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

| Reasons for dismissal | No. of cases |
|--|--------------|
| 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 |
| | 77 |

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:

| (a) | Conviction in court | No. of cases 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/explanationconducting unnecessary or inappropriate treatment/surgery | 7 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 |
| | | 58 |

The major categories of cases referred by the PIC to the Council for inquiry in 2000 include:

| | | No. of cases | |
|-----|---|----------------------|--|
| (a) | Conviction | offences of accepted | ses were of minor and the Council the PIC's ndation that no inquiry eld) |
| (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 | |
| | | been hear | 15 cases, 5 cases have rd by the Council in 2000. iill be heard in 2001.) |

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

| | JanMar | AprJune | July-Sept. | OctDec. | Total |
|--|--------------|---------------|--------------|---------------|---------------|
| 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 | (-) | (-) | - (-) | - (-) | - (-) |

| No. of <u>Cases</u> | <u>Nature</u> | Fine | dings by Medical Council |
|------------------------|--|--|--|
| 5 | Disregard professional responsibilities to patients | 1 Warning letter (hearing carried forward from | |
| | | 2 | Reprimand |
| | | 1 | Warning letter |
| | | 1 | Not guilty |
| 1 | Failing to keep proper records of dangerous drugs | Ren | noval for 6 months, suspended for 1 year |
| 1 | Conviction of theft | Rep | orimand |
| 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 |] | |

| No. of Cases | <u>Nature</u> | Findings by Medical Council |
|-----------------|--|--|
| 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]

| No. of <u>Cases</u> | <u>Nature</u> | <u>Fin</u> | dings by Medical Council |
|---------------------|---|-------------|--|
| 4 | Disregard professional responsibilities to patients | 1 1 2 | Reprimanded Removed from register for 3 months, suspended for 2 years Part-heard (Hearings to be resumed in 1999) |
| 1 | Failing to properly label drugs dispensed | 1 | Removed from register for 3 months |
| 3 - 8 | Conviction (Failing to keep dangerous drugs record/failing to keep dangerous drug in locked receptacle) | 1 1 1 | Removed from register for 6 months and reprimanded respectively Removed from register for 12 months Removed from register for 3 months, suspended for 1 year |

[Summary: 6 cases: guilty 2 cases: hearings to be resumed]

| No. of <u>Cases</u> | <u>Nature</u> | <u>Fin</u> | dings by Medical Council |
|------------------------|---|------------|--|
| 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 |] | |

| No. of Cases | <u>Nature</u> | <u>Fin</u> | dings by Medical Council |
|-----------------|---|------------|--|
| 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</u> 2001 |
|---------------------------|---|------------------------|
| Number of co Of these: | omplaints/information received | 59 |
| | complaints that have been screened out because: | |
| (a) friv | olous/groundless (for specific reasons for dismissal, please the attached check-list): | 16 |
| (b) inac | ctionable: | |
| | 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 | - |
| | total no of cases dismissed by PIC Chairman/Deputy Chairman= | 20 |
| Cha | of complaints under investigation by PIC Chairman/ Deputy irman (incl. those pending further information and estigation) | 32 |
| , , | of complaints that the Deputy Chairman disagreed with the Chairman's decision and referred the case to PIC meeting | - |
| | of complaints dismissed by the PIC Chairman but the Deputy irman caused further investigation and eventually agreed to miss | - |
| (v) no. 0 | 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 | - |
| | of complaints that have been referred to Inquiry/Health nmittee 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 | _ |

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 nil is to be held

(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>complainant/</u> | <u>doctor</u> | |
|-----------------|------------------|------------------------------|---------------------|-----------------|---|
| date of receipt | <u>File ref.</u> | <u>nature</u> | source of info | <u>involved</u> | <u>reason of dismissal</u> |
| 8-3-2001 | MC 3/1442/4/E | Drug labeling | Member of public | Private | Inactionable: complainant failed to submit |
| | (48/01) | | | | statutory declaration |
| 15-2-2001 | MC 1/1838/4/E | Disregard of professional | Patient | Private | Surgical complication does not necessarily |
| | (37/01) | responsibility | | | constitute professional misconduct |
| 12-2-2001 | MC 3/1032/4/E | Miscellaneous | Patient's employer | Private | Miscommunication between doctor and |
| | (35/01) | | | | complainant |
| 12-2-2001 | MC 1/1678/4/E | Disregard of professional | Patient | Private | Misdiagnosis does not necessarily amount |
| | (33/01) | responsibility | | | to professional misconduct |
| 2-2-2001 | MC 1869/4/E | Practice promotion | Member of public | Private | Inactionable: no address; complainant |
| | (30/01) | | | | cannot be contacted for further information |
| 2-2-2001 | MC 1/1613/4/E | Disregard of professional | Patient | Private | Frivolous: bad attitude of doctor |
| | (28/01) | responsibility | | | |
| 2-2-2001 | MC 1866/4/E | Disregard of professional | Patient | Private | Difference of medical opinion between |
| | (26/01) | responsibility | | | doctor and patient |
| 2-2-2001 | MC 1865/4/E | Issue of misleading or false | Patient's employer | Private | Groundless: the doctor made a clinical |
| | (25/01) | medical certificate | | | 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 | Miscellaneous | Patient's relative | Private | Frivolous: bad attitude of doctor |
| | (23/01) | | | | |
| 2-1-2001 | MC 1850/4/E | Miscellaneous | Patient | Private | Frivolous: Doctor's attitude |
| | (4/01) | | | | |
| 2-1-2001 | MC 1/1177/4/E | Issue of misleading or false | Patient's employer | Private | Inactionable: complainant cannot be |
| | (5/01) | medical certificate | | | contacted |
| 2-1-2001 | MC 1851/4/E | Disregard of professional | Patient | Private | Groundless: patient had been prescribed the |

| date of receipt | File ref. | nature | <u>complainant/</u> source of info | <u>doctor</u> involved | reason of dismissal |
|-----------------|--------------------------|---|---------------------------------------|---------------------------|--|
| • | (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

| date of receipt | File ref. | nature | complainant/ source of info | doctor involved | current status/outcome |
|-----------------|-------------------------|---|--|--------------------|--|
| 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 | НА | 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 | <u>File ref.</u> | <u>nature</u> | <u>complainant/</u> source of info | <u>doctor</u> involved | current status/outcome |
|-----------------|--------------------------|--|---------------------------------------|---------------------------|--|
| | (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 |

| date of receipt | <u>File ref.</u> | <u>nature</u> | <u>complainant/</u> source of info | <u>doctor</u> involved | current status/outcome |
|-----------------|-------------------------|---|---------------------------------------|---------------------------|----------------------------------|
| 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 | НА | 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 |