

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Date of hearing: 17 December 2009

Defendant: Dr. KHATTAK Mohammad Salim Khan (林沙濂醫生)

1. The charges alleged against the Defendant Dr. KHATTAK Mohammad Salim Khan are:

First Notice of Inquiry issued on 21 January 2009

“That he, being a registered medical practitioner,

- (a) disregarded his professional responsibility to his patient Madam [REDACTED] FAN ([REDACTED]) (“Madam FAN”) in that he, on 24 October 2006, failed to ensure that the medications dispensed to Madam FAN were properly labeled with (i) a name that properly identified Madam FAN; (ii) the date of dispensing ; and (iii) the trade names or pharmacological names of the drugs, contrary to section 10.2(b), (c) and (d) of the Professional Code and Conduct for the Guidance of Registered Medical Practitioners as promulgated in Issue No. 11 August 2005 of the Newsletter of the Medical Council of Hong Kong;
- (b) disregarded his professional responsibility to his patient Madam CHAN [REDACTED] (“Madam CHAN”) in that he, on 27 November 2006, failed to ensure that the medications dispensed to Madam CHAN were properly labeled with (i) a name that properly identified Madam CHAN; (ii) the date of dispensing; and (iii) the trade names or pharmacological names of the drugs, contrary to section 10.2(b), (c) and (d) of the Professional Code and Conduct for the Guidance of Registered Medical Practitioners as promulgated in Issue No. 11 August 2005 of the Newsletter of the Medical Council of Hong Kong.

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

Second Notice of Inquiry issued on 30 October 2009

“That on 4 November 2006 and 9 December 2006, he, being a registered medical practitioner, failed to ensure that the medications dispensed to his patient, Madam LEE [REDACTED], also known as [REDACTED] LEE, were properly labeled with (i) a name that properly identified the patient; (ii) the date of dispensing; and (iii) the trade names or pharmacological names of the drugs, contrary to section 10.2(b), (c) and (d) of the Professional Code and Conduct for the Guidance of Registered Medical Practitioners as promulgated in Issue No. 11 August 2005 of the Newsletter of the Medical Council of Hong Kong.

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

2. This is a consolidated hearing of three separate cases pursuant to Section 16(1) of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation.

Agreed facts of the cases

3. The following facts are agreed by the Defence.

(I) Patient Madam [REDACTED] Fan

4. At all material times, the Defendant was a registered medical practitioner.
5. The complainant, Madam [REDACTED] Fan (“Madam Fan”), attended the Defendant for the third laser treatment on 24th October 2006.
6. After the treatment, the following items were prescribed and dispensed to Madam Fan by the Defendant:
 - a. One small tub of aqueous cream;
 - b. One small tub of corticosteroid cream;
 - c. One small tub of a combination of hydroquinone and isotretinoin cream;
 - d. Six tablets of Piriton;
 - e. A course of oral antibiotics.

7. These medications were dispensed to Madam Fan in separate medicine bags, which were blank.
8. The Defendant did not label the dispensed medications with the patient's name, the date of dispensing and the trade names or pharmaceutical names of the drugs.
9. Failure to label the dispensed medications with the above-mentioned information is a breach of Section 10.2(b), (c) and (d) of the Professional Code and Conduct for the Guidance of Registered Medical Practitioners ("the Code") as promulgated in Issue no.11 August 2005 of the Newsletter of the Medical Council of Hong Kong.

(II) Patient Madam [REDACTED] Lee [REDACTED]

10. At all material times, the Defendant was a registered medical practitioner.
11. The complainant, Madam [REDACTED] Lee ("Madam Lee"), attended the Defendant for laser treatment and consultations on 4th November 2006. After treatment, the following items were prescribed and dispensed to Madam Lee:
 - (a) One small tub of aqueous cream;
 - (b) One small tub of clobetasol cream;
 - (c) One small tub of HIS cream.
12. Madam Lee attended the Defendant for consultation again on 9th December 2006. After the consultation, the following items were prescribed and dispensed to Madam Lee:
 - a. Two small tubs of aqueous cream;
 - b. One small tub of corticosteroid cream;
 - c. Six tablets of Piriton.
13. These medications were dispensed to Madam Lee in separate medicine bags, the labels of which were blank.
14. The Defendant did not label the dispensed medications with the patient's name; the date of dispensing; and the trade names or pharmaceutical names of the drugs.

15. Failure to label the dispensed medications with the above-mentioned information is a breach of Section 10.2(b), (c) and (d) of the Code.

(III) Patient Madam Chan [REDACTED]

16. At all material times, the Defendant was a registered medical practitioner.
17. The complainant, Madam Chan [REDACTED] (“Madam Chan”), attended the Defendant for consultation on 27th November 2006.
18. After treatment, the following items were prescribed and dispensed to Madam Chan:
 - a. Two small tubs of aqueous cream;
 - b. Two small tubs of corticosteroid cream;
 - c. Four days' supply of Piriton;
 - d. One week's supply of paracetamol.
19. These medications were dispensed to Madam Chan in separate medicine bags, the labels of which were blank.
20. The Defendant did not label the dispensed medications with the patient's name; the date of dispensing; and the trade names or pharmaceutical names of the drugs.
21. Failure to label the dispensed medications with the above-mentioned information is a breach of Section 10.2(b), (c) and (d) of the Code.

Council's findings

22. The Defendant admitted that he had failed to observe the requirements of proper labelling of medications under Section 10.2 of the Code in each of the cases.
23. Proper labelling of medications is an important requirement in the practice of medicine. Medical practitioners who provide subsequent treatments to the same patient would need to know what medications the patient has been taking. Failure to properly label the medications may have serious consequences, particularly in emergency situations.

24. The requirement of labelling of medications has been in force for over 10 years, and members of the medical profession have been reminded of the requirement on various occasions. If due care is exercised, it is not difficult to comply with the requirement. There is no excuse for not complying with the requirement.
25. We are satisfied that the Defendant's conduct has fallen below the standard expected of registered medical practitioners and constitutes professional misconduct. We find him guilty of professional misconduct in respect of each of the three charges.

Sentencing

26. We note that the Defendant has a clear record.
27. We also note that he has taken prompt remedial measures to prevent the recurrence of similar breach of the Code and the possibility of re-offending is low.
28. We give the Defendant credit for his honest admission of the charges at the earliest opportunity. This reflects his remorse and insight into the mistake.
29. Cases of improper labelling of medications have been consistently visited by removal from the General Register. However, having regard to the mitigation factors and the gravity of the cases, in respect of each charge we order that the Defendant's name be removed from the General Register for a period of one (1) month. We further order that the removal orders run concurrently and be suspended for a period of six (6) months.

Prof. Felice Lieh-Mak, CBE, JP
Chairman, Medical Council