

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

---

**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr TAN Jin Min Jeremiah (陳治文醫生) (Reg. No.: M09131)  
(formerly registered as TAN Jin Min 先前註冊為陳振明)

Date of hearing: 27 September 2023 (Wednesday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP  
(Chairperson of the Inquiry Panel)  
Dr CHAN Tin-sang, Augustine  
Dr LI Wilson  
Ms LIU Lai-yun, Amanda  
Mr NG Ting-shan

Legal Adviser: Mr Stanley NG

Defence Solicitor representing the Defendant: Dr David KAN  
of Messrs. Howse Williams

Government Counsel representing the Secretary: Mr Raymond LAM

The Defendant is not present.

1. The charges against the Defendant, Dr TAN Jin Min Jeremiah, are:

*“That in or about November 2021, he, being a registered medical practitioner, disregarded his professional responsibility to his patient Mr KWAN (“the Patient”), in that he:*

- (a) failed to ensure that the name of the Patient was correctly labelled in three medicines dispensed to the Patient on 14 November 2021; and/or*
- (b) failed to ensure that the particulars of three medicines dispensed to the Patient on 14 November 2021 were properly recorded in the Patient’s digital file in the computer system of “Chun Hong Medical Center [進康醫務中心]”.*

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

### **Facts of the case**

2. The name of the Defendant has been included in the General Register from 8 September 1993 to the present. His name has never been included in the Specialist Register.
3. On 14 November 2021, the Patient Mr KWAN (“Mr KWAN”) consulted the Defendant at Chun Hong Medical Center (進康醫務中心) (“the Clinic”) for swollen lower left eyelid with redness and mild pain. The Defendant diagnosed Mr KWAN of conjunctivitis. The Defendant dispensed Mr KWAN with Chloramphenicol ophthalmic ointment, Tobramycin eye drops, Flagyl tablets and Augmentin tablets, contained in four separate medicine bags.
4. Mr KWAN discovered afterwards on the same day that the name of the patient written on three of the medicine bags was not his name, but the name of another patient, a Mr FU (“Mr FU”).

5. On 15 November 2021, Mr KWAN went back to the Clinic because he noticed that his name was not on the medicine bags. The nurse there replaced some of the medicines dispensed on 14 November 2021 (i.e. Tobramycin eye drops, Flagyl tablets and Augmentin tablets) with Stemetil 5mg, Cinnarizine 25mg and Phenergan 10mg.
6. By a statutory declaration dated 22 April 2022, Mr KWAN lodged a complaint with the Medical Council against the Defendant. Photographs of the medicine bags dispensed on 14 November 2021 and 15 November 2021 were exhibited.

### **Burden and Standard of Proof**

7. We bear in mind that the burden of proof is always on the Secretary 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.
8. There is no doubt that each of the allegations 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 each of the disciplinary charges against him separately and carefully.

### **Findings of the Inquiry Panel**

9. The Defendant admits the factual particulars of disciplinary charges (a) and (b) against him. It however remains for us to consider and determine on the evidence whether he has been guilty of misconduct in a professional respect.
10. In his submission to the Preliminary Investigation Committee (“PIC”) of the Medical Council dated 22 July 2022, the Defendant said that at all material times he was not familiar with the Clinic’s computer system. The Defendant said that on 14 November 2021 Mr FU was originally scheduled to be seen by

him before Mr KWAN, but Mr FU did not arrive on time and therefore the Defendant saw Mr KWAN first. The Defendant entered his notes and prescriptions for Mr KWAN in Mr FU's digital file. Subsequently when the nurse provided him with the medicines to be dispensed to Mr KWAN, he checked and confirmed that the medications were what he prescribed for Mr KWAN's eye condition, but he did not notice that the patient's name on three of the medicine bags were incorrectly written as Mr FU. The Defendant then attended another patient, and he mistakenly entered the notes and prescriptions for this another patient (i.e. Gravol, Stemetil, Cinnarizine and Promethazine) into Mr KWAN's digital file. On 15 November 2021, the Defendant said he was not on duty in the Clinic. He said when Mr KWAN returned to the Clinic, the nurse, without his authority, replaced some of the medicines (i.e. Tobramycin eye drops, Flagyl tablets and Augmentin tablets) already dispensed to Mr KWAN on 14 November 2021 with Stemetil 5mg, Cinnarizine 25mg and Phenergan 10mg. These were medicines prescribed for another patient, which had been erroneously entered in Mr KWAN's digital file.

11. 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 patients, the Defendant had the personal responsibility to ensure that all dispensed medicines were probably labelled.
12. It is stated in the Code of Professional Conduct ("the Code") (2016 edition) that:

*"9.2 A doctor who dispenses medicine to patients has the personal responsibility to ensure that the drugs are dispensed strictly in accordance with the prescription and are properly labelled before they are handed over to the patients. The doctor should establish suitable procedures for ensuring that drugs are properly labelled and dispensed ...*

...

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

...

*(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) ...”*

13. From the photographs of the medicine bags, it is evident that in three of the four medicine bags dispensed to Mr KWAN on 14 November 2021, the patient’s name written was not the name of Mr KWAN, but the name of Mr FU. Clearly the Defendant had failed to ensure that the name of Mr KWAN was correctly labelled in the three medicine bags before dispensing. In our view, 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 per disciplinary charge (a).
14. Properly documenting a patient’s medical records has always been important. A properly documented medical record communicates how a patient was treated and the reasons for such treatment.
15. Given the importance of properly documented medical record, it is unacceptable for the Defendant to say that he was not familiar with the Clinic’s computer system. Although Mr KWAN had pointed out to the Defendant during consultation that his name was in “the computer program’s third row instead of the second row”, the Defendant still entered the medical notes and prescriptions into another patient’s digital file (i.e. Mr FU’s digital file). When the Defendant attended a third patient on that day, he again entered the medical notes and prescriptions in the wrong digital file (i.e. Mr KWAN’s digital file). Mr KWAN went back to the Clinic on 15 November 2021 to check his medications as he noticed the names of the labels on the medicine bags were not his. He was dispensed by the Clinic nurse with another patient’s medications (Stemetil 5mg, Cinnarizine 25mg and Phenergan 10mg). It was only fortunate that Mr KWAN was suspicious of those medications given to him. Similarly, it would be possible that because of the wrong digital file, the other two patients might be affected in their medical care.

16. In any entry in medical record, doctors should exercise due care and prudence in checking patient names before entering clinical findings, diagnosis and treatment. If the Defendant had exercised due care and prudence, these types of mistakes could have been avoided.
17. In our view, by failing to ensure that the particulars of three medicines dispensed to Mr KWAN on 14 November 2021 were properly recorded in Mr KWAN's digital file of the Clinic, 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 per disciplinary charge (b).

### **Sentencing**

18. The Defendant has a clear disciplinary record.
19. In line with our published policy, we shall give the Defendant credit in sentencing for his frank admission and not contesting the issue of professional misconduct.
20. 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 practice medicine and to maintain public confidence in the medical profession by upholding its high standards and good reputation.
21. We have considered the Defendant's CME record, charitable work performed by him, and the commendation letters as submitted.
22. We are told in mitigation that the errors made by the Defendant were due to unfamiliarity with the Clinic's digital records system at the material times and his oversight. We are also told that the Defendant would now ensure that he is familiar with the digital medical records system of the clinics he attends before he enters digital patient notes into the system. The Defendant also said that he would double-check with each patient his/her identity before making notes, and he would verify any medicines prescribed by him with his medical records before the medicines are to be dispensed to the relevant patient. We are satisfied that the risk of re-offending is low.

23. Taking into consideration the nature and gravity of the case against the Defendant and what we have read and heard in mitigation, we shall make a global order in respect of disciplinary charges (a) and (b) that the Defendant be reprimanded.

Prof. TANG Wai-king, Grace, SBS, JP  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong