

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr CHONG Siu To (莊小濤醫生) (Reg. No.: M11343)

Date of hearing: 10 March 2021 (Wednesday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-yee, Joseph, SBS
(Chairperson of the Inquiry Panel)
Prof. CHOW Yat-ngok, York, GBS, MBE
Dr CHENG Chi-kin, Ashley
Mr HUNG Hin-ching, Joseph
Ms LAU Sze-wan, Serena, JP

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Ms Phyllis CHIU of
Messrs. Mayer Brown

Government Counsel representing the Secretary: Mr Jesse YU

1. The charge against the Defendant, Dr CHONG Siu To, is:

“That on 1 March 2019, he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] in that he inappropriately prescribed “Diclofen” tablets to the Patient when he knew or ought to have known that the Patient was allergic to ibuprofen.

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

Facts of the case

2. The name of the Defendant was at all material times and still is included in the General Register. His name had been included in the General Register from 1 April 1997 to the present. His name has never been included in the Specialist Register.
3. The Defendant admits the factual particulars of the disciplinary charge against him.
4. Briefly stated, the Patient consulted the Defendant at his clinic on 1 March 2019. After examining the Patient, the Defendant prescribed her with, amongst other medications, Diclofen 50 mg tablets 4 times daily for 2 days.
5. There is no dispute that the Patient had informed the Defendant during the consultation that she was allergic to ibuprofen. The Defendant merely replied to the Patient that the medications he was going to prescribe should be fine.
6. Diclofen, which contains diclofenac sodium, is contra-indicated in patients with a history of allergy to non-steroidal anti-inflammatory medicines including ibuprofen.
7. It is also the unchallenged evidence of the Patient that she developed facial swelling after taking the Diclofen 50 mg tablet prescribed by the Defendant and was admitted to the Accident & Emergency Department of Pok Oi Hospital at around midnight on 1 March 2019.
8. A diagnosis of angioedema was made. The Patient was treated with Piriton and hydrocortisone injections. The Patient later discharged from Pok Oi Hospital on her own accord on 2 March 2019.
9. The Patient's husband subsequently lodged this complaint against the Defendant with the Medical Council.

Burden and Standard of Proof

10. 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.

11. There is no doubt that the allegation 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 the disciplinary charge against him carefully.

Findings of the Inquiry Panel

12. The Defendant admits the factual particulars of the disciplinary charge against him but it remains for us to consider and determine on the evidence whether he is guilty of misconduct in a professional respect.
13. It is not disputed that the Defendant was told by the Patient during the consultation that she was allergic to ibuprofen. Nonetheless, the Defendant still prescribed her with Diclofen tablets, which should not be taken by patients who are allergic to ibuprofen.
14. Patients are entitled to, and they often do, rely on the vigilance of doctors who should exercise reasonable care in avoiding prescription of drug to which they have a known allergy.
15. Allergic reaction to drug is not necessarily dose-dependent, and can be triggered by even a small dose. Also, allergic reaction to drug can be very serious and potentially life-threatening.
16. Prescription of Diclofen tablets to the Patient, whom the Defendant ought to have known was allergic to ibuprofen, was inappropriate and unsafe.
17. For these reasons, the Defendant's conduct had in our view fallen below the standards expected of registered medical practitioners in Hong Kong. We therefore find him guilty of misconduct in a professional respect as charged.

Sentencing

18. The Defendant has a clear disciplinary record.
19. In line with published policy, we shall give credit to the Defendant in sentencing for his frank admission and full cooperation throughout these disciplinary proceedings.

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 practise medicine and to maintain public confidence in the medical profession by upholding its high standards and good reputation.
21. We are particularly concerned that when being told by the Patient that she was allergic to ibuprofen, the Defendant merely replied that the medications he was going to prescribe should be fine. Apparently, the Defendant was unaware of the fact that Diclofen tablets that he prescribed was contra-indicated for the Patient who had a history of allergy to ibuprofen.
22. We are told in the mitigation that the Defendant has adopted since the incident remedial measures to prevent the mishap from happening again. The Defendant will note down the patient's drug allergy history in both the handwritten and electronic medical records. Every time the Defendant prescribes, he will ask the patient about his or her allergy history and double check with the information in the handwritten and electronic medical records. The Defendant has also included a cross allergy list in the patient's electronic medical records so that he will receive an alert whenever the drug to which the patient is allergic or any other drug which may cause cross reaction is prescribed. For a patient who has a history of drug allergy, the Defendant will remind the patient to watch out for allergic reaction whenever he prescribes him or her with a new drug.
23. We accept the Defendant has learnt his lesson. However, we need to ensure that he would not commit the same or similar breach in the future.
24. Taking into consideration 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 removal order be suspended for a period of 12 months on condition that the Defendant shall complete courses, to be pre-approved by the Council Chairman and to the equivalent of 10 CME points, on safe prescription of drugs during the suspension period.

Prof. LAU Wan-ye, Joseph, SBS
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong