

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr LIU Woon Tim (廖垣添醫生) (Reg. No. M02395)

Date of hearing: 3 March 2014

1. The amended charge against the Defendant, Dr LIU Woon Tim, is that:

“On or about 14 May 2010, he, being a registered medical practitioner, disregarded his professional responsibility to his patient Madam [REDACTED] (“the Patient”) in that he prescribed Lisinopril to the Patient when he knew or ought to have known that she had been pregnant for around 20 weeks.

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

Facts of the case

2. The Defendant was and still is a registered medical practitioner and his name has been included in the General Register from 21 August 1974 to present.
3. There is no dispute that the Patient consulted the Defendant on 15 March 2010 complaining of nausea, vomiting, sneezing and running nose. On that occasion, the Patient told the Defendant that she was 3-month pregnant and the Defendant also jotted this information down in his consultation notes.
4. On 14 May 2010, the Patient, who was then at the second trimester of her pregnancy (i.e. 20-week pregnant), consulted the Defendant for hypertension. According to the Patient, she brought along with her the medication that which she had been taking for some time, namely, Betaloc-ZOK 50mg and showed them to the Defendant. The Defendant then advised the Patient that Betaloc-ZOK was

not suitable for pregnant women and he would prescribe another antihypertensive medication for her.

5. After the consultation, the Defendant prescribed, inter alia, Trupril, one of the generic brands of Lisinopril, 5 mg to be taken once daily to the Patient for 2 weeks.
6. On 27 May 2010, the Patient attended the Defendant's clinic for follow-up and was prescribed Trupril 5mg to be taken once daily for 4 weeks.
7. The Patient subsequently attended the antenatal clinic of the Queen Elizabeth Hospital some time in or about June 2010 for follow-up when she was first alerted to the potential risks of Lisinopril to the foetus.
8. Lisinopril was listed in the US FDA pregnancy category for women at the second trimester of pregnancy under Safety Index Category D which means that "there is positive evidence of human foetal risk, but the benefits from use in pregnant women may be acceptable despite the risk (e.g. if the drug is needed in a life-threatening situation or for a serious disease for which safer drugs cannot be used or are ineffective)".

Burden and Standard of Proof

9. 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.
10. There is no doubt that the allegation made against the Defendant here is very

serious. We need to look at all the evidence and to consider and determine the charge against him carefully.

Findings of Council

11. The Defendant frankly admitted that he prescribed Lisinopril to the Patient on 14 May 2010 when he knew that she was pregnant. We also find as a fact that he prescribed Lisinopril to the Patient again on 27 May 2010.
12. The Defendant also accepted that he was aware at that time that Lisinopril was contraindicated for pregnancy. However, he was unable to explain why he would prescribe Lisinopril to the Patient.
13. Medical practitioners in Hong Kong are in a unique position that they can both prescribe and dispense medicine to their patients. Consequently, the Defendant might prescribe medicine to the Patient only if drug treatment was necessary and appropriate. As a doctor who dispenses medicine to patients, the Defendant also had the personal responsibility to ensure medication safety.
14. Prescription of Lisinopril to the Patient, whom the Defendant well knew was pregnant, was not only inappropriate but also potentially dangerous to the foetus. In our view, the Defendant's conduct had clearly fallen short of the standard expected amongst registered medical practitioners in Hong Kong.
15. We therefore find the Defendant guilty of the amended charge.

Sentencing

16. The Defendant has a clear record.
17. In accordance with our policy, we shall give him credit in sentencing for admitting the factual allegations in respect of the amended charge and for his full cooperation in the preliminary investigation stage and before us today.
18. 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 reputation of the profession.
19. We accept this was an isolated incident and the Defendant is unlikely to commit the same or similar professional misconduct in the future. However, we must bear in mind the potential danger of Lisinopril to the foetus and the Defendant was fully aware of the risks involved.
20. Taking into account the whole circumstances of this case and what we have heard and read in mitigation, we consider that an order that the Defendant's name be removed from the General Register for a period of 2 months. We further order that the removal order be suspended for 12 months.

Prof. Felice LIEH-MAK, GBS, CBE, JP
Temporary Chairman, Medical Council