

香港醫務委員會
The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr HO Sie Kiu Alice (何思翹醫生)(Reg. No.: M09681)

Date of hearing: 30 January 2018 (Tuesday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-yee, Joseph, SBS (Chairman)
Dr LEUNG Chi-chiu
Mr KWONG Cho-shing, Antonio, MH
Dr YAM Kwong-yui
Dr MOK Pik-tim, Francis

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Chris Howse Messrs. Howse
Williams Bowers

Senior Government Counsel representing the Secretary: Mr Mark CHAN

1. The charge against the Defendant, Dr HO Sie Kiu Alice, is :

“That on or about 14 August 2014, she, being a registered medical practitioner, disregarded her professional responsibility to her patient Madam [REDACTED] (“the Patient”), a 16-month old girl, in that she inappropriately prescribed Loperamil to the Patient who was less than 2 years old.

In relation to the facts alleged, she has been guilty of misconduct in a professional respect.”

Facts of the case

2. The Defendant was at all material times a registered medical practitioner. Her name has been included in the General Register from 26 September 1994 to present. Her name has never been included in the Specialist Register.

3. Briefly stated, the Patient was brought by her parents to consult the Defendant on 14 August 2014 and was diagnosed to be suffering from gastroenteritis. The Defendant prescribed, amongst other medications, LOPER (trade name of loperamide) 2.5 ml (0.5 mg), an anti-diarrheal drug, once every 6 hours but 3 times a day at most, to the Patient. The Patient was almost 16 months old at the time of the consultation, having been born on 18 April 2013.
4. There is no dispute that the Patient went home and took the prescribed medications including loperamide. The Patient's diarrhoeal symptoms subsided rapidly within 2 days. However, the Patient developed constipation in the following 3 days. On 19 August 2014, the Patient was brought by her parents to consult one Dr TSE, a specialist in paediatrics. Upon physical examination, Dr TSE found the left sided colon of the Patient to be loaded and he suspected that her constipation might be related to the drug reaction from taking loperamide. Dr TSE immediately advised the Patient's parents to stop giving loperamide to the Patient. Dr TSE also advised the Patient's parents to increase the Patient's fluid intake and to employ manual anal stimulation to ease the Patient's constipation, if necessary.
5. The Patient's father subsequently lodged the present complaint against the Defendant with the Medical Council.
6. It is the unchallenged expert evidence of Dr LI Chi Kong, the Secretary's expert witness, that whilst loperamide, being a synthetic derivative of pethidine, could inhibit gut mobility and reduce gastrointestinal secretions but it should not be prescribed to children under the age of 2 years for treatment of diarrhoea.

Burden and Standard of Proof

7. We bear in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove her innocence. We also bear in mind that the standard of proof for disciplinary proceedings is the preponderance of probability. However, the more serious the act or omission alleged, the more inherently improbable must it be regarded. Therefore, the more inherently improbable it is regarded, the more compelling the evidence is required to prove it on the balance of probabilities.

8. There is no doubt that the allegation made against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse any registered medical practitioner of misconduct in a professional respect. We need to look at all the evidence and to consider and determine the disciplinary charge against the Defendant carefully.

Findings of the Medical Council

9. The Defendant admits the factual particulars of the disciplinary charge against her but it remains for us to determine on the evidence whether she is guilty of misconduct in a professional respect.
10. It is clearly stated in paragraph 9.1 of the Code of Professional Conduct (2009 edition) that “[a] doctor may prescribe medicine to a patient only after proper consultation and only if drug treatment is appropriate.” We agree with the Secretary’s expert, Dr LI, that the mainstay of treatment for acute diarrhoea is rehydration therapy. Although anti-diarrhoeals may have a role for symptomatic reliefs in adults with acute diarrhoea, they should not be prescribed to infants or young children under the age of two. Our attention was drawn by Dr LI to the fact that there had been reports of loperamide poisoning in very young children.
11. Babies are not miniature adults. How they might react to a medicine could be very different from adults. In this case, mere reduction in dosage of loperamide could not render the prescription safe for the Patient. We also agree with Dr LI that the benefit of stopping diarrhoea was out-balanced by the risks of loperamide to the Patient.
12. In our view, the Defendant’s prescription of loperamide to the Patient was inappropriate and her conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as charged.

Sentencing

13. The Defendant has a clear disciplinary record.
14. In line with published policy, we shall give her credit for her frank admission and full cooperation throughout this inquiry.

15. We bear in mind that the purpose of a disciplinary order is not to punish the Defendant but to protect the public from persons who are unfit to practise medicine and to maintain public confidence in the medical profession by upholding the high standards and good reputation of the profession.
16. We agree with the Defendant's solicitor that there was no harm done to the Patient except slight discomfort from constipation. We also agree that there is nothing in the evidence to suggest that the Patient had developed any long term complication as a result of taking loperamide. However, we are particularly concerned that the Defendant had overlooked an important warning in respect of a common drug.
17. Having considered the nature and gravity of this case and what we have heard and read in mitigation, we order that the Defendant's name be removed from the General Register for a period of 1 month. We further order that the operation of the removal order be suspended for 12 months on condition that she shall complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Medical Council with the following terms:-
 - (a) the Practice Monitor shall conduct random audit of the Defendant's practice with particular regard to the prescription of medications;
 - (b) the peer audit should be conducted without prior notice to the Defendant;
 - (c) the peer audit should be conducted at least once every 6 months during the suspension period;
 - (d) during the peer audit, the Practice Monitor should be given unrestricted access to all parts of the Defendant's clinic and the relevant records which in the Practice Monitor's opinion is necessary for proper discharge of his duty;
 - (e) the Practice Monitor shall report directly to the Chairman of the Medical Council the finding of his peer audit at 6-monthly intervals. Where any defects are detected, such defects should be reported to the Chairman of the Medical Council as soon as practicable;
 - (f) in the event that the Defendant does not engage in active practice at any time during the suspension period, unless otherwise ordered by the Medical

Council, the peer audit shall automatically extend until the completion of 12-month suspension period; and

- (g) in case of change of Practice Monitor at any time before the end of the 12-month suspension period, unless otherwise ordered by the Medical Council, the peer audit shall automatically extend until another Practice Monitor is appointed to complete the remaining period of peer audit.

Prof. LAU Wan-yee, Joseph, SBS
Chairman,
The Medical Council of Hong Kong