

香港醫務委員會

The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr LEE Chee Yuen (Reg. No.: M06783)

Date of hearing: 19 January 2021 (Tuesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Dr CHEUNG Chin-pang
Dr BEH Swan-lip
Mrs BIRCH LEE Suk-yea, Sandra, GBS, JP
Ms HO Yuk-wai, Joan

Legal Adviser: Mr Stanley NG

Defence Counsel representing the Defendant: Mr Tony LI as instructed by
Messrs. Kennedys

Government Counsel representing the Secretary: Mr David YIM

1. The charges against the Defendant, Dr LEE Chee Yuen, are:

“That on 22 October 2018, he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] (“the Patient”) in that he:

- (i) failed to ensure that the full name of the Patient was labeled in three dispensed medicines;
- (ii) failed to ensure that the date of dispensing was labeled in three dispensed medicines; and
- (iii) failed to ensure that the name of medication was labeled in two dispensed medicines.

In relation to the facts alleged, either individually or cumulatively, he has been guilty of misconduct in a professional respect.”

Facts of the case

2. The Defendant's name has been included in the General Register from 20 February 1988 to the present. His name has never been included in the Specialist Register.
3. On 22 October 2018, the Patient consulted the Defendant at his clinic complaining of fever, itchy throat and running nose.
4. According to the defence bundle provided to us, the Defendant prescribed to the Patient the following medicines during the consultation:
 - (i) Piriton 4mg 3 times a day for 3 days;
 - (ii) Celecoxib 200mg 1 time a day for 2 days; and
 - (iii) Cetirizine 10mg 1 time a day for 2 days.
5. The prescribed medicines were dispensed to the Patient in three separate medicine bags.
6. The full name of the Patient and the date of dispensing were not labelled in all three medicine bags.
7. For the medicine bag containing Celecoxib, no medicine name was written on it. It only had the word “痛”.
8. For the medicine bag containing Cetirizine, no medicine name was written on it. It only had the words “感冒”.
9. The strength of the medicine Piriton was not labelled on its medicine bag.
10. The Patient subsequently lodged a complaint against the Defendant with the Medical Council.

Burden and Standard of Proof

11. We bear in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove his 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.

12. There is no doubt that each of the allegations against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine each of the disciplinary charges against him separately and carefully.

Findings of the Inquiry Panel

13. The Defendant admits the factual particulars of the disciplinary charges against him but it remains for us to consider and determine on the evidence whether he has been guilty of misconduct in a professional respect.
14. Registered medical practitioners in Hong Kong are in a unique position in that they can prescribe and dispense medicines to patients. As a registered medical practitioner who dispensed medicines to the Patient, the Defendant had the personal responsibility to ensure all dispensed medicines were properly labelled.
15. It is clearly stated in section 9.4 of the Code of Professional Conduct (“the Code”) (2016 edition) that –

“All medications dispensed to patients directly or indirectly by a doctor should be properly and separately labelled with all the following information:

- (a) *name of prescribing doctor or proper means of identifying him;*
- (b) *full name of the patient, except where the full name is unusually long (in which case the family name and such part of the given name or initials sufficient to identify the patient should be written);*
- (c) *date of dispensing;*
- (d) *name of medicine, which can be either:*
 - (i) *the name of the medicine as it is registered with the Pharmacy and Poisons Board of Hong Kong and shown in the Compendium of Pharmaceutical Products published by the Department of Health; or*

(ii) *the generic, chemical or pharmacological name of the medicine;*

(e) *method of administration;*

(f) *dosage to be administered;*

(g) *strength and/or concentration of the medicine where applicable; and*

(h) *precautions where applicable.”*

16. Proper labelling of medicines is an important requirement in the practice of registered medical practitioners in Hong Kong. Other doctors who provide subsequent treatment need to confirm the name of the patient to see if he/she is the same patient and to know the names of the medicines and the date of dispensing when formulating their treatment plans. This will also avoid over dosage and adverse effect of drug-drug interaction. Any failure to properly label the medicines may have serious consequences, particularly in emergency situations.
17. In this case, there is no dispute that all three medicine bags dispensed to the Patient did not bear the name of the Patient and the date of dispensing. In two of the said three medicine bags, they even did not have the names of the medicines. Whilst we accept that the names of some of the prescribed medicines were printed on the individual packaging or container but there was a real risk that the Patient might confuse the dosage for one medicine with another after removing them from the medicine bags. It is also possible that patients who after breaking the tin foils in some of those packaged medicines may not be able to tell again the names of the medicines which were printed on the tin foils. In fact, it is never a good practice that doctors can dispense without labelling the drug names on medicine bags for reason that there are already names of the medicines shown on the packaged medicines.
18. In our view, by failing to ensure that all prescribed medicines were properly labelled with the necessary information (in this case, the full name of the Patient, the date of dispensing and the names of the medication) before allowing them to be dispensed to the Patient, the Defendant had by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of professional misconduct as charged.

Sentencing

19. The Defendant has a clear disciplinary record.
20. In line with our published policy, we shall give the Defendant credit in sentencing for his frank admission and full cooperation throughout these disciplinary proceedings.
21. We bear in mind that the primary 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 its high standards and good reputation.
22. There is no evidence before us of concealment of the nature of the prescribed medicines. We accept that the disciplinary charges in this case are in respect of poor labelling rather than deliberate non-labelling.
23. We are told in mitigation that it was merely oversight on the part of the Defendant in committing the offences. We however do not believe it was an oversight.
24. We are told that the Defendant was deeply apologetic for his failure to check the labels before the medicines were dispensed to the Patient.
25. We are told that a number of remedial measures have been taken by the Defendant after the incident to prevent this mishap from happening again. In particular, the Defendant will double-check and ensure all medications dispensed to patients are correctly labelled with the full name of the patient, the date of dispensing and the name of the medication regardless of whether the medication is contained in their original packaging which states the medicine name. We must emphasize that this is the minimum standard expected from medical practitioners. The Defendant has also prepared a checklist of information required for the labelling of dispensed medicines and will make sure the nurse double-checks all the information is present on all medicine bags before they are passed to him for further checks. We suggest that the Defendant may consider using more updated computer programs for printing labels in the future.

26. We appreciate that the Defendant was a compassionate doctor and had diligently served the local community for over 32 years.
27. We accept that the Defendant has learnt his lesson and we believe that the chance of his committing the same or similar breach in the future is low.
28. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we shall made a global order in respect of all charges (i), (ii) and (iii) that the Defendant be reprimanded.

Dr CHOI Kin, Gabriel
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong