

Series in Professional Ethics

Overview of Interim Orders Committee (IOC) and Interim Orders

Q1. Which types of interim orders can the IOC make?

The IOC may make either an interim *suspension* order or an interim *restriction* order. An interim *suspension* order suspends the registration of the medical practitioner for up to 18 months whereas an interim *restriction* order subjects the registration of the medical practitioner be conditional on his or her compliance with conditions or restrictions specified by the IOC also for a period not exceeding 18 months. If required, the Singapore Medical Council (SMC) may apply to the High Court for further extensions of the interim orders of up to 12 months at each time.

Q2. How long does it take for the IOC to make an interim order?

When there is sufficient evidence before the IOC that it is necessary for the protection of the members of the public or in the public interest or in the interests of the registered medical practitioner for an interim order to be issued, the IOC will issue the order without undue delay. Sometimes, this may not be apparent at the outset of a disciplinary case as evidence may only emerge following investigations at the Complaints Committee (“CC”) or Disciplinary Tribunal (“DT”) stages.

An *immediate* interim order may also be issued without first giving the medical practitioner an opportunity to be heard. This can happen if the IOC is satisfied that a court of law in Singapore has found that the medical practitioner has engaged in any conduct alleged in the complaint or information, and that the conduct poses an imminent danger to the health or safety of any patient of the medical practitioner.

Alternatively, the SMC can certify that it is of the opinion that any conduct alleged in the complaint or information poses an imminent danger to the health or safety of any patient of the medical practitioner such that an *immediate* interim order must be made against the said medical practitioner.

Q3. How often does the IOC review an interim order?

- ▶ The IOC is required by law to review an interim order within six months of the date on which the order was made and, subsequently, to review the order at three-month intervals for as long as the order continues to be in force.
- ▶ The IOC may also review the interim order when there is new evidence relevant to the order has become available after the making of the said order.

Q4. Can a medical practitioner request to revoke or vary an interim order?

- ▶ Yes, a medical practitioner can apply to the High Court to:
 - revoke the interim suspension order, or
 - revoke or vary any condition or restriction imposed by an interim restriction order.

The application must be made within 14 days after being notified of the interim order.

Q5. Do medical practitioners face double punishment from both the IOC and the DT?

- ▶ No, this is not double punishment. The interim order by the IOC and the order made by the DT are separate and distinct measures that serve different purposes. The interim order is a temporary measure that is intended to protect public interest while the investigation or disciplinary proceedings are ongoing. When the medical practitioner is found guilty of professional misconduct by the DT, the orders issued by the DT set out the sanctions that the medical practitioner will face as a result of the offences.

Q6. Would it be unfair to the medical practitioner if he/she was suspended for a prolonged duration under the interim order while disciplinary proceedings were held in abeyance, or pending investigations by enforcement agencies such as the Singapore Police Force or ongoing Court proceedings?

Where the relevant CC or DT has held its proceedings in abeyance for such reasons, resulting in inordinate delay, the DT hearing the case may consider this as a mitigating factor in sentencing, provided the medical practitioner has suffered prejudice because of the delay and was not the cause of the delay, and there are no countervailing public interest considerations. Generally, this is also an accepted practice in the criminal courts and the courts would apply similar considerations if there was inordinate delay in prosecuting the offender.

Q7. Is the medical practitioner under an interim suspension order regarded as registered with SMC?

- ▶ No, even though the medical practitioner's name still remains on the Register while he/she is suspended by virtue of an interim suspension order, the medical practitioner is not regarded as being registered with SMC.
- ▶ Only upon the expiration or revocation of an interim suspension order, the medical practitioner's rights and privileges as a registered medical practitioner are revived immediately after the date of the expiration or revocation, but only if he or she has complied with all the terms of the order.

