



TRADITIONAL
C H I N E S E
M E D I C I N E
P R A C T I T I O N E R S
B O A R D

Case Studies of Complaint Cases handled by TCM Practitioners Board

(Updated as at 14 June 2024)

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Case Study 03/2023

A. INTRODUCTION

1. The complaint against the Registered Person, Ms. X, arose from a complaint or information received by the Traditional Chinese Medicine Practitioners Board (“the Board”) regarding the convictions of Ms. X under section 5(1) read with Sections 5(4)(a) and (b) of the Massage Establishments Act 2017 (“MEA”) on 23 October 2018 and 18 September 2020. (“the Convictions”).

2. At all material times, Ms. X is and was a registered Traditional Chinese Medicine (“TCM”) physician. She practiced at and was the registered owner of Clinic C, Singapore (the “Premises”).

3. An Inquiry Committee (“IC”) was appointed to inquire into the complaint against Ms. X. The inquiry hearing was held on 30 May 2023 and thereafter, the IC submitted its report and recommendations to the Board, as elaborated hereunder.

B. INQUIRY COMMITTEE’S FINDINGS AND RECOMMENDATIONS

4. Ms. X attended the inquiry hearing on 30 May 2023 together with her solicitors. The appointed person or the Board’s solicitor was also present.

5. The terms of reference or issues to be determined by the IC, as succinctly set out at Annex D of the written Notice of Complaint to Ms. X dated 8 February 2023 (Tab 1 of Agreed Bundle of Documents dated 23 May 2023), were as follows:

(i) Whether Ms. X was convicted of an offence in Singapore or elsewhere that implies a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act 2000 (the “TCMP Act”); and

(ii) Whether Ms. X is guilty of any improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

6. The following documents were submitted by the respective parties for the purposes of and/or referred to during the inquiry hearing:

(i) Agreed Statement of Facts dated 26 May 2023 duly signed by the Appointed Person and Ms. X (“ASOF”);

- (ii) Agreed Bundle of Documents dated 23 May 2023 (“ABOD”);
- (iii) Opening Statement of the Appointed Person dated 23 May 2023;
- (iv) Appointed Person’s Bundle of Authorities dated 23 May 2023;
- (v) Appointed Person’s Sentencing Submissions dated 29 May 2023; and
- (vi) Registered Person’s Written Submissions dated 29 May 2023.

(i) **Undisputed Facts / Admissions**

7. During the inquiry hearing, the ASOF was read and translated in Mandarin to Ms. X by the interpreter. Ms. X orally confirmed that she agreed to the same. A plea was also taken from Ms. X in respect of the complaint, in particular, the issues to be determined by the IC, and she admitted to the same although she said that it was not intentional. Her plea was also set out at [11] of the ASOF, which is reproduced hereunder for easy reference:

“11. The Registered Person admits that by virtue of her First Conviction and Second Conviction:

(a) She has been convicted of offences in Singapore or elsewhere that implies a defect in character which renders her unfit to remain on the Register under section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act (2000) (“TCMP Act”); and in respect of paragraph 4 of the Agreed Statement of Facts, insofar as it is alleged that he committed the offences intentionally, he disagreed and averred that he committed the offences unintentionally; and

(b) She is guilty of an improper act or conduct which renders her unfit to remain on the Register under section 19(1)(k) of the TCMP Act.”

8. The salient agreed facts as derived from the ASOF may be succinctly summarised as follows:

- (i) Ms. X is a registered TCM practitioner and she obtained her full registration since 9 October 2003.
- (ii) At all material times, Ms. X practiced at and was the registered owner of the Premises.

(iii) Ms. X had pleaded guilty and was convicted on 23 October 2018 vide MCN-902146-2018 for an offence under Section 5(1) read with Section 5(4)(a) of the MEA (“First Conviction”).

(iv) The charge for the First Conviction relates to providing massage services without a license. The charge (page 8 of ABOD) reads as follows:

“You ... are charged that you, on the 7th May 2018, at about 3.14 pm, at the establishment for massage named ‘Clinic C’, located at Singapore, did carry on the business of providing massage services in an establishment for massage, without a license issued under the Massage Establishment Act w2017 (Act 45 of 2017), nor exemption under Section 32 of the said Act, in contravention of Section 5(1) of the said Act, and you have thereby committed an offence under Section 5(1) punishable under Section 5(4)(a) of the said Act.”

(v) For the First Conviction, Ms. X pleaded guilty and was sentenced to a fine of S\$3,000 and in default, 2 weeks’ imprisonment.

(vi) Thereafter, on 13 February 2019, the police conducted a check at the Premises and discovered that the windows were covered by posters and entrance was obscured by frosted glass. Ms. X was required to comply with all the exemption conditions under the Massage Establishments (Exemption) Order 2018 (the “Exemption Order”). Paragraph 6(1)(b) of the Exemption Order requires that the massage be provided in full public view by ensuring that “no window in the premises and no entrance to the premises is obscured with any device or accessory, such as a tinted glass panel, a curtain, blinds, or any poster or notice”. By covering the Premises’ windows with posters and obscuring the entrance with frosted glass, Ms. X had contravened the exemption conditions under the Exemption Order.

(vii) Ms. X was charged in the State Courts of Singapore for an offence under Section 5(1) of the MEA. As she had a prior conviction, she was liable for enhanced punishment under Section 5(4)(b) of the MEA.

(viii) The relevant charge (page 18 of ABOD) reads as follows:

“You ... are charged that you, on 13 February 2019, at about 3.00 pm, at “Clinic C”, Singapore, an establishment for massage, did carry on the business of providing massage services, without a license issued under the Massage Establishment Act 2017 (No. 45 of 2017), nor by exemption under Section 32 of the said Act, and you have thereby committed an offence under Section 5(1) of the said Act.

And further that you, before the commission of the said offence, had on

23 October 2018, been convicted in State Court No. 23, vide MCN-902146-2018, for an offence under Section 5(4)(a) for contravening Section 5(1) of the said Act, which conviction and sentence has not been set aside to date, and you are hereby liable for enhanced punishment under Section 5(4)(b) of the said Act.”

(ix) On 18 September 2020, Ms. X pleaded guilty and was sentenced to a S\$6,000 fine and in default, 3 weeks' imprisonment (“Second Conviction”).

(x) At [11] of the ASOF, Ms. X admitted to the complaint, namely, as follows:

“11. The Registered Person admits that by virtue of her First Conviction and Second Conviction:

(a) She has been convicted of offences in Singapore or elsewhere that implies a defect in character which renders her unfit to remain on the Register under section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act (2000) (“TCMP Act”); and in respect of paragraph 4 of the Agreed Statement of Facts, insofar as it is alleged that he committed the offences intentionally, he disagreed and averred that he committed the offences unintentionally; and

(b) She is guilty of an improper act or conduct which renders her unfit to remain on the Register under section 19(1)(k) of the TCMP Act.”

9. Further, in Ms. X's written explanation provided by way of her solicitors' letter dated 28 February 2023 (pages 55 & 56 of ABOD), she admitted to the First Conviction and Second Conviction, expressed deep remorse and regret, and undertook not to repeat the offences.

10. A query or preliminary issue was also raised by her under Section 26E of the TCMP Act, i.e. that the IC had run out of time to complete its inquiry, which is reproduced hereunder as follows:

“10 Further and based on section 26E of the Traditional Chinese Medicine Practitioners Act, our client is of the view that the Inquiry Committee has run out of time to complete its inquiry of the complaint and report its findings and recommendations to the Board. Following the Board's first letter dated 26 February 2021, it has been more than 6 months since the complaint was referred to the Inquiry Committee.”

(ii) **Preliminary Issue**

11. In respect of the aforesaid preliminary issue, which was also set out at [4] and [5] of the Registered Person's Written Submissions, the IC informed Ms. X that the IC had complied with Section 26E of the TCMP Act as the IC was only appointed on 19 January 2023. Insofar as Counsel for Ms. X referred to the IC bearing number 2022/x, the IC clarified that it was an administrative number assigned by secretariat and has no bearing on when the IC was appointed.

12. The preliminary issue was therefore dealt with and any preliminary objection, if any, disposed of by the IC.

(iii) **Findings of the IC**

13. Based on the report submitted by the IC, the findings made by the IC were as follows:

(i) Ms. X has been convicted of offences in Singapore that implies a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the TCMP Act.

(ii) Ms. X is guilty of an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

14. In respect of the 2 aforesaid findings made by the IC, i.e. that Ms. X has been convicted of offences in Singapore that implies a defect in character and guilty of an improper act or conduct, which renders her unfit to remain on the Register under Sections 19(1)(h) and (k) respectively of the TCMP Act, the IC was of the view that they were not in dispute as they were admitted by Ms. X (as set out in [7] to [9] above).

15. The IC was also satisfied that the First Conviction and Second Conviction were substantiated by documentary evidence submitted for the inquiry proceedings, in particular, pages 5 to 21 of the ABOD.

16. The IC also referred to Section 22 of the TCMP Act which mandated that the IC shall accept the Convictions as final and conclusive. Section 22 of the Act provided as follows:

"22. The Board in taking action under section 19, and the General Division of the High Court on appeal from an order of the Board under section 21, are to accept the conviction of a registered person for a criminal offence as final and conclusive." (Emphasis added.)

17. The IC also considered the nature and circumstances of the Convictions, as well as the punishments meted out by the State Courts of Singapore on Ms. X. In particular, the IC was of the view that Ms. X was a repeat offender and in respect of the Second Conviction, she was liable for enhanced punishment under Section 5(4)(b) of the MEA. Insofar as Ms. X alleged that it was due to her poor command of the English language or ignorance (page 55 of ABOD), as admitted by her own lawyers, ignorance of the law is not an excuse.

18. It appeared to the IC therefore that Ms. X was unrepentant after the First Conviction and continued to breach the law which resulted in the Second Conviction. Such breach was, in the IC's view, intentional as she had the windows covered by posters and entrance obscured by frosted glass in respect of the Second Conviction.

19. The IC therefore found that Ms. X has been convicted of offences in Singapore that implies a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the TCMP Act as well as guilty of an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

20. Sections 19(1)(h) and 19(1)(k) of the TCMP Act provide as follows:

"19(1) The Board may cancel the registration of a registered person if the Board is satisfied that the registered person –

...

(h) has been convicted of an offence in Singapore or elsewhere implying a defect in character which renders him or her unfit to remain on the Register;

...

(k) has been guilty of any improper act or conduct which renders him or her unfit to remain on the Register ..."

(iv) Mitigating factors and Recommendations by the IC

21. In mitigation, Counsel for Ms. X urged the IC to take into consideration her honesty and remorse in declaring her Convictions when she attempted to renew her practicing certificate. He also urged the IC to take into account the long period of time that has elapsed since her last conviction to the inquiry, as well as the fact that she did not reoffend during that period of time.

22. The IC did not agree with the first mitigating factor as TCM practitioners are mandatorily required to declare any prior convictions when applying to renew their practicing certificates. This can be seen from Ms. X's application at page 31 of ABOD. Given that it was a mandatory requirement to declare any prior convictions or offences, the IC was of the view that it cannot be taken as a mitigating factor. In respect of the second mitigating factor, the IC was of the view that it should be taken into account in deciding the recommendations to be made to the Board save that it was not an unduly long period of time as her last conviction was on 18 September 2020.

23. In her submissions, the Appointed Person adopted the sentencing framework as enunciated in the landmark case of *Wong Meng Hang v SMC* [2019] 3 SLR 526 ("Wong Meng Hang") (Annex A of Appointed Person's Sentencing Submissions). The IC agreed with the sentencing framework in *Wong Meng Hang* and applied the same in deciding the recommendations to be made to the Board.

24. In this regard, the IC was of the view that the level of harm was moderate and level of culpability was low to moderate. The indicative sentencing range as enunciated in *Wong Meng Hang* would be a suspension of 3 months to 1 year. Having regard to the comparative precedents, the starting point for sentencing would be a suspension of about 6 months. The IC then took into account the offender-specific aggravating and mitigating factors, namely as follows:

- (i) the nature and seriousness of the offences and Convictions, taking into account also that Ms. X was a repeat offender;
- (ii) the need to repair the damage done to the profession as a result of her Convictions;
- (iii) Ms. X did not reoffend since her last conviction on 18 September 2020 and was no longer operating a massage establishment; and
- (iv) that she was remorseful and admitted to the complaint, hence saving much time and costs in these proceedings.

25. Based on the aforesaid, although the IC was of the view that Ms. X was liable to have her registration cancelled for her aforesaid breaches of Sections 19(1) (h) and 19(1)(k) of the TCMP Act, the IC recommended that the following measures under Section 19(2) of the Act should be meted out instead:

- (i) suspension of her registration as a TCM physician for a period of 4 months;
- (ii) that she gives an undertaking that she will abstain from such conduct and not repeat the same or similar offences again; and

(iii) censure.

C. BOARD'S DECISION

26. The hearing before the Board was conducted on 16 November 2023. Ms. X attended together with her solicitors.

27. In essence, Ms. X raised in mitigation that she is apologetic and willing to accept the undertaking and censure but asked for 2 months suspension instead as it affected her livelihood. Further, she sought to persuade the Board that some weight ought to be given in mitigation for her honest disclosure pertaining to the Convictions as otherwise, the Board would not be aware of the same.

28. The Board, having considered and deliberated on the documents, submissions and the IC's report, concurs with the findings of the IC that the complaint has been made out, namely that Ms. X has been convicted of offences in Singapore that implies a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the TCMP Act as well as guilty of an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

29. The findings are based on the aforesaid undisputed facts and admissions made by Ms Yang (summarized in [7] to [9] above), which were substantiated by documentary evidence submitted for the inquiry proceedings. Further, Section 22 of the TCMP Act mandates by law that the Convictions are to be accepted as final and conclusive.

30. In relation to sentencing, the Board agrees with the IC's approach and sentencing framework in Wong Meng Hang. The indicative sentencing range as enunciated in Wong Meng Hang would be a suspension of 3 months to 1 year where the level of harm was moderate and level of culpability was low to moderate.

31. Although Ms. X sought in mitigation to reduce the suspension to 2 months, the Board did not find any exceptional circumstances to justify a reduction below the aforesaid suspension range of 3 months to 1 year. Moreover, insofar as she sought to persuade the Board that some weight ought to be given in mitigation for her honest disclosure pertaining to the Convictions, the Board was not persuaded and did not agree with her arguments. This is because it was a mandatory requirement to disclose the Convictions in her application to renew her practicing certificate and failure to do so would amount to an offence.

32. Taking into account the offender-specific aggravating and mitigating factors as set out in [24] above, in particular that the Convictions relate to licensing offences under the MEA, she was remorseful and admitted to the complaint, and she did not

reoffend since her last conviction on 18 September 2020 and was no longer operating a massage establishment, the Board is of the view that a suspension of 4 months, which is on the lower end of the scale, would be appropriate.

33. In light of the above and pursuant to Section 19(2) of the TCMP Act, the Board decided that the following measures shall be taken against Ms. X:

- (i) suspension of her registration as a TCM physician for a period of 4 months, effective from 10 March 2024 to 9 July 2024;
- (ii) that she gives an undertaking that she will abstain from such conduct and not repeat the same or similar offences again; and
- (iii) censure.

34. Further, pursuant to Section 20 of the TCMP Act, the Board directs that Ms. X shall bear and pay for all the costs and expenses of and incidental to the inquiry proceedings.

D. CONCLUSION

35. In conclusion, the decision of the Board pursuant to Section 19(2) of the TCMP Act is that the following measures shall be taken against Ms. X:

- (i) suspension of her registration as a TCM physician for a period of 4 months, effective from 10 March 2024 to 9 July 2024;
- (ii) that she gives an undertaking that she will abstain from such conduct and not repeat the same or similar offences again; and
- (iii) censure.

36. Pursuant to Section 20 of the TCMP Act, the Board directs that Ms. Y shall bear and pay for all the costs and expenses of and incidental to the inquiry proceedings.

Case Study 02/2023

A. INTRODUCTION

1. TCMP Y is a Traditional Chinese Medicine (“TCM”) Practitioner. At all material times, she practised at Clinic A (“the Clinic”).
2. The Complaint against TCMP Y was made by a Public Officer from the Ministry of Health (“MOH”) on 23 March 2022. MOH’s investigations had revealed that:
 - a. TCMP Y had provided TCM services such as TCM consultation, prescription of herbal medicine, and acupuncture at the Clinic on 13, 20, and 27 April 2020;
 - b. these TCM services were provided to patients whose conditions would not result in significant or rapid deterioration if they had not received the said TCM services;
 - c. TCMP Y had violated Regulation 4(2) of the Covid-19 (Temporary Measures) (Control Order) Regulations 2020 (“Covid-19 Regulations”) when she left her ordinary place of residence to provide TCM services:
 - i. A Notice of Composition of \$300 was offered to TCMP Y for an offence under Regulation 4(2) of the Covid-19 Regulations that “every individual must stay at or in and not leave, his or her ordinary place of residence in Singapore” which took place at the Clinic on 13 April 2020. TCMP Y had left her home to provide TCM services to 12 patients;
 - ii. A Letter of Stern Warning was administered to TCMP Y for two offences under Regulation 4(2) of the Covid-19 Regulations which took place on 20 April 2020 and 27 April 2020. TCMP Y had left her home to provide TCM services to 12 patients and 18 patients respectively on the said 2 dates.

B. INQUIRY COMMITTEE’S FINDINGS AND RECOMMENDATIONS

3. An Inquiry Committee (“IC”) was appointed by the Board to investigate the Complaint.
4. The Terms of Reference (“TOR”) are as follows:
 - a. To establish the facts leading to the actions taken by the MOH:
 - b. Whether the Registered Person’s conduct amounted to professional

misconduct or negligence for purposes of under Section 19(1)(i) of the Traditional Chinese Medicine Practitioners Act 2000 (‘the TCMP Act’); and

c. Whether the Registered Person is guilty of any improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

5. TCMP Y had explained to the IC that she had thought that the treatment of chronic pain/nerve issues would be considered as Essential TCM Services because if the conditions were left untreated, it would result in significant and/or rapid deterioration of the patient’s condition, and which would threaten their health and well-being. TCMP Y further thought that the services she would provide would not fall within the examples of non-approved services provided in the appendix to the Circular 94/2020 dated 6 April 2020 from the Ministry of Health (“the April Circular”). TCMP Y therefore duly submitted an Application for Exemption from Suspension of Business Activities OR Declaration for Companies which provide Essential Services (“the Application for Exemption”) on 7 April 2020 and continued to provide the TCM services.

6. The IC observed that TCMP Y had pleaded guilty to professional misconduct under Section 19(1)(i) of the TCMP Act and performing an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act. The IC thus made the following findings and recommendations:

a. TCMP Y’s conduct amounted to professional misconduct for the purposes of Section 19(1)(i) of the TCMP Act; and

b. TCMP Y’s conduct amounted to an improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

c. The recommendation for appropriate sanctions against TCMP Y is that:

i. her registration be suspended for 3 months;

ii. she be fined a sum of \$5,000.00

iii. she be censured;

iv. she submits a written undertaking to TCMPB that she will not engage in the conduct complained of or any similar conduct; and

v. she pays the costs and expenses of the Legal Assessor and the advocate and solicitor appointed by the Board for the proceedings before the IC.

C. BOARD'S DECISION

7. The Board noted that TCMP Y had expressed deep remorse for breaching the Covid-19 Regulations. TCMP Y acknowledged that she did not receive any approval from the Ministry of Health on the Application for Exemption. TCMP Y had on 13, 20, and 27 April 2020 provided 41 consultations to 32 patients; out of these 32 patients, TCM services were provided to 22 patients. Apart from consultation and prescription of herbal medicine, the TCM services provided consisted of acupuncture and bone-setting.

8. TCMP Y had emailed a letter on mitigation on 28 September 2023 to the Board. This letter did not raise any new points beyond what she had submitted previously to the IC. The Board noted that TCMP Y had submitted the Application for Exemption from Suspension of Business Activities OR Declaration for Companies which Provide Essential Services on 7 April 2020 but that the approval was never given. The Board was of the view that having not received the approval, TCMP Y ought not to have attended to the patients. The Board further noted that it was clear from the April Circular that the provision of TCM services was limited to only TCM consultation and herbal treatment; acupuncture, cupping, moxibustion, guasha and tuina treatment were not allowed during the period. TCMP Y had admitted that these TCM services were non-essential services under the Covid-19 Regulations and the April Circular.

9. The Board would caution that TCM practitioners come into close contact with patients through consultation and treatment and it was very important to strictly comply with the Covid-19 Regulations in order not to risk the spread of infection amongst patients, staff and TCM practitioners. For pandemic preparedness, the General Advisory on Good Clinical Practice and Infection Control for TCM Practice issued on 5 February 2020 also required TCM practitioners to focus on reducing the risk of cross transmission within the clinic and to refer suspected patients to medical doctors or hospitals. The Board further noted that under The Ethical Code and Ethical Guidelines for TCM Practitioners, TCM practitioners “must adhere to the laws governing society and its practice”. The Offences committed by TCMP Y therefore cannot be condoned.

D. CONCLUSION

10. The Board noted the recommendations of the IC, amongst other actions against TCMP Y, for the suspension of TCMP Y's registration to be for a period of 3 months.

11. The Board further noted that because TCMP Y had attempted to comply with the April Circular by submitting the Application for Exemption, a lower suspension sentence was appropriate. The Board hence decided to impose the following sanctions on TCMP Y pursuant to Section 19(2) of the TCMP Act:

- a. a suspension of TCMP Y's registration for a period of 2 months, effective from 10 March 2024 to 9 May 2024;
- b. a fine of S\$5,000 to be paid by TCMP Y;
- c. a censure; and
- d. a written undertaking by TCMP Y that she will not engage in the conduct complained of or any similar conduct.

12. Pursuant to Section 20(1) of the TCMP Act, the Board has also directed TCMP Y to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against her.

Case Study 01/2023

A. INTRODUCTION

1. TCMP N is a Traditional Chinese Medicine (“TCM”) Practitioner. At all material times, she practised at Clinic N (the “Clinic”).

2. The Complaint against TCMP N was made by a Public Officer from the Ministry of Health on 30 May 2021 that TCMP N had pleaded guilty and was convicted on 7 April 2021 of 3 offences under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (the “Covid-19 Control Regulations”) in the State Courts. There were 4 other charges taken into consideration for the purposes of sentencing. TCMP N was fined a total of \$10,500.00 (the “Conviction”).

3. The offences, which are the subject of the Conviction, took place on 1 day on 29 April 2020 and related to TCMP N leaving her ordinary place of residence and she had, without reasonable excuse, failed to ensure that the Clinic was closed to entry by any individual (the “Offences”). TCMP N had allowed 4 persons to be at the Clinic and attended to 3 of them as patients on 29 April 2020. For 1 set of patients who were mother and child, TCMP N had diagnosed their medical conditions and prescribed medication. For the third patient, TCMP N had performed tapping services and prescribed medication.

B. INQUIRY COMMITTEE’S FINDINGS AND RECOMMENDATIONS

4. An Investigation Committee (“IC”) was appointed by the Board to investigate the Complaint. The IC was asked to consider the following Terms of Reference:

(a) Whether the Offences that the Registered Person was convicted of imply a defect in character which renders the Registered Person unfit to remain on the Register under Section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act 2000 (the “TCMP Act”);

(b) Whether the Registered Person’s conduct in committing the Offences in the circumstances set out in the Statement of Facts which the Registered Person pleaded guilty to amounted to an improper act or conduct which renders the Registered Person unfit to remain on the Register under Section 19(1)(k) of the TCMP Act; and

(c) Whether the Registered Person’s registration as a TCM practitioner should be cancelled pursuant to Section 19(1) of the TCMP Act, and if not, what would be the appropriate sanction(s) to be taken out against the Registered Person under Section 19(2) of the TCMP Act.

5. TCMP N appeared in person before the IC and stated that she was under the impression that her husband had submitted the declaration to the Ministry of Health online for the Clinic to continue operations during the deferment period of four weeks from 7 April 2020. TCMP N asserted that she did not realize that her husband had in fact not done so. TCMP N explained that she had informed her patients that the Clinic was closed but, in the end, attended to the patients out of compassion for their medical conditions.

6. The IC noted that TCMP N had admitted to being convicted for committing the Offences on 29 April 2020. The IC arrived at the following findings:

a. TCMP N was not convicted of an offence in Singapore implying a defect in character which renders her unfit to remain on the Register under Section 19(1)(h) of the TCMP Act; and

b. TCMP N is guilty of improper act or conduct which renders her unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

c. The recommendation for appropriate sanctions against TCMP N is:

i. her registration be suspended for 3 months;

ii. she be censured;

iii. she submits a written undertaking to TCM PB that she will not engage in the conduct complained of or any similar conduct; and

iv. she pays the costs and expenses of the Legal Assessor and the advocate and solicitor appointed by the Board for the proceedings before the IC.

C. BOARD'S DECISION

7. TCMP N had emailed a letter of mitigation on 11 September 2023 to the Board reiterating her submissions at the IC Hearing. The Board noted that TCMP N had expressed deep remorse for breaching the Covid-19 Control Regulations. The Board noted that TCMP N's mitigation letter did not raise any new points which were beyond what she had previously submitted to the IC.

8. The Board noted that TCM practitioners come into close contact with patients through consultation and treatment and it was very important to strictly comply with the Covid-19 Control Regulations in order not to risk the spread of infection amongst patients, staff and TCM practitioners. For pandemic preparedness, the Infection Control Advisory also required TCM practitioners to focus on reducing the risk of cross

transmission within the clinic and to refer suspected patients to medical doctors or hospitals. The Board further noted that under The Ethical Code and Ethical Guidelines for TCM Practitioners, TCM practitioners “must adhere to the laws governing society and its practice”. The Offences committed by TCMP N therefore cannot be condoned.

Case Study 05/2022

A. INTRODUCTION

The complaint made against the Registered Person, Mr. P, arose from a complaint or information received by the Traditional Chinese Medicine Practitioners Board (the “Board”) regarding the conviction of Mr. P under Section 354(2) of the Penal Code (Cap. 224) for outrage of modesty by the State Courts of Singapore on 4 December 2020, which on appeal on 23 April 2021, the conviction was upheld, and sentence increased.

2. The brief facts pertaining to the complaint are as follows:

(a) Mr. P is a registered Traditional Chinese Medicine (“TCM”) physician and currently on the register but without a valid practising certificate, which lapsed after 30 June 2022.

(b) At the material time, he was practising at Clinic Y (the “Clinic”).

(c) On 4 December 2020, after a trial for an offence of outrage of modesty involving a then 12 years old male patient (“the Patient”) under Section 354(2) of the Penal Code (Cap. 224) (“the Offence”), Mr. P was convicted and sentenced to 18 months imprisonment by the State Courts of Singapore.

(d) On appeal, an additional 2 months’ imprisonment was imposed in substitution for caning on 23 April 2021. The total sentence was increased to 20 months’ imprisonment (the “Conviction”).

(e) The Conviction has been certified by the State Courts of Singapore dated 2 February 2023 and the written grounds of decision published in SGDC 273.

(f) The Conviction relates to the following charge:

“... on 24 July 2018, sometime between 9.00 pm and 9.45 pm, at the massage room of Clinic Y, did use criminal force to one [redacted] (male / then 12 years old), knowing it to be likely that you would thereby outrage the modesty of the said victim by such criminal force, to wit, by touching the penis and testicles of the said victim and kissing the said victim on the lips, and you have thereby committed an offence punishable under s 354(2) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

(g) Sections 354(1) and (2) of the Penal Code (Cap. 224) read as follows:

“Assault or use of criminal force to a person with intent to outrage modesty

354 (1) *Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with caning, or with any combination of such punishments.*

(2) *Whoever commits an offence under subsection (1) against any person under 14 years of age shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.” (Emphasis added.)*

3. An Inquiry Committee (“IC”) was constituted, and it has since completed the inquiry and submitted its report (“IC Report”) to the Board. Thereafter, the Board convened a hearing (the “Board Hearing”) on 30 August 2023 for Mr. P to address the Board. Mr. P attended the Board Hearing in person.

B. BOARD’S DECISION

4. The Board, having considered and deliberated on the IC Report as well as the documents, evidence and oral submissions of Mr. P during the Board Hearing, agrees and accepts the findings of the IC as set out below.

5. There is clear and irrefutable evidence that Mr. P has been convicted of the aforesaid Offence, i.e. the Conviction. In particular, the certificate from the State Courts of Singapore dated 2 February 2023 as well as the written grounds of decision published in SGDC 273.

6. Whilst Mr. P took the position at the Board Hearing (as well as in the Inquiry Proceedings) that he was innocent and wrongly convicted, the Board has no jurisdiction to look into the matter as his recourse lies with the criminal courts. Indeed, Mr. P did appeal against his Conviction and on 23 April 2021, his appeal was dismissed and an additional 2 months’ imprisonment was imposed in substitution for caning. His total sentence was therefore increased to 20 months’ imprisonment.

7. More pertinently, Section 22 of the Traditional Chinese Medicine Practitioners Act 2000 (the “TCMP Act”) mandates that the Board shall accept such conviction as final and conclusive.

8. Section 22 of the Act provides:

“The Board in taking action under section 19, and the General Division of the High Court on appeal from an order of the Board under section 21, are to accept the conviction of a registered person for a criminal offence as final and

conclusive.” (Emphasis added.)

9. In the premises, the Board has to accept the Conviction as final and conclusive and is not in a position to consider Mr. P’s plea of innocence or wrongful conviction.

10. The Conviction relates to the offence of outrage of modesty under Section 354(2) of the Penal Code (Cap. 224). The gravity of the Offence is compounded by the fact that it relates to a minor, a young and vulnerable 12 years old boy at the material time. It was committed in the Clinic and in a TCM practitioner-patient relationship. The Board takes a very strong view that the nature of the Offence is very serious and grave in nature, and an abuse of the privileges accompanying registration as a TCM practitioner. Such conduct implies a defect in character which renders Mr. P unfit to remain on the Register under Section 19(1)(h) of the TCMP Act

11. Further, such conduct is regarded as disgraceful and dishonourable to the TCM profession. It amounts to professional misconduct as defined in the Ethical Code and Ethical Guidelines for TCM Practitioners (“ECEG”), which provides that:

“Whether the conduct being complained amounts to professional misconduct is to be determined by the rules and standards of the TCM profession. Professional misconduct is akin to the expression “infamous conduct in a professional respect”. The expression “infamous conduct in a professional respect” has been judicially defined in the case of Alison v General Council of Medical Education and Registration as follows:

“If it is shown that a medical man in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, it is open to the [Board] to say that he has been guilty of infamous conduct in a professional respect.” (Emphasis added.)

12. Accordingly, the Board is of the view that the conduct of Mr. P as revealed in the aforesaid Conviction amounted to professional misconduct under Section 19(1)(i) of the TCMP Act as well as improper acts or conduct which renders him unfit to remain on the Register for the purposes of Section 19(1)(k) of the TCMP Act.

13. Insofar as mitigation is concerned, Mr. P sought to rely on several certificates of good merit and testimonials. Such testimonials of good character or good work are of limited value as the paramount consideration in such inquiry or disciplinary proceedings is safeguarding the public and repairing the damage done to the TCM profession. Further, it is to be measured against the gravity of the Offence that Mr. P has been convicted of.

14. Taking all of the aforesaid into account, the Board is of the view that striking off would be appropriate based on all the circumstances of this case so as to safeguard the public and repair the damage done to the TCM profession. Mr. P's registration as a registered person is therefore cancelled pursuant to Section 19(1) of the Act.

15. Further, pursuant to Section 20 of the TCMP Act, the Board directs that Mr. P shall bear and pay for all the costs and expenses of and incidental to the inquiry proceedings.

Case Study 04/2022

A. INTRODUCTION

The complaint made against the Registered Person, Mr. L arose from a complaint or information received by the Traditional Chinese Medicine Practitioners Board (the “Board”) regarding the conviction of Mr. L for 2 offences under Section 354(1) of the Penal Code (Cap. 224) for outrage of modesty and 2 offences under Section 509 of the Penal Code (Cap. 224) for insulting the modesty of a victim by the State Courts of Singapore on 30 June 2021.

2. The brief facts pertaining to the Complaint are as follows:

(a) Mr. L is a registered Traditional Chinese Medicine (“TCM”) physician and currently on the register but without a valid practising certificate, which lapsed after 30 June 2022.

(b) At the material time, he was practising at Clinic X (“Clinic”).

(c) On 5 July 2022, the Board received information from one Ms. C, from the Singapore Police Force, that Mr. L has been convicted and sentenced on 5 August 2021 to 13 months and 2 weeks’ imprisonment for 4 offences pertaining to outrage of modesty and insulting the modesty of a woman (the “Convictions”).

(d) The Convictions relate to the following 4 charges:

1st Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did use criminal force to ... with the intention to outrage her modesty, to wit, by rubbing both her nipples and sucking on them and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

2nd Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did use criminal force to one ... with the intention to outrage her modesty, to wit, by touching the upper part of her vagina through her pants, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

3rd Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did insult the modesty of one ... to wit, by asking the victim to apply lubricant gel on her vagina, and you have thereby committed an offence punishable under section 509 of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

4th Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did insult the modesty of one ... to wit, by asking the said ... about whether she was married and whether she had a boyfriend, and upon finding out that she had a boyfriend, telling her to have more sexual intercourse with her boyfriend and suggesting that her boyfriend could suck her nipple to have better blood circulation, or words to that effect, and you have thereby committed an offence punishable under section 509 of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

(e) In the State Courts of Singapore, Mr. L was convicted after trial and sentenced on 5 August 2021 to a total term of 13 months and 2 weeks' imprisonment with effect from 20 August 2021. The Convictions have been certified by the State Courts of Singapore dated 21 October 2022.

3. An Inquiry Committee (“IC”) was constituted, and it has since completed the inquiry and submitted its report (“IC Report”) to the Board. Thereafter, the Board convened a hearing (the “Board Hearing”) on 23 August 2023 for Mr. L to address the Board. However, Mr. L did not respond, nor did he attend the Board Hearing. Notice of the Board Hearing was given to Mr. L by way of a registered letter dated 24 July 2023 as well as email notifications of 24 July 2023, 25 July 2023, 7 August 2023 and 11 August 2023.

B. BOARD’S DECISION

4. The Board, having considered and deliberated on the IC Report as well as the documents and evidence pertaining thereto, agrees and accepts the findings of the IC as set out below.

5. There is clear and undeniable evidence that Mr. L has been convicted of the aforesaid offences, i.e. the Convictions. In particular, the certificate from the State Courts of Singapore dated 21 October 2022 certified that Mr. L was convicted after trial and sentenced on 5 August 2021 to 13 months and 2 weeks' imprisonment with effect from 20 August 2021. Such conviction is final and conclusive pursuant to Section 22 of the Traditional Chinese Medicine Practitioners Act 2000 (the “TCMP Act”).

6. The Convictions relate to outrage of modesty and insulting the modesty of a woman. They were committed in the Clinic and in a TCM practitioner-patient relationship. The Board takes a very strong view that such sexual offences are of a serious and grave nature, and an abuse of the privileges accompanying registration as a TCM practitioner. They imply a defect in character which renders Mr. L unfit to remain on the Register under Section 19(1)(h) of the TCMP Act.

7. Further, such conduct is regarded as disgraceful and dishonourable to the TCM profession. It amounts to professional misconduct as defined in the Ethical Code and Ethical Guidelines for TCM Practitioners (“ECEG”), namely that:

“Whether the conduct being complained amounts to professional misconduct is to be determined by the rules and standards of the TCM profession. Professional misconduct is akin to the expression “infamous conduct in a professional respect”. The expression “infamous conduct in a professional respect” has been judicially defined in the case of Alison v General Council of Medical Education and Registration as follows:

“If it is shown that a medical man in the pursuit of his profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, it is open to the [Board] to say that he has been guilty of infamous conduct in a professional respect.” (Emphasis added.)

8. Accordingly, the Board is of the view that the conduct of Mr. L as revealed in the aforesaid Convictions amounted to professional misconduct under Section 19(1)(i) of the TCMP Act as well as improper acts or conduct which renders him unfit to remain on the Register for the purposes of Section 19(1)(k) of the TCMP Act.

9. Insofar as mitigation is concerned, the Board notes that Mr. L has shown no remorse and chosen not to respond or take part in the inquiry proceedings and the Board Hearing.

10. Taking all of the aforesaid into account, the Board is of the view that striking off would be appropriate based on all the circumstances of this case. Mr. L’s registration as a registered person is therefore cancelled pursuant to Section 19(1) of the Act.

11. Further, pursuant to Section 20 of the TCMP Act, the Board directs that Mr. L shall bear and pay for all the costs and expenses of and incidental to the inquiry proceedings.

Case Study 03/2022

TCMP C is a Traditional Chinese Medicine (“TCM”) Practitioner. At all material times, he practised at Clinic C.

2. The Complaint against TCMP C was made by Mr B on 5 October 2018 that TCMP C had been convicted on 19 September 2018 under Section 24(1)(a) of the Traditional Chinese Medicine Practitioners Act 2000 (Cap 333A) (“TCMP Act”) for carrying out prescribed practice of TCM as an unqualified person between 16 September 2016 and 15 June 2017 (the “Conviction”).

3. An Investigation Committee (“IC”) was appointed by the Board to investigate the Complaint. The IC observed that TCMP C had pleaded guilty to the charges preferred against him in the State Courts and that, in his explanation to the IC, he had admitted to practising TCM while under suspension. The IC arrived at the following findings:

- a. TCMP C was convicted of an offence in Singapore implying a defect in character which renders him unfit to remain on the Register under Section 19(1)(h) of the TCMP Act; and
- b. TCMP C is guilty of improper act or conduct which renders him unfit to remain on the Register under Section 19(1)(k) of the TCMP Act.

4. The Board noted that TCMP C had expressed deep remorse and said he would not make the mistake again. His concern at that time was to perform the acupuncture on the patients to enable the patients to get well and recover from suffering; that the treatment did not result in any complaint or worsening effect. TCMP C said that he had not performed any other TCM treatments and had employed registered TCM physicians in his clinic. TCMP C emailed a letter on mitigation on 1 August 2023 to the Board.

5. At the hearing on 3 August 2023, the Board has decided to impose the following sanctions on TCMP C pursuant to Section 19(2) of the TCMP Act:

- a. a suspension of TCMP C’s registration for a period of 9 months;
- b. a financial penalty of \$5,000.00;
- c. a censure; and
- d. a written undertaking by TCMP C that he will not engage in the conduct complained of or any similar conduct.

6. Pursuant to Section 20(1) of the TCMP Act, the Board has also directed TCMP C to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against him.

Case Study 02/2022

TCMP C is a registered Traditional Chinese Medicine (TCM) Practitioner with the TCM Practitioners Board. At all material times, she was practising at Clinic Y.

2 A complaint was lodged against TCMP C on 19 May 2019, by way of an email from a Police Inspector of the General Licensing Division, Police Licensing & Regulatory Department of the Singapore Police Force (the “**Complaint**”). The Inspector informed the Board that TCMP C had been charged with and convicted of 1 count of operating an establishment for massage without a licence, in breach of the Massage Establishments Act 2017 (Act 45 of 2017), on 15 April 2019 (the “**Conviction**”). TCMP C was sentenced to pay fines of S\$3,000 by the State Courts.

3 An Inquiry Committee was convened by the Board to investigate into the Complaint. On the conclusion of hearing, the Inquiry Committee found that the Complaint and the Conviction concerned an offence which implied a defect in character which rendered TCMP C unfit to remain on the Register of the Board under section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act 2000 (the “**TCMP Act**”); and that TCMP C’s conduct in regard to the Complaint and the Conviction amounted to an improper act and conduct under section 19(1)(k) of the TCMP Act.

4 Given its findings, the Inquiry Committee recommended to the Board that TCMP C’s registration as a TCM practitioner be suspended for a period of 3 months, that she provides a written undertaking to abstain from the conduct that is the subject of the Conviction, and be censured.

5 TCMP C was given an opportunity to offer her explanation and mitigation in person on 6 April 2023. Prior to that, TCMP C appealed for a lighter punishment through a letter from the MP for Jalan Besar GRC dated 20 March 2023.

6 In determining the sanctions, the Board considered the relevant factors from the IC’s findings which include the following:

- a) TCMP C had caused harm to the reputation of the TCM profession as she had associated herself professionally with services that were not compatible with the TCM practice;
- b) TCMP C applied for a massage establishment license on several occasions;
- c) There was no evidence suggesting that TCMP C was operating an establishment with vice activities; and

- d) No harm was caused to TCMP C 's patients or customers or at least none had been alleged.

7 The mitigating factors raised by TCMP C include the following:

- a) TCMP C was a first time offender;
- b) She cooperated with the Board's investigations from the outset;
- c) She did not attempt to raise any objections to the Complaint or the Conviction;
- d) She has ceased operating Clinic S and it is unlikely she will re-offend;
- e) Prior to her Conviction, she notified the Board of the Charge on or about 28 March 2019 and informed of the Board of her wrongdoing; and
- f) TCMP C had lost about S\$40,000 arising from the closure of Clinic S, and this is probably a painful lesson for her.

8 Having considered the factors in paragraph 6 and 7, the Board decided to impose the following sanctions against TCMP C pursuant to section 19(2) of the TCMP Act:

- (a) suspension of TCMP C's TCM registration for a period of two (2) months;
- (b) provision of a written undertaking to abstain from the conduct that is the subject of the earlier criminal conviction; and
- (c) censure.

9 TCMP C was also ordered to pay for the costs and expenses of and incidental to the inquiry conducted and action taken against her pursuant to section 20(1) of the TCMP Act.

10 The Board takes a serious view towards any breaches of the Ethical Code and Ethical Guidelines. Disciplinary action will be taken against TCM practitioners who associate themselves with unlicensed massage establishments and bring disrepute to the TCM profession.

Case Study 01/2022

TCMP A is a registered Traditional Chinese Medicine (TCM) Physician with the TCM Practitioners Board. At all material times, he practiced at Clinic A. TCMP A was still suspended from TCM practice pursuant to the decision of the Traditional Chinese Medicine Practitioners Board (the “Board”) in IC XX, where he was suspended for a period of one year.

2 A complaint with statutory declaration was filed against TCMP A on 11 May 2020. The Complainant alleged professional misconduct concerning the negligent nose treatment (“**Nose Treatment**”) that TCMP A had administered, causing possible nasal folliculitis on the Complainant’s right nose.

3 The Complainant consulted TCMP A on 27 February 2020 for his “*stuffy nose*”. After a quick look at the Complainant’s nose, TCMP A commented that his “*nose meat was small*” and proceeded to insert 2 thin and flat metal rods wrapped with cotton gauze at its tips (which were dipped into some unknown liquid) into the Complainant’s nostrils for several minutes.

4 The Nose Treatment caused a strong burning sensation and the Complainant called out to TCMP A for help twice due to the pain, but TCMP A did not attend to him. The Complainant was then attended to by a middle-aged female person for payment, given some capsules and herbal powder, and told to return for follow-up consultation in 2 weeks’ time.

5 During the second consultation on 12 March 2020, TCMP A examined the Complainant’s nose and wanted to use an extracting tool to extract dry skin and tissue from the Complainant’s nostrils. The Complainant refused as he saw that the extracting tool was not sanitised. He also reported that his right nostril had been painful since the Nose Treatment, leaving a scar near his right nostril and a deviation of his nose to the right side which might require an x-ray.

6 On 24 April 2020, the Complainant consulted further medical treatment at Choa Chu Kang Polyclinic for the growing pain in his nose. He was referred to the National University Hospital. On 5 May 2020, he attended the Otolaryngology clinic at the National University Hospital. On examination, the Complainant’s right antennal nose cartilage was reported to appear thickened compared to the left side and he was treated for possible nasal folliculitis.

7 No Written Explanation was furnished by TCMP A despite due notice and an Inquiry Committee (IC) was convened by the Board to investigate into the Complaint. On the conclusion of hearing, the IC made the following findings:

- (a) TCMP A failed to provide good clinical care to the Complainant during the consultation in contravention of Clause 4.1.1 of the Ethical Code and Ethical Guidelines, in particular, failure to abide with Clauses 4.1.1(a) and (e) thereof. This is in breach of Regulation 2 of the Traditional Chinese Medicine Practitioners (Practice, Conduct and Ethics) Regulations, which amounted to a contravention of Section 19(1)(f) of the Act.
- (b) There was insufficient evidence to determine whether the medicines prescribed by TCMP A to the Complainant complied with Clause 4.1.3 of the Ethical Code and Ethical Guidelines.
- (c) TCMP A was notified of the decision of the Board in IC XX.
- (d) The Nose Treatment administered by TCMP A to the Complainant was similar to the one administered by TCMP A in IC XX.

8 In determining the sanctions to be imposed on TCMP A, the Board took into consideration that the documents and evidence presented at the IC hearing were not challenged by TCMP A and the fact that TCMP A at the material time when he administered the Nose Treatment, was still in suspension from TCM practice pursuant to the Board's decision in IC XX.

9 TCMP A failed to provide good clinical care to the Complainant during the consultation. There was insufficient evidence to determine whether the medicines prescribed by TCMP A to the Complainant complied with Clause 4.1.3 of the Ethical Code and Ethical Guidelines. TCMP A continued to administer the Nose Treatment despite knowing that it was not an appropriate or accepted method of TCM treatment and that he was in fact under suspension from practice as a TCM practitioner for a period of one year.

10 Taking into consideration the IC's findings, the Board decided to cancel his TCM registration, pursuant to Section 19(1) of the TCM Practitioners Act. TCMP A was also ordered to pay for the costs and expenses of and incidental to the inquiry conducted and actions taken against him.

Case Study 02/2020

TCMP Y is a registered Traditional Chinese Medicine (TCM) Practitioner with the TCM Practitioners Board. At all material times, she practised at Clinic N.

2 A complaint with statutory declaration was filed against TCMP Y on 21 March 2018. The Complainant alleged that TCMP Y had failed to exercise reasonable care and precautions while administering TCM cupping treatment, causing burn injuries on the Complainant's left calf.

3 The Complainant consulted TCMP Y on 3 October 2017 for a sprained left ankle. After examining the ankle, TCMP Y proceeded to perform TCM fire cupping treatment along the Complainant's left calf and ankle area. The cupping procedure was repeated three times during the treatment, with the last episode resulting in an intense sharp pain on the Complainant's calf.

4 When the cup was removed, the Complainant's ankle area was found to be red and blistering ("burn Injury"). To treat the blisters, TCMP Y applied some Chinese medicated oil on the affected area. She also told the Complainant that minor rashes and blisters were common occurrence in TCM fire cupping treatments. When the pain continued to linger, the Complainant sought further medical treatment at the A&E department on the same day, where she was diagnosed with second degree burns.

5 After reviewing the Written Explanations furnished by TCMP Y, an Inquiry Committee was convened by the Board to investigate into the Complaint. On the conclusion of hearing, the Inquiry Committee made the following findings:

- (a) TCMP Y had adequately informed the complainant of the benefits and risks (minor burns and blisters) of TCM fire cupping treatment before the signing of the consent form to receive treatment.
- (b) The Inquiry Committee after reviewing the evidence found that TCMP Y had caused the Complainant to sustain burn injuries by failing to provide appropriate care and exercise safeguards, to prevent the risk of burn injuries to the complainant. As a result, the Inquiry Committee found TCMP Y guilty of professional negligence and this amounts to a breach of Clause 4.1.1 (e) of the Ethical Code and Ethical Guidelines for TCM practitioners.
- (c) TCMP Y was found to have acted in breach of paragraph 4.1.1(e) of the Ethical Code and Ethical Guidelines for TCM Practitioners and read in conjunction with Section 19(1)(f) and (i) of the TCM Practitioners Act (Cap 333A).

6 In determining the sanctions to be imposed on TCMP Y, the Board took into consideration the severity of the burn injuries, the conduct of TCMP Y at the material

time when she administered the TCM fire cupping treatment and the mitigating circumstances.

7 TCMP Y was not mindful that heating up the same glass cup with fire after each cupping movement had caused the cup to be overheated. Consequently, the cumulative heat inside the cup and on the rim of the cup caused burn injuries to her patient. TCMP Y also failed to carefully monitor the Complainant's skin colour and condition after each cupping movement before administering further cupping. She did not take adequate precautions to avert serious burn injuries to her patient.

8 The Board also considered the mitigating factor that TCMP Y had demonstrated good intentions in caring for the Complainant after the burn incident. She procured additional burn medications from the pharmacy for the Complainant. The Board also noted that she did not collect any payment from the latter for her TCM treatment.

9 Taking into considerations the Inquiry Committee's findings and the mitigation by TCMP Y, the Board decided to impose the following sanctions against TCMP Y, pursuant to Section 19(2) of the TCM Practitioners Act:

(a) A suspension of TCMP Y's TCM registration for a period of six (6) months;
and

(b) Censure

10 Pursuant to Section 20(1) of the Act, TCMP Y is ordered to pay for the costs and expenses of and incidental to the inquiry conducted and action taken against her.

11 Patient safety is of paramount importance in all TCM treatments and the Board would like to urge all registered TCM practitioners to participate in Continual Professional Education (CPE) and to exercise due care and precautions in administering TCM heat therapies so as to prevent burns to patients. The Board is deeply concerned with repeated occurrences of burn injury cases due to professional negligence. Over the last 5 years (from 2016 to 2020), there were 5 reported cases of burn injury caused to patients and these were attributed mainly to TCM acupuncture treatment involving TCM cupping and moxibustion. A lack of awareness of the required professional standards is not an excuse and a departure from the standard of care reasonably expected of a TCM practitioner. Disciplinary actions will be taken against errant TCM practitioners for professional misconduct and negligence to protect the interests of all patients. The Board has also rolled out mandatory continuing TCM education last year for all registered TCM practitioners to raise the standard and safety of TCM practice in Singapore.

Case Study 01/2020

TCMP Y and TCMP Z are registered Traditional Chinese Medicine (TCM) practitioners with the TCM Practitioners Board. Both of them practise at Clinic B.

2 On 20 October 2016, a complaint, by way of statutory declaration, was filed against TCMP Y and TCMP Z by a patient (“the Complainant”). The details and nature of the Complaint are briefly summarised below.

3 The Complainant alleged that TCMP Y had inserted absorbable surgical threads on various parts of her body to treat her knee, neck and back pain sometime in August/ September 2014 without advising her of the actual benefits, risks and possible complications.

4 TCMP Y told the Complainant that the inserted surgical threads would dissolve in one to two days. However, the surgical threads inserted in her neck did not dissolve, resulting in pain and discomfort in her neck area. The surgical threads, measuring one centimeter in length, was eventually removed from the Complainant’s neck several months later after she sought treatment from an orthopaedic surgeon. TCMP Y had subsequently arranged for his wife, TCMP Z, to provide continued TCM care to the Complainant when he was away on an overseas trip.

5 The Complainant also filed a complaint against TCMP Z for failing to exercise due responsibility and appropriate care in the administration of TCM moxibustion treatment on her on 4 September 2014. The Complainant sustained third degree burns on her knees following the TCM moxibustion treatment.

6 TCMP Z had instructed her former clinic assistant to perform moxibustion treatment on the Complainant instead of administering the treatment herself. Thereafter, she did not monitor or supervise the work of her former assistant closely.

7 During the moxibustion treatment, although the Complainant repeatedly complained of extreme pain, no steps were taken to address her concerns and the Complainant was asked to tolerate the pain. The Complainant was told that the pain would subside shortly after the treatment. However, the pain persisted even after the Complainant had returned home. When blisters started to form on her knees, the Complainant’s family called TCMP Z to seek advice but was told that such symptoms were normal side effects of the moxibustion treatment and that the pain would subside without any need for medical attention. The next day, the Complainant returned to see TCMP Z for her blisters. TCMP Z told the Complainant that the appearance of blisters was a positive sign of toxins being expelled from her body.

8 The blisters on the Complainant’s knees did not recover and TCMP Y and TCMP Z were notified of this fact. Both continued to maintain that these symptoms were normal and healing would take time. The Complainant sought medical treatment on 15 September 2014 and was hospitalised on 19 September 2014 for approximately one month. Doctors at the hospital confirmed that the Complainant suffered third degree burns caused by the moxibustion treatment. The Complainant had to undergo surgery for skin grafting at the hospital.

Inquiry proceeding

9 Following the Complaint and subsequent to reviewing the explanations provided by TCMP Y and TCMP Z, an Investigation Committee (IC) was convened to investigate the Complaints against both registered practitioners. Upon the conclusion of the inquiry hearing, IC 2019/1 arrived at the following findings:

On TCMP Y

(a) TCMP Y's prescription and administration of thread insertion treatment was not an appropriate or generally accepted method of TCM treatment. This was in breach of Clauses 4.1.1 (a) and 4.1.1 (e) of the Ethical Code;

(b) TCMP Y had administered the surgical thread treatment on the Complainant without adequately informing the latter of its benefits, risks and possible complications associated with this treatment and informed consent was not sought. The Complainant suffered injuries and pain, and incurred medical expenses for the surgical thread treatment at her neck area.

(c) Following development of blisters and burns on the Complainant's legs, TCMP Y did not refer her to a registered medical practitioner with the necessary expertise for treatment. He had not administered TCM treatment and aftercare to the Complainant with due regard to the standards of good TCM practice and the patient's best interest, safety and wellbeing.

(d) TCMP Y made unsolicited visits to see the Complainant while she was in hospital for third degree burns following moxibustion treatment by TCMP Z at the Clinic, during which point he had not respected her privacy and/or her choice of not receiving further treatment/advice from him.

(e) His conduct was therefore in breach of Clauses 4.1.1(a), 4.1.1 (e) and 4.1.1 (f), 4.2.1, 4.2.2 and/or 4.2.4(a) of the Ethical Code and Sections 19(1)(f), (i) and/or (j) of the TCM Practitioners Act; and

On TCMP Z

(a) TCMP Z did not undertake adequate TCM assessment of the Complainant's condition to determine whether the moxibustion treatment carried out on the Complainant was an appropriate TCM treatment for the Complainant's ailments. TCMP Z also did not adequately advise the Complainant on the benefits, risks and possible complications associated with the moxibustion treatments and informed consent was not sought. TCMP Z's conduct was therefore in breach of Clauses 4.2.2 and 4.2.4 (a) of the Ethical Code;

(b) TCMP Z had inappropriately delegated the task of administering the moxibustion treatment to a former clinic assistant and failed to personally supervise the moxibustion therapy. In this regard, she had breached Clause 4.1.1(d) of the Ethical Code for delegating the execution of TCM moxibustion treatment to a non-registered person without exercising effective monitoring and supervision;

(c) The moxibustion treatment had not been appropriately administered to the Complainant as proper safety precautions and due care were not taken while such treatment was administered to the Complainant;

(d) Following development of the blisters and burns, TCMP Z did not refer the Complainant to registered medical practitioners with the necessary expertise for treatment. She did not administer TCM treatment and aftercare to the Complainant with due regard to the standards of good TCM practice and to the best interests, safety and well-being of the patient;

(e) In this respect, she has fallen short of adhering to the good standard of TCM practice and her conduct amounted to a breach of Clauses 4.1.1(a), 4.1.1(d), 4.1.1 (e), 4.1.1 (f), 4.2.2 and/or 4.2.4(a) of the Ethical Code and Sections 19(1)(f), (i) and/or (j) of the Act.

Board's Decision

10 The Board found both TCMP Y and TCMP Z guilty of Professional misconduct, professional negligence and for improper conduct and actions under Section 19(1)(i) and 19(1)(j) of the TCM Practitioners Act. Having considered the facts of the case as well as the mitigation submissions from TCMP Y and TCMP Z, the Board decided to impose the following penalties against both registered TCM practitioners pursuant to Section 19(2) of the Act:

Against TCMP Y

(a) A suspension of TCMP Y's registration as a TCM practitioner for a period of two years and six months. The suspension took effect from 27 December 2019;

(b) An order for TCMP Y to provide a written undertaking to the Board that he will henceforth strictly comply with the relevant regulations and provisions in the Ethical Code and will not commit similar breaches again, including but not limited to not carrying out thread insertion treatment, which is not an approved TCM procedure; and

(c) A notice of censure be issued to him.

This is the third time TCMP Y had appeared before the Board for a disciplinary matter.

Against TCMP Z

(a) A suspension of TCMP Z's registration as a TCM practitioner for a period of nine months. The suspension took effect from 27 December 2019;

(b) An order for TCMP Z to provide a written undertaking to the Board that she will henceforth comply strictly with the relevant regulations and provisions in the Ethical Code and will not commit similar breaches again, including but not limited to, ensuring proper safeguards are in place to avert the risk of injuries caused to her patients and that she will in future, not delegate the administration of any TCM treatment to non-registered person without formal training with any approved institute of TCM; and

(c) A notice of censure be issued to her.

11 Pursuant to Section 20(1) of the TCM Practitioners Act, the Board has also directed both TCMP Y and TCMP Z to pay for the costs and expenses of, and incidental to the inquiry of the Complaint and taking action against them.

Conclusion

12 The TCM Practitioners Board reminds all registered TCM practitioners that the insertion of surgical thread under the skin does not fall within the scope of TCM as defined under TCM Practitioners Act, and is not an approved method of TCM treatment in Singapore.

13 The Board takes a serious view of any transgressions of the Ethical Code and Ethical Guidelines for TCM practitioners and will take disciplinary actions if they are found to have practised beyond the scope of TCM allowed. In providing TCM treatments to patients, safety should always be the first and foremost consideration. We advise registered TCM practitioners to put in place proper safeguards to avert the risks of injuries caused to patients and to use only appropriate and accepted methods of TCM treatment in accordance with the TCM Practitioners Act and Regulations.

Case Study 01/2019

TCMP X is a registered Traditional Chinese Medicine (TCM) Practitioner. At all material times, she practised primarily at Clinic A.

2 On 22 March 2017, a complaint by way of statutory declaration [“Complaint”] was lodged with the TCM Practitioners Board against TCMP X. The Complainant, in this case, alleged that TCMP X had been providing TCM treatment to her (the Complainant’s) elder brother (an intellectually challenged patient), for poor digestion and bowel issues for over three years, through remote consultations and prescribing and dispensing of TCM medication to the patient without adequate TCM clinical assessment and examination.

3 In accordance with medical records tendered to the Board, TCMP X last saw the patient on 24 August 2014. There was no evidence of any face-to-face consultation or physical evaluation done by TCMP X thereafter. TCMP X only spoke to the patient’s mother on a weekly basis over the phone to understand the patient’s medical condition and then proceeded with prescription of TCM medications for the patient. The TCM medications were then mailed to the patient’s home.

4 The Complainant also alleged, amongst other things, that TCMP X had visited her residential home without prior consent to retrieve the unconsumed TCM medications which she had mailed to the Complainant’s home and in the course of the visit, TCMP X complained to the patient’s mother that the complainant should not have lodged the Complaint to the Board. In the course of the investigation, TCMP X produced Patient records that did not comply with the requirements of clause 4.1.2 of the Ethical Code and Ethical Guidelines for TCM Practitioners [“Ethical Code”].

5 Following the complaint and subsequent reviewing of the written explanation provided by TCMP X, an Investigation Committee (IC) was convened to investigate the Complaint. The findings of IC 2019/2 in respect of the Complaint were as follow:

(a) TCMP X had failed to carry out adequate TCM assessments of her patient’s medical condition through appropriate TCM clinical examination before prescribing and dispensing TCM medication and/or TCM treatments for an extended period of about three years in breach of Clause 4.1.1 (a) of the Ethical Code.

(b) TCMP X prescribed and administered TCM medications to the patient in the absence of face-to-face consultation and clinical evaluation for an extended period of about three years. She did so by way of remote consultation, mainly via telephone conversation with the patient’s mother on a weekly basis and depending solely on information obtained from the patient’s mother to arrive at the TCM diagnosis and prescribed medications. Her conduct had amounted to a breach of Clauses 4.1.1(a), 4.1.1(c), 4.1.1 (e) and 4.1.3 of the Ethical Code;

(c) TCMP X did not keep proper and accurate medical records with clear, accurate and legible particulars and with sufficient details so as to enable proper aftercare and service for the patient, such that any other TCM

practitioner or a registered medical practitioner reading them would be able to take over the management of the patient. This was in contravention of Clause 4.1.2 of the Ethical Code;

(d) TCMP X had failed to treat the Complainant, the patient and their family with courtesy, compassion and respect by going to the Complainant's home without prior consent on 16 February 2017 to retrieve the unconsumed TCM medications and to express her unhappiness over the Complainant's decision to file a complaint to the Board. Her actions had contravened Clause 4.2.1 of the Ethical Code;

(e) TCMP X was aware that the patient had a history of sigmoid volvulus and could possibly relapse and result in intestinal blockage. Despite having such knowledge, TCMP X opted not to conduct any necessary and timely investigation to ascertain the patient's medical condition and thus exposed the patient to significant risks and potential harm.

6 Following the determinations made above, the IC was of the unanimous view that TCMP X had failed to conduct herself with due regard to the standard of good TCM practice and failed to act in the best interests, safety and well-being of the patient. She had breached Clauses 4.1.1(a), 4.1.1(c), 4.1.1(e), 4.1.2, 4.1.3 and 4.2.1 of the Ethical Code, read in tandem with Regulations 2(2) and 3 of the Traditional Chinese Medicine Practitioners (Practice, Conduct and Ethics) Regulations and Sections 19(1)(f) and 19(1)(i) of the Act.

7 The IC took into account the following in deciding its recommendations to the Board:

(a) TCMP X had carried out the remote consultations at the request and approval of the patient's mother;

(b) There is insufficient evidence that TCMP X's TCM treatments caused harm or injury to the patient;

(c) TCMP X was apologetic and remorseful;

(d) TCMP X had admitted her mistakes and thereby avoided a protracted inquiry; and

(e) This is the first complaint against TCMP X.

8 Having carefully considered the foregoing, the Board decided to impose the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

(a) A suspension of TCMP X's registration as a TCM practitioner for a period of 2 months;

(b) A financial penalty of \$5,000;

(c) A censure, and

(d) A written undertaking by TCMP X that she will henceforth refrain from prescribing and dispensing TCM medications and/or TCM treatment without

performing adequate TCM clinical assessments of her patient's medical condition in strict compliance with relevant provisions set out in Clause 4.1.1 of the Ethical Code.

9 Pursuant to Section 20(1) of the Act, the Board has also directed TCMP X to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against her.

10 The Board wishes to highlight that there may be potential patient safety risks to remote consultation. This is especially so for patients with special needs as they may not be able to communicate their medical symptoms or health conditions accurately to their caregivers. Face-to-face consultations are to ensure that the TCM treatments prescribed are appropriate and without compromising patients' safety. The Board urges registered TCM practitioners to familiarise themselves with the Ethical Code which clearly defines and sets out the required standard for good TCM clinical practice.

Case Study 02/2019

TCMP Y is a registered Traditional Chinese Medicine (TCM) Practitioner. At all material times, TCMP Y practised at Clinic B.

2 On 17 March 2017, a complaint, by way of a statutory declaration, was lodged against TCMP Y, alleging medical negligence and professional misconduct (the “Complaint”). The Complainant had consulted TCMP Y on several occasions from March 2015 to July 2015 (the “Consultations”) for treatment of his nasal problems, including backflow of mucus.

3 During the Consultations, TCMP Y would administer a nose treatment on the Complainant involving a two-stage process (the “Nose Treatment”). In the first stage, TCMP Y would first insert a flat, thin metal tool with a gauze dipped in some medication at the tip into the Complainant’s nostrils for several minutes. The Complainant would return for the second stage of the treatment, where TCMP Y would use a forceps-like instrument to remove some substance / tissue / dry skin from the Complainant’s nostrils. The Complainant alleged that TCMP Y had carried out inappropriate nasal treatment on him and caused his nose to be deviated to the right.

4 Following the Complaint and subsequent to reviewing the Written Explanations provided by TCMP Y, an Investigation Committee (“IC”) inquiry was convened by the Board to investigate the Complaint. After completing its investigations, the IC made, inter alia, the following findings in respect to the Complaint:

(a) By TCMP Y’s own admission, he had failed to carry out an adequate assessment of the Complainant’s condition and TCM clinical examination during the Consultations. This was corroborated by the Complainant’s evidence that TCMP Y did not perform an adequate clinical assessment during the Consultations and the fact that the Complainant’s patient medical record kept by TCMP Y revealed an absence of any such observations and findings. Accordingly, TCMP Y has breached Clause 4.1.1(a) of the Ethical Code and Ethical Guidelines for TCM practitioners (the “Ethical Code”) and Regulation 2 of the Traditional Chinese Medicine Practitioners (Practice, Conduct and Ethics) Regulations (the “TCMP (PCE) Regulations”) which amounted to a contravention of Section 19(1)(f) of the Traditional Chinese Medicine Practitioners Act (Cap. 333A) (the “Act”).

(b) By TCMP Y’s further admission, the Nose Treatment is not an appropriate and accepted form of TCM treatment. In this regard, the IC highlighted that TCMP Y had refused to answer the IC as to whether the medication used in the Nose Treatment was TCM or Western medicine and/or provide a picture of the instrument that he had used in the Nose Treatment. By failing to use appropriate and accepted forms of TCM treatment, TCMP Y had exposed the Complainant to the risk of possible harm and injury. The IC found that the Nose Treatment administered by TCMP Y on the Complainant was not an appropriate and accepted method of TCM under Clause 4.1.1(e) of the Ethical Code, which

amounted to a breach of Regulation 2 of the TCMP (PCE) Regulations, which in turn amounted to a breach of Section 19(1)(i) of the Act.

(c) The IC found that there was insufficient evidence to prove that the Nose Treatment or any treatment rendered by TCMP Y to the Complainant had caused the Complainant's nose/nasal septum to be shifted or deviated.

5 The IC considered the following factors to be relevant in deciding the appropriate recommended sentence to be made to the Board in respect of TCMP Y's offences: -

(a) This was TCMP Y's first offence.

(b) TCMP Y was not apologetic or remorseful for his actions and breaches of the Ethical Code and the Act.

(c) The nature and seriousness of TCMP Y's breaches, and his deliberate and intentional breach of the Ethical Code and the Act in rendering the Nose Treatment.

(d) TCMP Y's refusal to co-operate and answer questions during the inquiry before the IC.

6 Having regard to the aforesaid determinations, the Board has decided to accept the findings of the IC and impose the following sanctions against TCMP Y pursuant to Section 19(2) of the Act:

(a) a suspension of TCMP Y's registration as a TCM practitioner for a period of 1 year;

(b) a financial penalty of S\$5,000;

(c) a censure; and

(d) an order that TCMP Y's registration (after the period of suspension) be subject to the condition that TCMP Y provides the following written undertakings to the Board:

(i) That he will cease using his method of intrusive nose treatment on all patients;

(ii) That he will not use, prescribe or administer any western or non-TCM medicine; and

(iii) That he will carry out proper and adequate TCM assessment and clinical examination of all his patients in accordance with Clause 4.1.1(a) of the Ethical Code.

7 Should TCMP Y be found to have breached any of his undertakings listed from paragraphs 6 (i) to 6 (iii), his registration as a TCM practitioner may be revoked without further reference to him. Moreover, pursuant to Section 20(1) of the Act, the Board will also be directing TCMP Y to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against him.

8 All registered TCM practitioners should use appropriate or accepted methods of TCM treatment on their patients in accordance with Clause 4.1.1 (e) of the Ethical Code. If a TCM practitioner is in doubt as to whether a certain method of TCM treatment is an appropriate and accepted method of TCM treatment, the TCM practitioner should seek necessary clarification from the Board prior to administering any such treatment on his/her patients. The Board reminds all registered TCM practitioners of their obligation to comply with the Ethical Code and takes a serious view towards any breaches of the same, in particular, the administering of any unorthodox treatments which place the safety of patients at risk.

Case Study 03/2019

TCMP Z is a registered Traditional Chinese Medicine (TCM) Practitioner. At all material times, TCMP Z practised at Clinic C.

2 On 3 April 2017, a complaint, by way of a statutory declaration, was lodged with the TCM Practitioners Board (the “Board”) against TCMP Z alleging professional misconduct and negligence (the “Complaint”). Among other comorbidities, the Complainant has a medical history of diabetes and poor sensation in both feet. The Complaint relates to two consultations where TCMP Z had administered TCM treatment.

3 The Complainant alleged, amongst other things, that during one consultation with TCMP Z on 3 January 2015, TCMP Z had prescribed and administered TCM treatment in the form of using a heat lamp on the soles of both of the Complainant’s feet (the “Heat Lamp Treatment”). After the treatment, the Complainant developed blisters on the soles of his feet and when the Complainant stepped on the ground and started walking, the blisters burst and fluid flowed out. The Complainant immediately returned to the Premises, and TCMP Z cleaned the Complainant’s wounds, applied medication and bandaged his feet with gauze. Later that night, the Complainant developed a high fever which persisted until 4 January 2015.

4 On 4 January 2015, the Complainant consulted TCMP Z as he felt unwell. TCMP Z administered acupuncture and electric pulse treatment on him. The Complainant’s condition did not improve and the condition of his feet worsened. Subsequently, the Complainant was admitted to the hospital for severe burn wounds on his feet. Due to the Complainant’s diabetes and other comorbidities, the wounds on his feet did not heal. Instead, his condition worsened and he eventually had to undergo below knee amputation of his left leg.

5 Following the Complaint and subsequent to reviewing the Written Explanation provided by TCMP Z, an Investigation Committee (“IC”) inquiry was convened by the Board to investigate the Complaint. After completing its investigations, the IC made the following findings in respect of the Complaint:

(a) The Heat Lamp Treatment administered by TCMP Z on the Complainant was, by itself, an appropriate and generally accepted method of TCM treatment for the Complainant’s condition of general weakness and chills.

(b) However, TCMP Z failed to explain and inform the Complainant about the risks of the Heat Lamp Treatment or other available treatment options, in breach of Clauses 4.2.2 and 4.2.4(a) of the Ethical Code and Ethical Guidelines for TCM practitioners (the “Ethical Code”).

(c) TCMP Z failed to take adequate precautions and care when administering the Heat Lamp Treatment to avoid inflicting burns or injury to the Complainant’s feet. Prior to the Heat Lamp Treatment, the Complainant told TCMP Z that both his feet had poor sensation and asked TCMP Z to be careful when administering the said treatment. Based on an objective assessment of the

evidence, the IC found that TCMP Z placed the heat lamp too close to the soles of the Complainant's feet and for an extended period of time. The Complainant's burns were caused by the Heat Lamp Treatment and TCMP Z had failed to provide competent management and care of the Complainant, in breach of Clauses 4.1.1(e) and 4.1.1(f) of the Ethical Code.

(d) After the Complainant suffered thermal burn injuries to the soles of his feet, TCMP Z failed to render appropriate and generally accepted method of TCM treatment to him on 3 January 2015 and 4 January 2015. Given the seriousness of the Complainant's injuries which was evident from the fluid-filled blisters, TCMP Z should have called for an ambulance, or at least advised the Complainant to seek immediate medical attention. Instead, TCMP Z proceeded to administer the acupuncture and electric impulse treatment on the Complainant on 4 January 2015. In this regard, TCMP Z caused a delay in the Complainant seeking appropriate medical treatment for his burn injury. By his conduct, TCMP Z failed to administer appropriate or generally accepted methods of TCM, in contravention of Clauses 4.1.1(e) and 4.1.1(f) of the Ethical Code.

(e) Following the aforesaid determinations, the IC was of the unanimous view that TCMP Z's conduct amounted to professional misconduct and/or negligence in breach of Section 19(1)(i) of the TCM Practitioners Act (Cap. 333A) (the "Act").

6 While the IC took in account that TCMP Z was a first time offender, it also considered the following factors to be relevant in deciding its recommendations to the Board:

- (a) the serious nature of TCMP Z's negligence and professional misconduct;
- (b) the severe outcome suffered by the Complainant (who had to undergo below knee amputation);
- (c) TCMP Z's attempt during the inquiry to shift the blame for the severe outcome to the Complainant; and
- (d) the complete lack of remorse on the part of TCMP Z and his fabrication of untruths during the inquiry hearing.

7 Having regard to the foregoing, the Board has decided to impose the following sanctions against TCMP Z pursuant to Section 19(2) of the Act:

- (a) a suspension of TCMP Z's registration as a TCM physician for a period of 3 years;
- (b) a financial penalty of S\$5,000.00; and
- (c) a censure.

8 Pursuant to Section 20(1) of the Act, the Board has also directed TCMP Z to pay for all costs and expenses of and incidental to the inquiry conducted and action taken against him.

9 The Board wishes to emphasise that the safety of patients is of paramount importance when registered TCM practitioners prescribe and administer TCM treatments to their patients. In particular, the Board advises TCM practitioners to exercise great care and prudence when prescribing and/or administering heat treatments on patients with diabetes. A TCM practitioner would be required to take adequate precautions in administering heat treatments, which would include (a) maintaining a safe distance between the patient's treatment area and the heat lamp and/or other heat-emitting apparatus, and (b) administering the heat treatment for an appropriate duration.

Case Study 04/2019

TCMP X is a registered Traditional Chinese Medicine (TCM) Physician and Acupuncturist with the TCM Practitioners Board. He practises at Clinic A.

2 On 6 June 2017, a statutory complaint was filed by a Complainant against TCMP X alleging professional negligence (the “Complaint”). The Complainant alleged, amongst other things, that TCMP X caused burn injuries to him during an acupuncture moxibustion therapy (the “Therapy”). On the day of the incident (i.e. 13 May 2017), TCMP X had applied acupuncture needles on the Complainant’s left calf and asked his assistant to ignite the moxa on the tips of the acupuncture needles. He then left the treatment room after instructing his assistant to watch over the Therapy. However, in the midst of the Therapy, TCMP X called his assistant away to attend to another matter. The assistant complied and left the Complainant unattended. It was at this juncture that ashes from the moxa granules dropped onto the Complainant’s left calf and caused three burns.

3 Subsequent to reviewing the Written Explanation provided by TCMP X, an Investigation Committee (IC) was convened in respect of the Complaint. Upon the conclusion of the inquiry hearing, the IC arrived at the following findings:

(a) TCMP X failed to exercise responsibility and appropriate care vis-à-vis the Complainant when administering and/or overseeing the Therapy on the Complainant.

(b) TCMP X failed to take adequate precautions when administering and/or overseeing the administration of the Therapy on the Complainant. This includes the failure to take adequate steps to prevent burns from occurring on the Complainant’s calf.

(c) The aforesaid treatment that TCMP X administered and/or oversaw on 13 May 2017 was not in accordance with the appropriate and generally accepted methods of TCM treatment as required by Clause 4.1.1(e) of the Ethical Code.

(d) TCMP X’s aforesaid management of the Complainant’s care amounted to professional negligence in breach of Section 19(i) of the TCM Practitioners Act (Cap. 333A) (the “Act”).

4 Notwithstanding the breaches committed by TCMP X as detailed above, the Board took into consideration his conduct in respect of the Board’s investigation, including the inquiry hearing. Amongst others, TCMP X showed remorse for his conduct, admitted to his guilt promptly and was a first-time offender. The Board also acknowledged his contributions to the TCM community. Nevertheless, these mitigating factors did not negate the seriousness of his breaches.

5 Having carefully considered the foregoing, the Board decided to impose the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

(a) A financial penalty of \$3,000.00 and

(b) A censure.

6 Pursuant to Section 20(1) of the Act, the Board has also directed TCMP X to pay all costs and expenses of and incidental to the inquiry conducted and action taken against him.

7 Based on the findings of the investigation conducted, the mishap could have been avoided had adequate care and safeguards been put in place. The Board would therefore urge all registered TCM practitioners to regularly review the adequacy of their practices to minimize the risk of burn incidents.

8 Registered TCM practitioners are also required to take full responsibility for the conduct of their assistants. These include closely supervising their assistants and ensuring that they are competent and adequately trained. The Board takes a serious view of any registered TCM practitioner taking the safety of patients lightly and would not hesitate to take appropriate disciplinary measures against any errant TCM practitioner.

Case Study 05/2019

TCMP Y is a registered Traditional Chinese Medicine (“TCM”) physician. TCMP Y was employed by Mr S, the registered owner of Clinic B (the “Premises”), to work on an ad hoc basis.

2 On 30 March 2017, a complaint was lodged with the TCM Practitioners Board (the “Board”) against TCMP Y, by way of a letter from a Police Inspector of the Compliance Investigation Squad, Bedok Division of the Singapore Police Force. The Inspector informed the Board that TCMP Y had been charged with and convicted of two counts of offences for abetting the carrying on of an illegal massage establishment (namely, the Premises) on 15 November 2016, pursuant to Section 9(a) of the Massage Establishment Act (Cap. 173) (collectively, the “Convictions”). TCMP Y had, accordingly, been sentenced to pay fines totalling \$1,000.00 by the State Courts. At the material time, TCMP Y pleaded guilty to the charges and paid the fines.

3 An Investigation Committee (“IC”) inquiry was convened by the Board to investigate the Complaint. The IC observed that TCMP Y had pleaded guilty to the charges preferred against him in the State Courts and that, in his written explanation to the Board, he had admitted to allowing his TCM registration certificate to be displayed at the Premises. The IC arrived at the following findings of fact:

(a) The Convictions concerned offences that involved dishonesty and/or implied a defect in character;

(b) Having regard to the fact that TCMP Y had allowed the Premises to display a copy of his TCM practising certificate and thereby disguise themselves as a TCM outlet, TCMP Y was, in his professional capacity as a TCM practitioner, associating and supporting the services provided by persons or organisations that do not provide legitimate TCM support services in breach of Clause 4.1.4 of the Ethical Code and Ethical Guidelines for TCM Practitioners (the “Ethical Code”);

(c) Having regard to TCMP Y’s above-described conduct, he had acted in breach of Clause 4.5.1(a) of the Ethical Code; and

(d) Following from their determinations that TCMP Y had acted in breach of Clauses 4.1.4 and 4.5.1(a) of the Ethical Code, his conduct was in breach of Sections 19(1)(f) and/or 19(1)(i) of the Traditional Chinese Medicine Practitioners Act (the “Act”).

4 The Board balanced the nature and seriousness of TCMP Y’s convictions and above-described breaches as well as his unremorseful conduct during the inquiry, against the fact that he was a first-time offender, before deciding to suspend his registration as a TCM physician for a period of 3 years and issue him with a censure. TCMP Y has also been directed to pay for all the costs and expenses of and incidental to the investigations and inquiry conducted against him.

5 The Board takes a serious view of any transgression of the Ethical Code by registered TCM practitioners. Any practitioners who associate themselves with

unlicensed massage establishments and thereby bring disrepute to the TCM profession will face disciplinary action by the Board.

Case Study 01/2018

TCMP Z of World of Clinic C is a registered TCM physician.

2 A complaint was lodged with the TCM Practitioners Board against TCMP Z in relation to his conduct in prescribing and rendering TCM treatment to a patient. A fresh inquiry before a newly constituted Investigation Committee (“IC”) was ordered by the High Court, following TCMP Z’s decision to challenge the findings of a previous IC in relation to the complaint. The abovementioned complaint investigated had been lodged against TCMP Z by the Complainant, whose mother (“Patient”) had been diagnosed with lung and breast cancer by Western doctors in October 2014.

3 The Patient was diagnosed with early stage breast and lung cancers and was advised by her Western doctors to undergo surgical resection of the cancerous tumours in her lung and breast (the “Surgery”). The Patient had consented to undergo Surgery scheduled to take place on 4 November 2014. On 3 November 2014 (the “First Consultation”), when the Patient consulted TCMP Z about her medical condition, TCMP Z had offered the patient three options, namely, (i) to undergo the Surgery, as advised by her Western doctors, (ii) to undergo the Surgery and rely on TCM treatment for recuperation and recovery, or (iii) to postpone surgery for a period of three months to undergo TCM treatment administered by TCMP Z, with a CT scan after two months to determine the effectiveness of such treatment. The Patient accepted the third Option, i.e. to delay the Surgery, contra her Western doctors’ advice. The Complainant alleged that TCMP Z had, amongst other things, encouraged the Patient to delay the Surgery for three months and misled the Patient into believing that she could avoid and/or delay the Surgery by relying on TCM treatment alone. After the First Consultation, the Patient cancelled the Surgery originally scheduled for 4 November 2014.

4 After completing its investigation, the IC arrived at the following findings of fact:

(a) TCMP Z had failed to carry out an adequate assessment of the Patient’s condition through good history taking and appropriate TCM clinical examination in his diagnosis, in breach of Clause 4.1.1(a) of the Ethical Code and Ethical Guidelines for TCM Practitioners (the “Ethical Code”).

(b) During the First Consultation, TCMP Z wrongly informed the Patient that it was inconclusive as to whether her lung tumour was cancerous. TCMP Z misread a histopathology report issued by the National Cancer Centre (the “NCC”) that was handed to him by the Patient during the First Consultation. In trying to interpret the Patient’s Western medical reports and in professing such “diagnosis”, TCMP Z had failed to act within the limits of his own competence, in breach of Clause 4.1.1(f) of the Ethical Code.

(c) During the First Consultation, TCMP Z had informed the Patient that her breast tumour was cancerous. However, TCMP Z had wrongfully interpreted the fact that the Patient’s “blood indices” were described as “negative” for “ER” and “PR” in another histopathology report issued by the NCC to be favourable for the Patient. He had alleged that this meant that the growth activity of the

tumour would be slow. This was incorrect, as pointed out by an expert medical oncologist who gave evidence during the inquiry hearing. In fact, a delay in carrying out the Surgery would increase the risk of the Patient's cancer progressing. In trying to interpret the Patient's Western medical reports and in professing such "diagnosis", TCMP Z had failed to act within the limits of his own competence, in breach of Clause 4.1.1(f) of the Ethical Code.

(d) On 5 November 2014 (the "Second Consultation") and before the IC, TCMP Z had alleged that undergoing the Surgery may cause the Patient's cancer cells to "proliferate even faster and/or metastasis (sic)". He also told the Patient that the tumour "would not be life-threatening". The expert medical oncologist who gave evidence before the IC "methodically and effectively explained" that TCMP Z had misread the Western medical literature" that he cited in support of his views. In representing to the Patient that the Surgery may cause her cancer cells to proliferate faster and/or metastasise and that her lung tumour was not life-threatening, TCMP Z had failed to act within the limits of his own competence, in breach of Clause 4.1.1(f) of the Ethical Code.

(e) TCMP Z's proposed TCM treatment, which comprised 50 capsules containing powdered 15-year old ginseng as well as powder-form medicine, consisting of 24 different varieties of herbs to be consumed by the Patient, for the period from between 3 November 2014 to 3 February 2015, was not an appropriate and generally accepted method of TCM treatment. TCMP Z did not produce any literature that effectively supported his position that his TCM treatment could "cure early stage cancer". By failing to explain the contents of the powder-form medicine and/or any possible side effects that may result from taking it, TCMP Z had also acted in breach of Clause 4.1.3 of the Ethical Code.

(f) Although there was insufficient evidence to conclude that TCMP Z's conduct was intentional, deliberate and calculated to cause the Patient to choose the third Option, i.e. to delay surgery, TCMP Z did recommend or otherwise encourage the Patient to delay undergoing the Surgery that had been recommended to her by her Western doctors. TCMP Z should not have put forward the Options to the Patient, in the first place. The third Option had consequences that could "result in higher risk of mortality", and is, in substance, neither "an appropriate and generally accepted method" of TCM treatment nor "an option at all".

(g) By exploiting the Patient's vulnerability, TCMP Z had conducted himself in a manner which showed that he was indifferent to, or had a lack of concern for, the welfare / best interest of the Patient. TCMP Z had thereby acted in breach of Clause 4.4.1 of the Ethical Code. TCMP Z was neither remorseful for his conduct nor fully aware of the danger that he posed to the Patient.

5 In recommending that the Patient delay the Surgery that she was scheduled to undergo and misinforming her of the risks associated with such Surgery, TCMP Z had compromised the prospects of the Patient successfully recovering from her breast and lung cancer. Fortunately, the Complainant intervened and the Patient eventually underwent surgical resection of the tumours on 8 November 2014. TCMP Z had

breached the duty of care that he owed to her, as a TCM physician, and had exceeded the limits of his own competence. The Board found TCMP Z to be guilty of serious professional misconduct, in breach of Clauses 4.1.1(a), 4.1.1(e), 4.1.1(f) and 4.4.1 of the Ethical Code as well as Sections 19(1)(i) and 19(1)(f) of the TCM Practitioners Act (Cap. 333A) (the “Act”).

6 Having regard to the above, the Board decided to impose the following penalties against TCMP Z pursuant to Section 19(2) of the Act:

(a) A suspension of TCMP Z’s registration as a TCM practitioner for the maximum period of 3 years, with effect from 7 August 2018;

(b) A financial penalty of \$10,000; and

(c) a notice of censure.

7 Pursuant to Section 20(1) of the TCM Practitioners Act, the Board has also directed TCMP Z to pay for all the costs and expenses of and incidental to the inquiry conducted against him.

8 The Board advises TCM practitioners not to depart from accepted standards of TCM practice and to only provide recommendations in the best interest of their patients. They should always practice within the limits of their own competence and never exploit the vulnerability of their patients. The Board takes a serious view of such professional misconduct and will not hesitate to take disciplinary action in the event of any breaches.

Case Study 02/2018

TCMP X of Clinic A was a registered acupuncturist.

2 In mid-2017, three separate complaints were lodged against TCMP X. These Complaints can be summarised as follows:

(a) The first Complaint informed the Board that, in 2014, TCMP X had been charged with four counts of operating an establishment for massage without a licence, in breach of section 9(a) of the Massage Establishments Act (Cap. 173). He was convicted of two of these counts in the same year, with the remaining two counts taken into consideration (the “2014 Convictions”). He was sentenced to a fine of S\$1,600 by the State Courts, Singapore.

(b) The second Complaint informed the Board that, in 2017, TCMP X had again been charged with 57 counts of operating an establishment for massage without a licence, in breach of sections 9(a) and/or 9(e) of the Massage Establishments Act. He was subsequently convicted of 24 of these counts in the same year, with the remaining 33 charges taken into consideration (the “2017 Convictions”). He was sentenced to a fine of S\$24,000 by the State Courts.

(c) The third Complaint informed the Board that TCMP X had made false and/or fraudulent declarations in his applications to renew his acupuncturist practising certificate in the years 2015 and 2017. TCMP X had falsely and/or fraudulently declared that he had not been convicted of any criminal offences in Singapore, notwithstanding his 2014 Convictions and 2017 Convictions (collectively, the “Convictions”).

3 Having regard to the Complaints, an Investigation Committee (“IC”) inquiry was convened to investigate the Complaints. The IC observed that TCMP X had accepted and acknowledged the Convictions and the statements of facts prepared by the prosecutor in relation to the Convictions. The IC arrived at the following findings:

(a) The Convictions concerned offences that implied a defect in character, which rendered TCMP X unfit to remain on the Register of the Board under Section 19(1)(h) of the Traditional Chinese Medicine Practitioners Act (Cap. 333A) (the “Act”). Moreover, TCMP X had been a repeat offender and appeared to be unrepentant.

(b) TCMP X’s conduct that had resulted in the Convictions revealed that he had operated the unlicensed massage establishments and/or conducted himself in a manner that amounted to a breach of Clauses 4.1.4, 4.5.1(a) and 4.5.1(b) of the Ethical Code and Ethical Guidelines for TCM practitioners (the “Ethical Code”), and in contravention of Sections 19(1)(i) and 19(1)(j) of the Act. TCMP X had associated himself professionally with businesses/individuals who were not qualified to provide TCM care or other accepted TCM support services (in breach of Clause 4.1.4 of the Ethical Code), and the massage services offered and performed at the establishments named in the Convictions operated by

TCMP X were not clearly separated from his TCM practice (in breach of Clauses 4.5.1(a) and 4.5.1(b) of the Ethical Code).

(c) In light of the Convictions, TCMP X had procured and/or attempted to procure a practising certificate from the Board by knowingly making false or fraudulent declarations in writing, which amounted to a breach of Section 19(1)(i) and 19(1)(j) of the Act.

4 Given the nature and seriousness of TCMP X's above-described breaches as well as his conduct during the inquiry, the Board has decided to cancel TCMP X's registration as an acupuncturist with effect from 7 August 2018. TCMP X has also been directed to pay for all the costs and expenses of and incidental to the inquiry.

5 The Board would like to take this opportunity to remind all registered TCM practitioners not to operate and/or associate themselves with unlicensed massage establishments. Associations of such nature not only tarnish the image of such TCM practitioners, individually, but also brings disrepute to the TCM profession, as a whole. The Board will not hesitate to initiate disciplinary action against a TCM practitioner, in such circumstances.

Case Study 01/2017

TCMP Y of Clinic B (the “Clinic”) is a Traditional Chinese Medicine (“TCM”) physician registered with the TCM Practitioners Board.

2 The Board received a complaint against TCMP Y by a Complainant concerning TCMP Y’s treatment of her on 6 December 2015. The Complainant had previously undergone a surgical procedure for her ectopic pregnancy about three weeks prior to 6 December 2015, and attended the Clinic for tuina massage and TCM treatment. At the Clinic, TCMP Y administered, amongst others, “blood-letting” therapy treatment on the Complainant’s throat area.

3 The Board conducted an inquiry and made the following findings:

(a) TCMP Y did not carry out appropriate TCM inquiries on the Complainant’s medical history of ectopic pregnancy, cough for 6 months, general fatigue and condition of blood deficiency before proceeding with the blood-letting therapy treatment. This was in breach of paragraph 4.1.1(a) of the Ethical Code.

(b) TCMP Y did not inform the Complainant of the treatment options for cough, the benefits, risks and possible complications of the blood-letting therapy treatment, and did not obtain the Complainant’s informed consent in accordance with paragraph 4.2.2 of the Ethical Code. In failing to do so, he has acted in contravention of paragraph 4.2.2 of the Ethical Code.

(c) With regard to the Complainant’s recent surgical procedure for ectopic pregnancy as well as his diagnosis that the Complainant was suffering from blood deficiency, TCMP Y should not have carried out the blood-letting therapy treatment on the Complainant. This was in contravention of paragraph 4.1.1(e) of the Ethical Code.

(d) The blood-letting therapy treatment was carried out by TCMP Y on the Complainant without due regard to the Complainant’s safety and well-being, and caused the Complainant to lose consciousness, suffer chest pains, dizziness and general discomfort. This was in breach of paragraphs 4.1.1(a) and 4.1.1(e) of the Ethical Code.

4 Having regard to the above, the Board found that TCMP Y’s aforesaid conduct amounted to a breach of Sections 19(1)(f), 19(1)(i) and 19(1)(j) of the TCM Practitioners Act.

5 The Board decided to impose the following sanctions against TCMP Y pursuant to Section 19(2) of the TCM Practitioners Act:

(a) suspension of his registration as a TCM physician for a period of 6 months with effect from 1 December 2017;

(b) impose a financial penalty of S\$10,000;

(c) that he provides an undertaking that he will not commit the same or similar offences in future; and

(d) censure.

6 In addition, pursuant to Section 20(1) of the Act, TCMP Y was ordered to pay costs and expenses of or incidental to the inquiry.

Case Study 02/2017

TCMP Z is a registered TCM physician.

2 A complaint was lodged against TCMP Z by the Complainant that she suffered from traumatic pneumothorax (右气胸) after the acupuncture treatment administered by TCMP Z during the commercial promotion event at her office on 22 May 2015 (the “Event”). An Investigation Committee (“IC”) Inquiry was subsequently convened.

3 The Board found that the acupuncture treatment administered by TCMP Z on the Complainant on 22 May 2015 during the Event was administered without due regard to the patient’s best interest, safety and well-being. The Board made the following findings:

(a) The Event was not an appropriate and proper setting to administer acupuncture treatment.

(b) TCMP Z did not adequately explain the risks of acupuncture treatment to the Complainant and other available options for treatment and as such, did not obtain informed consent from her before proceeding with the acupuncture treatment. This was in breach of clause 4.2.4 of the Ethical Code, and amounted to a contravention of Section 19(1)(f) of the TCM Practitioners Act (the “Act”).

(c) TCMP Z failed to carry out an adequate assessment of the Complainant’s medical condition through history taking and appropriate TCM clinical examination before proceeding with the acupuncture treatment. This was in breach of clause 4.1.1(a) of the Ethical Code, and amounted to a contravention of Section 19(1)(f) of the Act.

(d) TCMP Z did not keep proper records and documentation of the treatment process on the Complainant in accordance with paragraph 4.1.2 of the Ethical Code, which amounted to a breach of Section 19(1)(f) of the Act.

4 With regard to the promotional activities which were carried out during the Event, TCMP Z had permitted and was complicit in the activities that were carried out. Such activities included explicit advertising of the clinic’s services, including encouraging attendees to seek consultation at the clinic by inter alia distributing promotional treatment vouchers to attendees. The Board found that TCMP Z was in breach of clauses 4.4.1, 4.4.2, 4.4.3 and 4.4.4 of the Ethical Code. This amounted to a contravention of Section 19(1)(f) of the Act.

5 The Board decided to impose the following sanctions against TCMP Z pursuant to Section 19(2) of the TCM Practitioners Act:

(a) In relation to TCMP Z’s breaches pertaining to the acupuncture treatment administered on the Complainant during the Event, the Board ordered as follows:

(i) suspension of TCMP Z's registration as a TCM physician for a period of 3 months,

(ii) impose a financial penalty of \$3,000, and

(iii) censure.

(b) In relation to TCMP Z's breaches pertaining to the promotional activities, the Board ordered as follows:

(i) suspension of TCMP Z's registration as a TCM physician for 1 month,

(ii) impose a financial penalty of \$2,000, and

(iii) censure.

(c) As for the complaint that the acupuncture treatment caused the Complainant to suffer pneumothorax, no determination was made by the Board on this issue based on the evidence adduced during the inquiry hearing.

6 TCMP Z was suspended for a total period of 4 months and he has to pay a total financial penalty of \$5,000.

7 In addition, pursuant to Section 20(1) of the Act, TCMP Z was ordered to pay costs and expenses of or incidental to the inquiry.

Case Study 03/2017

TCMP X is a registered TCM physician.

2 A complaint was lodged against TCMP X by the husband of one of his patients (the "Complainant") concerning the consultation, diagnosis and treatment of the Complainant's late wife by TCMP X in June 2014. The patient's husband also complained that TCMP X has represented himself as having the title of "Professor".

3 An Investigation Committee ("IC") Inquiry was subsequently convened and found that there is no evidence of any causal link between TCMP X's conduct in rendering TCM Treatment in June 2014 and the Patient's condition when she was admitted to hospital. TCMP X's TCM clinical evaluation, examination, diagnosis and treatment of the Patient's condition during the consultations were acceptable methods of TCM treatment for the patient.

4 The Board found that TCMP X should not have represented himself as having the title of "Professor". This is in contravention of clause 4.4.2 of the Ethical Code and Ethical Guidelines for TCM Practitioners, which amounts to a breach of Sections 19(1)(f), 19(1)(i) and/or 19(1)(j) of the TCM Practitioners Act (the "Act").

5 The Board had in June 2011 written to TCMP X regarding the improper use of title "Professor". TCMP X was therefore aware that he should not be using this title. Hence, the Board decided to impose the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

- (a) impose a financial penalty of S\$1,000; and
- (b) censure

6 The Board also found that TCMP X has failed to keep proper medical records of his patient. TCMP X had admitted to this during the hearing. This is in contravention of paragraph 4.1.2 of the Ethical Code and Ethical Guidelines for TCM Practitioners ("Ethical Code"). The Board has censured TCMP X for this breach.

7 In addition, pursuant to Section 20(1) of the Act, TCMP X was ordered to pay part of the costs and expenses of or incidental to the inquiry.

Case Study 01/2016

TCMP Y is a registered Traditional Chinese Medicine (“TCM”) physician and acupuncturist registered with the TCM Practitioners Board.

2 On 5 January 2006, TCMP Y was convicted in the State Courts of the Republic of Singapore (“State Courts”) of 1 charge under Section 12 of the Skills Development Levy Act (Cap.306) read with Section 109 of the Penal Code (Cap.224) for obtaining payment of a grant from the Skills Development Fund (“Fund”) by means of a false statement and in pursuance of a conspiracy (“2006 Conviction”). TCMP Y falsely stated in an application for a grant from the Fund that he had completed 30 lessons of a foot reflexology course conducted by a training provider, which led the Workforce Development Agency to disburse a grant of \$1,120.00 to the training provider. He was sentenced to a fine of \$4,000 on the same day.

3 On 4 August 2010, TCMP Y was convicted in the State Courts of 5 charges for several offences under Section 12 read with Section 14 of the Skills Development Levy Act (Cap. 306) and Section 511 of the Penal Code (Cap. 224) for unlawfully obtaining payment of grants from the Fund (“2010 Conviction”). TCMP Y declared 5 trainees to be direct employees of the Clinic and/or financially sponsored in full by the Clinic to obtain grants of S\$2,250.00 each from the Fund when he knew that these trainees were not employees of the Clinic and that the course fees were in fact borne by the trainees. He was sentenced to a total of 8 weeks’ imprisonment on 2 September 2010.

4 The TCMP Board conducted an inquiry and found that TCMP Y’s conduct as revealed in the 2006 Conviction and 2010 Conviction amounted to the following:

(a) The aforesaid convictions involved fraud and/or dishonesty, coming within the scope of Section 19(1)(g) of the TCM Practitioners Act.

(b) The aforesaid convictions also imply a defect in character pursuant to Section 19(1)(h) of the TCM Practitioners Act.

5 The TCMP Board has decided to impose the following sanctions against TCMP Y pursuant to Section 19(2) of the TCM Practitioners Act:

(a) To suspend TCMP Y’s registration as an acupuncturist and TCM physician for a period of 9 months, to take effect from 16 September 2016;

(b) TCMP Y to undertake that he will not commit such or similar offences again, and

(c) To censure TCMP Y.

6 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, the Board also ordered TCMP Y to pay costs and expenses of or incidental to the inquiry or investigation conducted or action taken against TCMP Y by the Board.

Case Study 02/2016

TCMP Z of Clinic C is a registered TCM physician and a registered acupuncturist.

2 A complaint was lodged against TCMP Z by the father of one of her patients (the “Complainant”). The patient was a 15-year old girl who had consulted TCMP Z after having missed her menstruation for a 5 month period (the “Patient”).

3 The treatment that the 15-year old patient sought from TCMP Z was for her medical condition of not having her menstruation for the past 5 months.

4 An Investigation Committee (“IC”) Inquiry was subsequently conducted, and TCMP Z was found guilty of inter alia professional negligence. The following findings were made against TCMP Z:

(a) TCMP Z had failed to conduct an adequate or sufficient clinical examination and medical history taking of the patient.

(b) TCMP Z had also failed to consider and eliminate the possibility that the patient could have been pregnant, given her condition at the time of the consultation(s).

(c) TCMP Z had misdiagnosed the Patient’s condition as hormonal imbalance when, in actual fact, the Patient was 5 months pregnant at the material time. TCMP Z had failed to exclude the possibility of pregnancy and/or ask adequate or sufficient basic questions as to the Patient’s condition.

(d) TCMP Z had prescribed the TCM herbal medication known as “桃红四物汤加味” to the Patient without any regard to her actual medical condition. The herbal decoction, meant to revitalise and strengthen the blood flow, posed health risks to both the Patient and her unborn child.

(e) The diagnosis and TCM herbal medication prescribed and dispensed by TCMP Z to the Patient, as stated in sub-paragraphs (a) to (d) above, was not an appropriate and/or generally accepted TCM treatment and fell short of the standard set out in the Ethical Code.

(f) In light of the findings made by the IC as set out above, the IC accordingly found that TCMP Z’s misdiagnosis and management of her Patient’s care contravened Clauses 4.1.1(a) and 4.1.1(e) of the Ethical Code and amounted to a breach of Sections 19(1)(f), 19(1)(i) and 19(1)(j) of the TCM Practitioners Act.

5 The Board decided to impose the following sanctions against TCMP Z pursuant to Section 19(2) of the TCM Practitioners Act:

(a) suspension of TCMP Z’s registration as a TCM physician and acupuncturist for a period of 3 months, with suspension to commence on 1 June 2016;

(b) imposition of a financial penalty of S\$5,000; and

(c) issuance of a notice of censure.

6 In addition, pursuant to Section 20(1) of the Act, TCMP Z was ordered to pay costs and expenses of or incidental to the inquiry hearing, investigation conducted and the action taken against TCMP Z by the Board.

Case Study 03/2016

The Traditional Chinese Medicine Practitioners Board (“The Board”) has fined and censured TCMP X, a registered Traditional Chinese Medicine (TCM) practitioner at Clinic A, for failing to perform basic requirements of TCM practice, which include thorough medical history taking and adequate assessment of a patient’s medical condition.

2 On 13 December 2016, a complaint with statutory declaration was filed against TCMP X for medical negligence and professional misconduct. The Complainant filed the complaint on behalf of her mother (“the patient”), who consulted TCMP X on 20 August 2016 for itch and blisters on her hands.

3 The Complainant alleged that TCMP X’s TCM treatment, including his administration of bloodletting, had caused her mother to suffer pain and swelling on her left hand. When the pain and swelling persisted, her mother consulted a general practitioner who placed her on a course of oral antibiotics. However, the oral antibiotics failed to resolve the symptoms and the patient was subsequently admitted to Singapore General Hospital. Doctors diagnosed the patient’s condition as left hand abscess and flexor tenosynovitis (acute infection within the flexor tendon sheath) of the ring finger (“the Hand infection”). She was hospitalised and underwent multiple operations for the hand infection. The Complainant alleged that the bloodletting procedure which TCMP X had performed was questionable, inappropriate and aggravated the infection to her mother’s left hand.

4 An Investigation Committee (IC) was convened to hear the Complaint. Based on explanation and evidence tendered at the hearing, the IC found TCMP X liable for performing bloodletting treatment on the back of the patient’s left hand on 20 August 2016 without adequate assessment of the patient’s medical conditions based on TCM principles. None of his TCM diagnosis/ syndrome differentiation of the patient was recorded in the patient’s case notes.

5 The Board concurred with the IC’s findings that TCMP X’s conduct had fallen short of the professional standards expected of him as a registered TCM practitioner. He had failed to perform basic requirements of TCM practice, which include good clinical history-taking, and adequate physical examination of the patient based on TCM diagnostic principles. During the inquiry, his explanation on the basis of his treatment was inconsistent. TCMP X’s actions were therefore in breach of Clause 4.1.1 (a) of the Ethical Code and Ethical Guidelines for TCM Practitioners which set out the required standard of good clinical care expected of an attending TCM practitioner and consequently, a breach of Sections 19(1)(f) and 19(1)(i) of the Traditional Chinese Medicine Practitioners Act (Cap. 333A).

6 The Board however assessed that the primary allegation against TCMP X was not proven to satisfaction based on the following factors:

- The evidence presented at the IC hearing did not prove beyond reasonable doubt whether the bloodletting procedure caused the infection. Hence the allegation could not be firmly established.

- There was insufficient evidence to prove that the TCM treatment given by TCMP X had directly caused the infection to the patient's left hand.

7 Having carefully considered the findings of the IC, and the submissions made by both parties at the mitigation address, the Board decided to impose the following sanctions on TCMP X, pursuant to Section 19(2) of the TCMP Act:

- a. A financial penalty of \$8,000.00 and
- b. A censure.

8 The Board noted that this was the first time TCMP X had erred and determined that a penalty of \$8,000.00 and a censure were necessary as deterrence against any repeat of similar breaches in future.

9 Pursuant to Section 20(1) of the TCM Practitioners Act, TCMP X is also liable for the costs and expenses of and incidental to the inquiry and investigations conducted against him. TCMP X filed an appeal in High Court on 11 February 2021 on issues in relation to legal costs and expenses of the inquiry. He withdrew his appeal and the matter was settled on 3 December 2021.

10 Upholding patients' wellbeing and standards of TCM practice is of utmost importance to the Board. We would like to remind all registered TCM practitioners on the importance of carrying out proper and thorough medical history-taking and adequate assessment of patient's medical conditions based on TCM diagnostic principles before administering appropriate TCM treatment to patients. TCM principles like 'Syndrome Differentiation" (辨证论治) form the basic tenet of TCM practice and are essential for making correct clinical decisions for patient treatment and care.

Case Study 01/2015

TCMP X of Clinic A is a registered TCM physician and a registered acupuncturist.

2 A complaint was received by the TCM Practitioners Board that TCMP X had issued as many as 122 medical certificates to 109 students of a private education academy for the period from 2 December 2013 to 12 March 2014 knowing that the medical certificates and the representations stated therein would be relied on by third parties. The complainant alleged that these medical certificates were issued without adequate TCM evaluation of the students' medical condition.

3 An Investigation Committee ("IC") Inquiry was subsequently conducted, and TCMP X was found guilty of the following:

(a) TCMP X's practice with regard to the issuance of medical certificates was very liberal, without proper TCM examination of the patients.

(b) There was no proper TCM examination of 4 students by TCMP X and she did not keep proper patients' records of the 4 students' main medical complaints, her diagnosis, treatments and the circumstances requiring her to issue the medical certificates to them.

(c) Having regard to the findings made in relation to the issues above, the IC also found that TCMP X had misrepresented the facts in the medical certificates issued by her for the 4 students, and she knew that such facts would be relied on by third parties.

Following from the findings made by the IC, the IC found that the issuance of the medical certificates by TCMP X to the 4 students, amounted to professional misconduct and/or negligence and/or improper act or conduct under Sections 19(1)(i) and 19(1)(j) of the TCM Practitioners Act respectively, and breach of Clauses 4.1.1(a) and 4.1.2 of the Ethical Code for TCM Practitioners.

4 The Board decided to impose the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

(a) suspension of TCMP X's registration as a TCM physician and as an acupuncturist for a period of 3 months, with suspension to commence on 1 August 2015;

(b) impose a financial penalty of S\$2,000;

(c) that TCMP X is to give a written undertaking that she will not issue medical certificates without proper TCM examination of her patients and that she will keep proper patients' records of all her patients in accordance with the Ethical Code for TCM Practitioners and relevant regulations; and

(d) censure.

5 In addition, pursuant to Section 20(1) of the Act, the Board also ordered RCMP X to pay costs and expenses of and incidental to the inquiry or investigation conducted and action taken against RCMP X by the Board.

Case Study 02/2015

TCMP Y of Clinic B, is a registered TCM physician and a registered acupuncturist.

2 Health Science Authority (HSA) forwarded a complaint to the Traditional Chinese Medicine (TCM) Practitioners Board that TCMP Y prescribed and dispensed “U O Cream”, a registered western medicine (SIN8347P) to a patient for treatment of psoriasis. It was also established that there was unlicensed assembling activity, and a warning was issued to TCMP Y by HSA. As the prescribing and supply of western medicines by TCM practitioners are prohibited under the TCM Practitioners Board’s Ethical Code and Guidelines, HSA forwarded the matter to the Board for necessary action.

3 An Investigation Committee (“IC”) Inquiry was subsequently conducted, and the following findings were made against TCMP Y:

(a) The treatment rendered by TCMP Y to the patient, including the prescription and/or dispensation of the medicated cream, i.e. “U O Cream”, a registered western medicine (SIN8347P), was not in accordance with his registration as a TCM physician under the Traditional Chinese Medicine Practitioners Act (“the Act”) and Clause 4.1.3 of the Ethical Code and Ethical Guidelines for TCM Practitioners.

(b) In spite of the Board’s Notice and Warning on 20 May 2005 to all TCM practitioners that they are not allowed to and should not prescribe western medicines or Chinese medicines mixed with western medicines, TCMP Y had prescribed and dispensed the “U O Cream”, a registered western medicine (SIN8347P) to his patient.

(c) TCMP Y’s conduct amounted to a breach of Sections 19(1)(f), (i) and (j) of the TCM Practitioners Act (the “Act”).

4 The Board decided to impose the following sanction against TCMP Y pursuant to Section 19(2) of the Act:

(a) To suspend TCMP Y’s registration as a TCM physician and as an acupuncturist for a period of one (1) month, with suspension which took effect from 1 July 2015;

(b) To impose a financial penalty of \$4,000; and

(c) To censure TCMP Y.

Further, TCMP Y has been directed by the Board to give a written undertaking that he will not commit the same breach again, i.e. that he will not prescribe and/or dispense western medicine again.

5 In addition, pursuant to Section 20(1) of the Act, the Board also ordered TCMP Y to pay costs and expenses of or incidental to the inquiry or investigation conducted or action taken against TCMP Y by the Board.

6 The Board would wish to highlight that pursuant to Clause 4.1.3 of the Ethical Code and Ethical Guidelines for TCM practitioners, a TCM physician may only prescribe herbal medicines that are legally available in Singapore and must comply with all relevant statutory requirements governing their use as defined in the Traditional Chinese Medicine Practitioners Act Section 2. “Herbal medicine” means any material or product known or claimed to have therapeutic or other health benefits which contains either raw or processed ingredients of plant, inorganic or animal origin.

7 TCM practitioners are reminded once again that they are not allowed to and should not prescribe/dispense western medicines, including external creams to their patients. Such practices may lead to adverse consequences for their patients. The Board would not hesitate to take appropriate action against those TCM practitioners who do carry out such practices.

Case Study 03/2015

TCMP Z is a registered acupuncturist of Clinic C (the “Clinic”).

2 A complaint was lodged against TCMP Z by a patient (Complainant) for misdiagnosis of her injury, when she visited the clinic for consultation and treatment of her ankle after a fall a few days earlier. TCMP Z sent the Complainant for an X-ray at the radiology department at Raffles Hospital after she examined the Complainant’s injury.

3 TCMP Z reviewed the X-ray taken of the Complainant’s ankle without the radiologist’s report and she told the Complainant that there was no fracture in her left ankle. She diagnosed the injury as an ankle sprain. TCMP Z then administered acupuncture and cupping treatment on the Complainant’s left ankle, and told the Complainant to rest at home. The diagnosis by TCMP Z was subsequently discovered to be wrong as the X-ray report from a radiologist confirmed a fracture on the Complainant’s left ankle.

4 An Investigation Committee (“IC”) Inquiry was subsequently conducted, and the following findings were made against TCMP Z:

(a) TCMP Z is a registered acupuncturist with the TCM Practitioners Board and she is not trained nor does she have the necessary expertise to make a diagnosis based on an X-ray.

(b) In this regard, TCMP Z has acted improperly, negligently and beyond her permitted area of practice and expertise when she rendered treatment to the Complainant.

(c) The diagnosis and treatment prescribed and rendered by TCMP Z to the Complainant are not generally accepted TCM treatments and fell short of the standard set out in Clause 4.1.1(f) of the Ethical Code.

(d) In light of the findings made by the IC as set out above, the IC accordingly found that TCMP Z’s management of the Complainant’s care amounted to a breach of Sections 19(1)(f), 19(1)(i) and/or 19(1)(j) of the TCM Practitioners Act.

5 The Board decided to impose the following sanction against TCMP Z pursuant to Section 19(2) of the Act:

(a) impose a financial penalty of \$5,000, and

(b) issue a notice of censure.

6 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP Z was ordered to pay costs and expenses of or incidental to the inquiry or investigation conducted or action taken against TCMP Z by the Board.

Case Study 04/2015

TCMP X of Clinic A (the “Clinic”), a registered TCM physician, was found guilty of a complaint lodged by one of his patients (“the Complainant”) for treatment rendered by him in the Clinic. TCMP X was found guilty of the following:

- (a) The traction treatment, which was administered on the Complainant on 2 May 2013, was inappropriate and not generally accepted TCM treatment for her condition when she consulted TCMP X at his clinic.
- (b) The treatments including but not limited to acupuncture treatment administered by TCMP X on the Complainant after the Complainant sustained an injury in the Clinic following the traction treatment (“the incident”) were inappropriate and not generally accepted TCM treatments.
- (c) TCMP X’s aforesaid conduct and aforesaid treatments rendered by him on the Complainant, before and after the incident, amounted to professional misconduct and/or negligence, in breach of Sections 19(1)(i) of the TCM Practitioners Act (the “Act”).

2 The patient was found to have sustained a fractured on her right thigh bone/right femur when she was admitted to hospital. There was however no evidence for the Board to conclude that the traction treatment by TCMP X caused or contributed to the fracture in the Complainant’s right thigh bone/right femur.

3 The Board decided to impose the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

- (a) To suspend TCMP X’s registration as a TCM physician for a period of 4 months, with suspension to commence on 1 June 2015,
- (b) To pay a fine \$10,000.00, and
- (c) To censure.

4 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP X was ordered to pay costs and expense of or incidental to the inquiry.

Case Study 01/2014

TCMP Y is an acupuncturist registered with the TCM Practitioners (TCMP) Board.

2 TCMP Y was convicted and jailed for 7 months on 3 July 2013 in the High Court of the Republic of Singapore for 3 out of 8 charges of cheating Workforce Development Agency (WDA) into releasing training subsidies to Clinic B (“the Clinic”) in contravention of Section 420 of the Penal Code. TCMP Y was practising at the Clinic and was also a director of the Clinic.

3 The TCMP Board’s Investigation Committee (“IC”) has conducted an inquiry into TCMP Y’s criminal conviction, and found TCMP Y guilty of the following:

(a) TCMP Y was in fact convicted of the offences under the Penal Code (Cap.224) before the High Court of the Republic of Singapore;

(b) The aforesaid convictions involved dishonesty, coming within the scope of Section 19(1)(g) of the TCM Practitioners Act.

(c) The aforesaid convictions and/or TCMP Y’s conduct therefore amount to a breach of Section 19(1)(g) of the TCM Practitioners Act.

4 The TCMP Board has decided to impose the following sanctions against TCMP Y pursuant to Section 19(2) of the TCM Practitioners Act:

(a) To suspend TCMP Y’s registration as an acupuncturist for a period of 6 months, to take effect from 1 October 2014;

(b) TCMP Y to undertake that he will not commit such or similar offences again, and

(c) To censure TCMP Y.

5 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, the Board also ordered TCMP Y to pay costs and expenses of or incidental to the inquiry or any investigation conducted or action taken against TCMP Y by the Board.

Case Study 02/2014

TCMP Z of Clinic C, a registered TCM practitioner, was found guilty of a complaint lodged by one of his patients (“the Complainant”) for treatment rendered by him. The Complainant was subsequently diagnosed as suffering from necrotizing fasciitis. TCMP Z was found guilty of the following:

(a) He failed to conduct adequate clinical evaluation of the Complainant before rendering the treatment to him. This amounted to a breach of clause 4.1.1(a) of the Ethical Code and Ethical Guidelines for TCM Practitioners (the “Ethical Code”).

(b) The treatment rendered by TCMP Z to the Complainant was not in accordance with appropriate and generally accepted TCM treatment for the Complainant’s condition. This amounted to a breach of clause 4.1.1(e) of the Ethical Code.

(c) TCMP Z’s aforesaid conduct amounted to a breach of Sections 19(1)(f) and (i) of the TCM Practitioners Act, i.e. he has contravened the aforesaid regulations relating to the practice and conduct of registered persons that applied to him and is guilty of professional misconduct and negligence respectively.

2 There was, however, insufficient evidence to find that the necrotising fasciitis suffered by the Complainant was caused by treatment given by TCMP Z.

3 TCMP Z was fined \$5,000 and censured.

4 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP Z was ordered to pay costs and expense of or incidental to the inquiry.

Case Study 03/2014

TCMP X of Clinic A, a registered TCM physician and a registered acupuncturist.

2 HSA forwarded a complaint to the Board that TCMP X prescribed and dispensed a brown herbal powder to a female patient and the brown herbal powder was found to contain Clonazepam, a scheduled poison under the Poisons Act and that TCMP X was charged in Subordinate Courts and fined \$2,000, and in default, 2 weeks imprisonment.

3 An Investigation Committee (“IC”) Inquiry was subsequently conducted, and TCMP X was found guilty of the following:

(a) On 14 March 2013, TCMP X was convicted of the offence of supplying a bottle of brown herbal powder containing Clonazepam to the female patient before the Subordinate Courts of the Republic of Singapore and he admitted to the offence.

(b) The treatment rendered by TCMP X to the female patient, including the prescription and/or dispensation of the brown herbal powder containing Clonazepam, is not in accordance with his registration as a TCM physician and as an acupuncturist under the Traditional Chinese Medicine Practitioners Act (“the Act”) and Clause 4.1.3 of the Ethical Code and Ethical Guidelines for TCM Practitioners.

(c) TCMP X’s conduct amounted to a breach of Sections 19(1)(f), (i) and (j) of the Act.

4 The Board decided to impose the following sanction against TCMP X pursuant to Section 19(2) of the Act:

(a) To suspend TCMP X’s registration as a TCM physician and as an acupuncturist for a period of 15 months, with suspension to commence on 1 April 2014; and

(b) To censure TCMP X.

5 In addition, pursuant to Section 20(1) of the Act, the Board also ordered TCMP X to pay costs and expenses of or incidental to the inquiry or investigation conducted or action taken against TCMP X by the Board.

Case Study 01/2013

Following an inquiry by the Board on a complaint received from a patient (“the Complainant”), TCMP Y of Clinic B, a registered TCM physician, was found guilty of the following:

(a) TCMP Y, as the TCM physician having principal charge of the TCM treatment/care of the Complainant was responsible for the hot medical packs treatment administered by a therapist at Clinic B to the Complainant;

(b) He failed to check the temperature of the hot medical packs before they were administered by the therapist to the Complainant, which resulted in the thermal burn suffered by the Complainant;

(c) His aforesaid conduct amounted to professional negligence, constituting a breach of Section 19(1)(i) of the TCM Practitioners Act.

2 TCMP Y was fined \$1,000.00 and censured.

3 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP Y was ordered to pay costs and expense of or incidental to the inquiry.

Case Study 02/2013

TCMP Z of Clinic C (principal place of practice), a registered acupuncturist, was found guilty of the complaint related to the treatment rendered by TCMP Z to a minor patient (a Primary 4 pupil) who had a fall and injured his left arm. TCMP Z diagnosed the patient as having sustained dislocations at the elbow and shoulder portion of the arm. He rendered treatment on the patient's left arm. He also dispensed 56 CPM tablets in 4 unlabelled small transparent packets to the patient. The patient was brought to a polyclinic for X-ray the next day and found that the patient suffered from bone fractures on the left arm. The complainant alleged that TCMP Z should not have rendered treatment to the patient or prescribed and dispensed the CPM tablets to the patient.

2 An inquiry was conducted over the matters raised in the complaint. Following investigation, the Board made the following determinations: -

(a) That TCMP Z prescribed and/or dispensed fifty-six (56) tablets in four (4) unlabelled transparent packets to a patient on 29 February 2012 when the patient attended at Clinic D ("the Clinic") together with the complainant to seek treatment from TCMP Z;

(b) That TCMP Z should not have treated the patient when he suspected that the patient had a bone related injury;

(c) That in prescribing and/or dispensing the aforesaid tablets/medicine, TCMP Z acted in contravention of his registration as an acupuncturist under the Traditional Chinese Medicines Practitioners Board Act ("the Act"), the Board Notice 2007/1 dated 1 June 2007 and the Ethical Code and Ethical Guidelines for TCM Practitioners ("the Ethical Code"); and

(d) That TCMP Z's conduct amounted to a breach of Section 19(1)(f) and (i) of the Act.

3 The Board imposed the following sanctions against TCMP Z pursuant to Section 19(2) of the Act:

a) To suspend TCMP Z's registration as an acupuncturist for a period of 2 months (suspension starts on 1 June 2013);

b) To impose a penalty of \$2,000;

c) To censure TCMP Z;

and

d) To pay costs and expense of or incidental to the inquiry before the Investigation Committee pursuant to Section 20 of the Act.

4 In addition, the Board also required TCMP Z to provide a written undertaking to the Board that he would not prescribe or dispense medicine to his patients or attempt to treat bone related injuries in the future.

Case Study 01/2012

TCMP X of Clinic A (latest place of practice), a registered TCM physician, was found guilty of the following complaint:

TCMP X was found to have prescribed and/or dispensed 4 unlabelled blue tablets to a patient. The Health Sciences Authority tested the unlabelled blue tablets prescribed and/or dispensed by TCMP X and found them to contain Paracetamol, a western medicine. TCMP X's conduct of prescribing and/or dispensing 4 tablets containing Paracetamol was in breach of Clause 4.1.3 of the "Ethical Codes and Ethical Guidelines for TCM Practitioners" (the "Ethical Code") and the Board's Notice 2005/2 dated 20 May 2005 (the "Notice"). In this regard, TCMP X has been found to have breached Section 19(1)(f) and 19(1)(i) of the Traditional Chinese Medicines Practitioners Act.

2 Notwithstanding that the quantity of tablets prescribed and/or dispensed was small and the patient did not suffer any harm, the TCM Practitioners Board (the "Board") noted that TCMP X had acted in disregard of the Notice in prescribing and/or dispensing western medicine to a patient. As the infringement involves prescribing and dispensing of medicines to patients, the Board takes a very serious view of the breach and takes the position that suspension of registration is warranted.

3 In this regard, the Board imposed the following sanctions against TCMP X pursuant to Section 19(2) of the Act:

- a) To suspend TCMP X's registration as a TCM physician for a period of 3 months
- b) To censure TCMP X;
- c) To impose a penalty of \$ 5,000; and
- d) To pay costs and expense of and incidental to the inquiry before the Investigation Committee pursuant to Section 20 of the Act.

In addition, the Board also required TCMP X to provide a written undertaking to the Board that he would not prescribe dispense and/or give any form of western medicine to his patients in the future.

4 TCMP X was dissatisfied with the Board's decision as he maintains that he should not be suspended at all and that the fine imposed should only be S\$2,000. He filed an appeal to the High Court against the Board's decision. The appeal came on for hearing before Justice Y on 5 October 2012. Justice Y agreed with the Board's counsel's submission that the infringement by TCMP X should not be treated lightly by the Board and she agreed that a suspension of TCMP X's registration is warranted as the Board had previously notified all TCM practitioners that they are strictly prohibited from prescribing and dispensing any western medicine whether on its own or mixed with Chinese medicine. She however made a slight adjustment to the suspension and fine imposed by reducing the suspension period from three months to two months and the fine from S\$5,000 to S\$4,000. While the Justice did say that the initial punishment

of three months' suspension seemed "a little harsh" and made slight adjustment to the period of suspension, the Board would wish to clarify that there is no past similar precedent case as this is the first case of a TCM physician who had prescribed and dispensed 4 unlabelled tablets containing paracetamol to a patient who did not suffer any adverse consequence after taking two of the tablets. All past cases involving prescription of western medicine involved patients who had suffered adverse consequences and were given suspension periods of one year or more together with fines. All such cases were considered by the Board when they made the initial punishment of three months. The Board noted the learned Justice's agreement with the Board that in TCMP X's case, a suspension is warranted.

5 Following the court's decision, the following sanctions are imposed on TCMP X:-

- (a) To suspend TCMP X's registration for a period of two months;
- (b) To censure TCMP X;
- (c) To impose a penalty of S\$4,000;
- (d) To pay costs and expenses of and incidental to the inquiry before the Investigation Committee pursuant to Section 20 of the Act.

TCMP X is to provide a written undertaking to the Board that he would not prescribe dispense and/or give any form of western medicine to his patients in the future.

Case Study 02/2012

TCMP Y of Clinic B (latest place of practice), a registered TCM physician, was found guilty of the following complaint:

TCMP Y was found to have mixed Sunny Fever Suspension Sin 6357P with two liquid preparations, namely “藿香正气化湿合剂” and “银翘解毒合剂” (the “Liquid Preparations”), and then prescribed the same to a patient on 2 occasions. The patient subsequently developed Stevens-Johnson Syndrome after ingesting the Liquid Preparations prescribed and/or dispensed by TCMP Y. Stevens-Johnson Syndrome is life-threatening and the patient could have suffered serious irreversible consequences.

The Health Sciences Authority tested the Liquid Preparations and found them to contain Paracetamol, a western medicine. Although TCMP Y is and was not permitted to prescribe and/or dispense western medicine, he prescribed the Liquid Preparations containing Paracetamol to the patient. TCMP Y's conduct was in breach of Sections 19(1)(f) and 19(1)(i) of the Traditional Chinese Medicine Practitioners Act (the “Act”), Clause 4.1.3 of the “Ethical Codes and Ethical Guidelines for TCM Practitioners” (the “Ethical Code”) and the Board's Notice 2005/2 dated 20 May 2005 (the “Notice”).

2 The Board imposed the following sanctions against TCMP Y pursuant to Section 19(2) of the Act:

- a) To suspend TCMP Y's registration as a TCM physician and as an acupuncturist for a period of 1 year (suspension starts on 1 July 2012);
- b) To censure TCMP Y;
- c) To impose a penalty of \$5,000; and
- d) To pay costs and expense of or incidental to the inquiry before the Investigation Committee pursuant to Section 20 of the Act.

In addition, the Board also required TCMP Y to provide a written undertaking to the Board that he would not prescribe dispense and/or give any form of western medicine to his patients in the future.

Case Study 03/2012

TCMP Z of Clinic C (latest practice place), a registered acupuncturist, was found guilty of the following complaints:

First Complaint:

TCMP Z was found to have prescribed and/or given some orange-red pills to a patient who subsequently developed Stevens-Johnson Syndrome as a result of the treatment rendered/ingesting the orange-red pills prescribed and/or dispensed by TCMP Z. Stevens-Johnson Syndrome could be life-threatening and could have had serious consequences.

The Health Sciences Authority tested the orange-red pills and found that the pills contained Piroxicam, a controlled substance under the Poisons Act. Although TCMP Z is and was not permitted to prescribe and/or dispense medicine to patients, TCMP Z prescribed the orange-red pills to the patient. TCMP Z's conduct was in breach of Sections 19(1)(f) and 19(1)(i) of the Traditional Chinese Medicine Practitioners Act ("the Act"), Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations ("the Regulations") and Clauses 4.1.1(a), 4.1.1(e) and 4.1.2 of the "Ethical Codes and Ethical Guidelines for TCM Practitioners" ("the Ethical Code").

Second Complaint:

TCMP Z was found to have prescribed and/or dispensed "Xiao Yao Wan" (逍遥丸) to another patient and this contravened Section 19(1)(f) of the Act and Clauses 4.1.1(a) and 4.1.1(e), 4.1.2 of the Ethical Code as well as Regulation 3 of the Regulations in that he had prescribed and/or dispensed medicine when he should not and had failed to keep proper and accurate records of the treatment he administered to the patient.

2 The TCM Practitioners Board (the "Board") also took note of the fact that TCMP Z was given a warning by the Board on 1 April 2007 not to prescribe and/or dispense medicine to patients and to ensure that he maintained proper and accurate medical records in accordance with Clause 4.1.2 of the Ethical Code. TCMP Z did not heed the Board's warning and continued to prescribe and/or dispense medicines to patients.

3 Upon considering the findings of Investigation Committee (IC 2010/2) and TCMP Z's mitigation plea before the Board, the Board decided that TCMP Z had breached Section 19(1)(f) and (i) of the Act and Clauses 4.1.1(a), 4.1.1(e) and 4.1.2 of the Ethical Code. The Board imposed the following sanctions against TCMP Z pursuant to Section 19(2) of the Act:

- a) To suspend TCMP Z's registration as an acupuncturist for 3 years (suspension to start on 1 Feb 2012);
- b) To censure TCMP Z;
- c) To impose a penalty of \$10,000;

d) To pay costs and expense of or incidental to the inquiry before the Investigation Committee pursuant to Section 20 of the Act.

In addition, the Board also required TCMP Z to provide a written undertaking to the Board that he would not prescribe, dispense and/or give any form of medicine to his patients in the future.

Case Study 01/2011

TCMP X of Clinic A, a registered TCM physician and registered acupuncturist, was found guilty of the complaint related to the treatment rendered by TCMP X to a female patient for her suspected slipped disc problem.

2 TCMP X administered tuina and suggested acupuncture treatment on the patient. TCMP X then proceeded to administer treatment on the patient by drawing out some fluid from the swollen area around the muscles to reduce inflammation and compression of the nerves. After the treatment, the patient experienced a severe headache for which TCMP X gave 2 pain-relief tablets. Thereafter, the patient vomited and continued to vomit on her way home from the clinic. The next day, the patient continued to experience severe and persistent headaches together with vomiting. She went to the Accident and Emergency Department of the Singapore General Hospital wherein a CT scan revealed pocket of air in the patient's subarachnoid spaces over the right frontal region, right sylvian fissure and the basal cisterns. She was diagnosed as suffering from post-lumbar puncture.

3 An Investigation Committee ("IC") Inquiry was subsequently conducted, and the following findings were made against TCMP X:-

(a) TCMP X failed to obtain informed consent from the patient prior to administering "blood-letting and cupping" treatment, in that he did not explain the potential dangers, risks or consequences of the treatment rendered, in breach of Clause 4.2.2 of the Ethical Code and Ethical Guidelines for TCM Practitioners (the "Ethical Code").

(b) The treatment rendered by TCMP X on the patient, i.e., inserting the 22GX needle deeply into the spinal area and drawing cerebrospinal fluid, was neither appropriate nor generally accepted method of TCM treatment, in breach of Clause 4.1.1(e) of the Ethical Code.

(c) TCMP X failed to provide competent, compassionate and appropriate care to the patient, in breach of Clauses 4.1.1(e) and 4.2.2 of the Ethical Code.

(d) In light of the above, the IC found that the treatment rendered by TCMP X constituted professional misconduct or negligence contrary to Section 19(1)(i) of the Traditional Chinese Medicine Practitioners Act (the "Act").

4 Having considered the findings of the IC and submissions by all parties, the Board decided that TCMP X had breached Sections 19(f) and (i) of the Act and Clauses 4.1.1(e) and 4.2.2 of the Ethical Code, with the following sanctions:

(a) To suspend TCMP X's registration as a TCM physician and as an acupuncturist for a period of 6 months, with suspension to commence on 15 Aug 2011;

(b) To impose a penalty of \$2,000;

(c) To censure TCMP X, including a very stern warning that he cannot and should not use of inappropriate and generally unaccepted method of TCM

treatment which involves the deep insertion of needle(s) into the human body, especially near the spinal cord;

In addition, the Board also ordered TCMP X:

(d) To undergo further training in TCM and/or acupuncture and/or observe a registered TCM physician or acupuncturist in practice, during the period of suspension and to submit documentary evidence in this regard at least 14 days before the end of his suspension;

(e) To give a written undertaking that he will not perform or offer to perform any inappropriate and generally unaccepted form of TCM treatment on his patients in the future; and

(f) To pay costs and expenses of or incidental to the inquiry before the Investigation Committee, under Section 20 of the Act.

Case Study 01/2010

An inquiry was conducted by the Board on TCMP Y of Clinic B and the following are the brief findings of the TCM Practitioners Board (中医管理委员会):

- a) TCMP Y was found to have breached Section 19(1)(i) of the TCM Practitioners Act in that he was guilty of professional misconduct for rendering questionable treatments on a patient;
- b) TCMP Y had been convicted of offences of possession and sale of various scheduled poisons in his clinic in breach of the provisions of the Poisons Act, indicating a defect in his character rendering him unfit for practice under Section 19(1)(h) of the TCM Practitioners Act; and
- c) TCMP Y had failed to keep proper and complete treatment records of a patient and had breached Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations and Section 19(1)(j) of the TCM Practitioners Act.

2 Having regard to TCMP Y's conduct, the Board decided to cancel TCMP Y's registration as an acupuncturist and TCM physician under Section 19(1) of the TCM Practitioners Act (中医注册法令).

3 TCMP Y appealed to the High Court against the decision of the Board both on the conviction as well as in respect of the sentence given. His appeal came on for hearing on 29 April 2010 before Justice Z wherein the learned judge upheld the decision of the Board to cancel TCMP Y's registration. Justice Z also ordered TCMP Y to pay legal cost to the Board.

Case Study 01/2009

TCMP Z of Clinic C, a registered TCM physician and registered acupuncturist, was found guilty of the following complaints:

First Complaint:

TCMP Z was found guilty of professional negligence contrary to Section 19(1)(i) of the Traditional Chinese Medicine Practitioners Act (Cap 333A) for having administered acupuncture and heat therapy treatment to a patient inappropriately thereby causing the patient to suffer a burn injury.

Second Complaint:

TCMP Z was found to have contravened Section 19(1)(f) of the Act and Clause 4.1.2 of the “Ethical Code and Ethical Guidelines for TCM Practitioners” as well as Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations in that she had failed to keep proper and accurate records of the treatment administered to a patient.

2 In respect of the First Complaint, TCMP Z was fined \$2,000 and was given a censure.

3 In respect of the Second Complaint, TCMP Z was issued a censure.

4 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP Z was ordered to pay costs and expenses of or incidental to the inquiry conducted by the Investigation Committee and any action taken by the Board, including expenses of the Board’s solicitors and the legal assessor.

5 TCMP Z appealed to the High Court against the decisions of the TCM Practitioners Board. Her appeal came on for hearing on 16 July 2009 before Justice X. Her appeal was dismissed by the Learned High Court Judge and she was also ordered to pay the Board’s cost of appeal fixed at \$12,000.00.

Case Study 02/2009

TCMP X of Clinic A, a registered TCM physician and registered acupuncturist, was found guilty of the following complaints:

First Complaint:

TCMP X was found to have contravened Section 19(1)(i) of the Traditional Chinese Medicine Practitioners' Act (Cap 333A) (the "Act") and Clause 4.1.1(e) and Clause 4.1.1(d) of the Ethical Code and Ethical Guidelines ("Ethical Code") in that, inter alia, she had been guilty of professional misconduct in her treatment of piles to a patient.

Second Complaint:

TCMP X was found to have contravened Section 19(1)(f) of the Act and Clause 4.1.2 of the Ethical Code as well as Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations in that she had failed to keep proper and accurate records of the treatment she administered to the patient.

Third Complaint:

TCMP X was convicted for the offence of possessing for sale two scheduled poisons, lidocaine and prednisolone, without a licence, in contravention of Section 5 of the Poisons Act (Chapter 234).

2 In respect of the First and Third Complaints, TCMP X was suspended from practice as a TCM physician and acupuncturist for a period of 3 years with effect from 14 May 2009, pursuant to Section 19(2) of the Act.

3 In respect of the Second Complaint, TCMP X was issued a censure and was reminded to take sufficient steps to ensure that proper and accurate records are kept to enable proper after care and service of patients and that all such records shall contain sufficient detail so that any other TCM practitioner would be able to take over the management of a patient when a referral is made.

4 In addition, pursuant to Section 20(1) of the Act, TCMP X was ordered to pay costs and expenses of or incidental to the inquiry or investigation conducted by the Investigation Committee and any action taken by the Board, including expenses of the Board's solicitors and the legal assessor.

Case Study 01/2008

TCMP Y of Clinic C, a registered TCM physician and registered acupuncturist, was found guilty of contravening Section 19(1)(i) of the TCM Practitioners Act (Cap 333A) (the “Act”) for professional misconduct in that he allowed nude photographs of himself to be published in the media.

2 TCMP Y was fined \$500 and censured. He was reminded to abstain from any such similar conduct in the future.

3 In addition, pursuant to Section 20(1) of the Act, TCMP Y was ordered to pay costs and expenses of or incidental to the inquiry conducted by the Investigation Committee and any action taken by the Board, including expenses of the Board’s solicitors and the legal assessor.

Case Study 02/2008

TCMP Z of Clinic C, a registered TCM physician, was found guilty of the following complaints:

First Complaint:

TCMP Z was found to have breached Section 19(1)(f) of the Traditional Chinese Medicine Practitioners' Act (Cap. 333A) ["the Act"] and Clause 4.2.3(a) of the Ethical Code and Ethical Guidelines for breaching of the confidentiality of his patients' medical records.

Second Complaint:

TCMP Z was found to have contravened Section 19(1)(f) of the Act and Clause 4.1.2 of the Ethical Code and Ethical Guidelines as well as Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations in that he had failed to keep proper and accurate records of the treatment administered to a patient.

2 In respect of the First Complaint, TCMP Z was fined \$3,000 and censured. He was reminded to safeguard the confidentiality of patients' medical records and not to disclose without the patients' consent, information obtained in confidence or in the course of attending to his patients.

3 In respect of the Second Complaint, TCMP Z was issued a censure and was reminded to take sufficient steps to ensure that proper and accurate records are kept to enable proper after care and service of patients and that all records shall contain sufficient detail so that any other TCM practitioners would be able to take over the management of the patient when a referral is made.

4 In addition, pursuant to Section 20(1) of the TCM Practitioners Act, TCMP Z was ordered to pay costs and expenses of or incidental to the inquiry conducted by the Investigation Committee and any action taken by the Board, including expenses of the Board's solicitors and the legal assessor.

Case Study 03/2008

TCMP X of Clinic A, a registered TCM physician and registered acupuncturist, was found guilty of the following complaints:

First Complaint:

TCMP X was found to have contravened Section 19(1)(i) of the Traditional Chinese Medicine Practitioners' Act (the "Act") and Clause 4.1.1(e) and Clause 4.1.1(d) of the Ethical Code and Ethical Guidelines in that, inter alia, she had been guilty of professional misconduct and/or negligence in leaving the clinic and a patient during the midst of the acupuncture treatment administered by her and left the removal of the acupuncture needles to an unqualified person.

Second Complaint:

TCMP X was found to have contravened Section 19(1)(f) of the Act and Clause 4.1.2 of the Ethical Code and Ethical Guidelines as well as Regulation 3 of the TCM Practitioners (Practice, Conduct and Ethics) Regulations in that she had failed to keep proper and accurate records of the treatment she administered to a patient.

2 In respect of the First Complaint, TCMP X was fined \$2,000 and suspended from practice as a TCM physician and acupuncturist for a period of twelve (12) months commencing from 1 September 2008.

3 In respect of the Second Complaint, TCMP X was issued a censure and was reminded to take sufficient steps to ensure that proper and accurate records are kept to enable proper after care and service of patients and that all such records shall contain sufficient detail so that any other TCM practitioner would be able to take over the management of a patient when a referral is made.

4 In addition, pursuant to Section 20(1) of the Act, TCMP X was ordered to pay costs and expenses of or incidental to the inquiry or investigation conducted by the Investigation Committee and any action taken by the Board, including expenses of the Board's solicitors and the legal assessor.