summary: 2 cases: not guilty
11 cases: guilty]

Disciplinary Inquiries conducted by the Medical Council in 1999

<u>No. of Cases</u>	<u>Nature</u>	<u>Findings by Medical Council</u>
5	Disregard professional responsibilities to patients	1 Removed from the register for 6 months, suspended for 2 years 1 Part-heard (hearing to be resumed in 2000) 3* Not guilty (* of which 2 cases are carried forward from 1998)
1	Failing to properly label drugs dispensed	Warning letter
1	Provide misleading information for certification for specialist registration	Not guilty
1	Issue untrue, misleading or improper sick leave certificates	Warning letter
1	Conviction of using false documents with intent to deceive	Reprimanded

[Summary: 4 cases: not guilty
1 case: hearing to be resumed
4 cases: guilty]

Disciplinary Inquiries conducted by the Medical Council in 1998

<u>No. of Cases</u>	<u>Nature</u>	<u>Findings by Medical Council</u>
4	Disregard professional responsibilities to patients	1 Reprimanded 1 Removed from register for 3 months, suspended for 2 years 2 Part-heard (Hearings to be resumed in 1999)
1	Failing to properly label drugs dispensed	1 Removed from register for 3 months
3	Conviction (Failing to keep dangerous drugs record/failing to keep dangerous drug in locked receptacle)	1 Removed from register for 6 months and reprimanded respectively 1 Removed from register for 12 months 1 Removed from register for 3 months, suspended for 1 year
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[Summary: 6 cases: guilty
2 cases: hearings to be resumed]

Disciplinary Inquiries conducted by the Medical Council in 1997

<u>No. of Cases</u>	<u>Nature</u>	<u>Findings by Medical Council</u>
1	Using MC Secretary's letter in an improper manner	1 Removal from Register for 3 months
1	Advertising	1 Reprimand
2	Failing to properly label drugs dispensed	1 Warning Letter (not gazetted) 1 Not guilty
1	Disregard of professional responsibility to patients	1 Warning Letter (not gazetted)
2	Conviction (Theft contrary to section 9 of the Theft Ordinance)	1 Removal from Register for 3 months (suspended for 2 years) 1 Removal from Register for 12 months
[Summary: 6 cases: guilty 1 case: not guilty]		

Disciplinary Inquiries conducted by the Medical Council in 1996

<u>No. of Cases</u>	<u>Nature</u>	<u>Findings by Medical Council</u>
1	Conviction of failure to keep proper records of dangerous drugs	1 Removal from Register for 3 months (suspended for 2 years)
3	Disregard of professional responsibility to patients	1 Removal from Register for 9 months 1 Reprimand 1 Not guilty
1	Caused to issue false or misleading sick leave certificate	1 Removal from Register for 6 months
	[Summary:	4 cases: guilty 1 case: not guilty]

**The work of Preliminary Investigation Committee (PIC)
in the first quarter of 2001**

(I) Complaints received in 2001

	<u>Jan-Mar 2001</u>
Number of complaints/information received	59
Of these:	_____
(i) no. of complaints that have been screened out because:	
(a) frivolous/groundless (<i>for specific reasons for dismissal, please see the attached check-list</i>):	16
(b) inactionable:	
■ anonymous	1
■ no address or phone number provided	1
■ complainants failed to provide further information	1
■ complainants failed to submit statutory declaration	1
■ complaints withdrawn	-
<i>total no of cases dismissed by PIC Chairman/Deputy Chairman=</i>	20
(ii) no. of complaints under investigation by PIC Chairman/ Deputy Chairman (incl. those pending further information and investigation)	32
(iii) no. of complaints that the Deputy Chairman disagreed with the PIC Chairman's decision and referred the case to PIC meeting	-
(iv) no. of complaints dismissed by the PIC Chairman but the Deputy Chairman caused further investigation and eventually agreed to dismiss	-
(v) no. of complaints that will be discussed by the PIC	7
(vi) no. of complaints that have been discussed by the PIC	-
(vii) no. of complaints that have been dismissed by the PIC	-
(viii) no. of complaints that have been referred to Inquiry/Health Committee hearing	-
- no. of inquiry/Health Committee hearing scheduled	-
- no. of inquiry/Health Committee hearing heard	-
- no. of inquiries in which the doctor was found guilty	-
- no. of complaints in which the doctor was found unfit to practise	-
- no. of inquiries in which the doctor was found not guilty	-

(II) Cases considered by the PIC in the first quarter of 2001

PIC has held three meetings in the first quarter of 2001 to consider complaint cases. A total of 24 cases were discussed at the meetings with result appended below:

(a) referred for disciplinary inquiry	4 cases
(b) referred to Council with recommendation that no inquiry is to be held	nil
(c) Dismissed	16 cases
(d) pending further information/investigation	4 cases

(III) Check-list of complaints received in 2001

An updated checklist of the complaints received in 2001 is attached for information.

(IV) Participation of Lay Member in initial screening

20 cases, which have been dismissed by PIC Chairman and Deputy Chairman in the first quarter of 2001, were submitted to the Lay Member for further screening. The Lay Member agreed that all these cases should be dismissed.

Checklist of complaints received in 2001 (as at end March 2001)

(A) Cases dismissed by PIC Chairman and Deputy Chairman

<u>date of receipt</u>	<u>File ref.</u>	<u>nature</u>	<u>complainant/ source of info</u>	<u>doctor involved</u>	<u>reason of dismissal</u>
8-3-2001	MC 3/1442/4/E (48/01)	Drug labeling	Member of public	Private	Inactionable: complainant failed to submit statutory declaration
15-2-2001	MC 1/1838/4/E (37/01)	Disregard of professional responsibility	Patient	Private	Surgical complication does not necessarily constitute professional misconduct
12-2-2001	MC 3/1032/4/E (35/01)	Miscellaneous	Patient's employer	Private	Miscommunication between doctor and complainant
12-2-2001	MC 1/1678/4/E (33/01)	Disregard of professional responsibility	Patient	Private	Misdiagnosis does not necessarily amount to professional misconduct
2-2-2001	MC 1869/4/E (30/01)	Practice promotion	Member of public	Private	Inactionable: no address; complainant cannot be contacted for further information
2-2-2001	MC 1/1613/4/E (28/01)	Disregard of professional responsibility	Patient	Private	Frivolous: bad attitude of doctor
2-2-2001	MC 1866/4/E (26/01)	Disregard of professional responsibility	Patient	Private	Difference of medical opinion between doctor and patient
2-2-2001	MC 1865/4/E (25/01)	Issue of misleading or false medical certificate	Patient's employer	Private	Groundless: the doctor made a clinical judgment to grant 4 days' sick leave to patient for his URTI; no evidence that the sick leave certificate was issued without bona-fide consultation
18-1-2001	MC 1864/4/E (23/01)	Miscellaneous	Patient's relative	Private	Frivolous: bad attitude of doctor
2-1-2001	MC 1850/4/E (4/01)	Miscellaneous	Patient	Private	Frivolous: Doctor's attitude
2-1-2001	MC 1/1177/4/E (5/01)	Issue of misleading or false medical certificate	Patient's employer	Private	Inactionable: complainant cannot be contacted
2-1-2001	MC 1851/4/E	Disregard of professional	Patient	Private	Groundless: patient had been prescribed the

<u>date of receipt</u>	<u>File ref.</u>	<u>nature</u>	<u>complainant/ source of info</u>	<u>doctor involved</u>	<u>reason of dismissal</u>
	(6/01)	responsibility			drug before and no drug allergy was observed at that time
8-1-2001	MC 4/827/4/E (12/01)	Disregard of professional responsibility	Patient's relative	Private	Groundless: standard regime of anti-depressant had been prescribed by the doctor
8-1-2001	MC 1/1602/4/E (14/01)	Miscellaneous	Patient's relative	Private	Groundless: complaint against attitude of nursing assistant; doctor has already apologized to the patient
12-1-2001	MC 1859/4/E (16/01)	Disregard of professional responsibility	Patient	Private	Groundless: misdiagnosis does not necessarily constitute professional misconduct; the doctor in fact had referred the patient to HKU for further investigation
12-1-2001	MC 1/1824/4/E (17/01)	Disregard of professional responsibility	Patient's relative	Private	Groundless: dosage of medicine prescribed might be high but not grossly excessive.
12-1-2001	MC 1860/4/E (18/01)	Miscellaneous	Patient	Private	Groundless: the doctor is justified in refusing to issue a receipt without actually receiving money from the patient.
12-1-2001	MC 1861/4/E (19/01)	Miscellaneous	Patient	Private	Groundless: display of signs of acceptance of credit card now allowable by MC
15-1-2001	MC 1/196/4/E (21/01)	Misleading or unapproved description & announcement	Another doctor	Private	Groundless: Complaint about Chinese translation of MD quoted at the doctor's stationery. Council allows such translation as it is the doctor's primary registrable qualification leading to direct registration.
2-2-2001	MC 1868/4/E (29/01)	Practice promotion	Anonymous	Private	Inactionable: complainant could not be contacted.

(B) Cases being processed

<u>date of receipt</u>	<u>File ref.</u>	<u>nature</u>	<u>complainant/ source of info</u>	<u>doctor involved</u>	<u>current status/outcome</u>
2-1-2001	MC 3/1428/4/E (1/01)	Conviction - failing to keep proper records of Dangerous Drugs.	Secretary of Pharmacy & Poison Board	Private	Scheduled for PIC meeting on 21-5-2001
2-1-2001	MC 1/1164/4/E (2/01)	Improper, indecent behaviour to patient	Patient	Private	Pending information from the Police
2-1-2001	MC 2/1392/4/E (3/01)	Misleading or unapproved description or announcement	Member of public	Private	Scheduled for PIC meeting on 21-5-2001
2-1-2001	MC 1852/4/E (7/01)	Disregard of professional responsibility	Patient	Private	Pending medical records
2-1-2001	MC 1853/4/E (8/01)	Disregard of professional responsibility	Patient's relative	Private	Pending further information and statutory declaration from complainant
3-1-2001	MC 1854/4/E (9/01)	Conviction of careless driving	Self-declared	Private	Scheduled for PIC meeting on 23-4-2001
3-1-2001	MC 1855/4/E (10/01)	Conviction of careless driving	Self-declared	Private	Scheduled for PIC meeting on 23-4-2001
3-1-2001	MC 1856/4/E (11/01)	Conviction of careless driving	Media	HA	Scheduled for PIC meeting on 21-5-2001
8-1-2001	MC 1857/4/E (13/01)	Disregard of professional responsibility	Patient	Private	Pending medical records
12-1-2001	MC 1858/4/E (15/01)	Miscellaneous	Patient	Private	Referred to PIC meeting; seeking legal advice on PIC Notice
12-1-2001	MC 1862/4/E (20/01)	Miscellaneous	Media	Private	Pending further information from the Police
18-1-2001	MC 1863/4/E (22/01)	Disregard of professional responsibility	Patient	Private	Pending statutory declaration from complainant
2-2-2001	MC 1/256/4/E (24/01)	Disregard of professional responsibility	Patient's relative	Private	Pending information from the police
2-2-2001	MC 1867/4/E	Disregard of professional	Patient	Private	Pending further information from

date of receipt	File ref.	nature	<u>complainant/ source of info</u>	<u>doctor involved</u>	<u>current status/outcome</u>
	(27/01)	responsibility			complainant
8-2-2001	MC 1870/4/E (31/01)	Conviction	Self-declared	Private	Pending court documents
12-2-2001	MC 1/1718/4/E (32/01)	Disregard of professional responsibility	Patient	Private	Pending consent for the release of medical records
12-2-2001	MC 1871/4/E (34/01)	Disregard of professional responsibility	Patient	Private	Pending further information from complainant
12-2-2001	MC 4/1428/4/E (36/01)	Miscellaneous	Another doctor	Private	Pending investigation by the Police
15-2-2001	MC 1872/4/E (38/01)	Disregard of professional responsibility	Patient's relative	Private	To be considered by Deputy Chairman of PIC
20-2-2001	MC 1/1456/4/E (39/01)	Disregard of professional responsibility	Patient's relative	Private	Pending information from the Police
5-3-2001	MC 1873/4/E (40/01)	Disregard of professional responsibility	Patient	Private	Pending statutory declaration from complainant
5-3-2001	MC 1874/4/E (41/01)	Disregard of professional responsibility	Patient	Private	To be considered by Deputy Chairman of PIC
5-3-2001	MC 1/1670/4/E (42/01)	Issue of misleading or false medical certificate	Patient's employer	Private	Pending consent for release of medical records
5-3-2001	MC 2/699/4/E (43/01)	Disregard of professional responsibility	Patient	Private	Referred to PIC meeting; seeking legal advice on PIC Notice
5-3-2001	MC 5/693/4/E (44/01)	Disregard of professional responsibility	Patient's relative	Private	Pending statutory declaration from patient
8-3-2001	MC 1/1869/4/E (45/01)	Practice promotion	Member of public	Private	To be considered by Deputy Chairman of PIC
8-3-2001	MC 2/1158/4/E (46/01)	Disregard of professional responsibility	Patient	Private	Pending further information and statutory declaration from complainant
8-3-2001	MC 1875/4/E (47/01)	Issue of misleading or false medical certificate	Patient's employer	Private	To be considered by Deputy Chairman of PIC

<u>date of receipt</u>	<u>File ref.</u>	<u>nature</u>	<u>complainant/ source of info</u>	<u>doctor involved</u>	<u>current status/outcome</u>
19-3-2001	MC 1876/4/E (49/01)	Miscellaneous	Patient's relative	Private	To be considered by PIC Chairman
19-3-2001	MC 1877/4/E (50/01)	Disregard of professional responsibility	Patient	HA	To be considered by PIC Chairman
19-3-2001	MC 1878/4/E (51/01)	Disregard of professional responsibility	Patient	Private	To be considered by PIC Chairman
19-3-2001	MC 1/1864/4/E (52/01)	Disregard of professional responsibility	Patient	Private	To be considered by PIC Chairman
19-3-2001	MC 1879/4/E (53/01)	Practice promotion	Anonymous	Private	To be considered by PIC Chairman
19-3-2001	MC 1880/4/E (54/01)	Indecent assault	Patient	Private	To be considered by PIC Chairman
19-3-2001	MC 1881/4/E (55/01)	Miscellaneous	Patient	Private	To be considered by PIC Chairman
19-3-2001	MC 1882/4/E (56/01)	Miscellaneous	Patient	Private	To be considered by PIC Chairman
19-3-2001	MC 3/377/4/E (57/01)	Disregard of professional responsibility	Patient's relative	Private	To be considered by PIC Chairman
21-3-2001	MC 6/427/4/E (58/01)	Conviction of failing to keep proper records of dangerous drugs	D of H	Private	Pending court documents
23-3-2001	MC 1883/4/E (59/01)	Conviction of careless driving	Self-declared	Private	Pending court documents