

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

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

Defendant: Dr YAN Dominic Wai Man (忻維民醫生) (Reg. no. M03868)

Date of hearing: 12 September 2012

1. The charge alleged against the Defendant, Dr YAN Dominic Wai Man, is that:

“On or about 13 October 2009 he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] (“the Patient”) in that he prescribed Ibuprofen 200mg to the Patient when he knew or should 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. On 13 October 2009, the Patient went to the Defendant’s clinic to consult the Defendant. At registration, the “yes” box in the “Allergy” section on the front page of the Patient’s clinical record was ticked.
3. During consultation, the Patient told the Defendant that she was allergic to Ibuprofen, and also showed him an allergy card on which it was stated “Allergy to Ibuprofen”. The Defendant then entered the information into the warning section of the computer record for the Patient, and also wrote down “BRUFEN” in the “Allergy” section of the clinical record. Brufen is a trade name for Ibuprofen. He made the entry in capital letters, in red ink, and also highlighted the entry with double-underline to draw attention to the Patient’s allergy. He also signed his name next to the entry. In other words, the Defendant set all the necessary warnings in respect of the Patient’s allergy to Ibuprofen.

4. After consultation, the Defendant prescribed and dispensed 4 medicines to the Patient, including Ibuprofen (Brufen) 200mg.
5. The Patient took the medications later that afternoon. About 2 hours after taking the first dose, the Patient developed gradual onset of bilateral lower eyelid swelling. She then went to the Accident and Emergency Department of a public hospital, and was diagnosed of “drug allergy with angioedema”. She was given treatment and kept under observation overnight in the hospital, and was discharged the next day with medicines for 1 week. She was given 7 days of sick leave.

### **Council’s findings**

6. The Defendant admits all the facts of the case. Nevertheless, it remains our responsibility to determine whether the Defendant’s conduct constitutes professional misconduct.
7. As we have said earlier, the Defendant set all the warnings in respect of the Patient’s allergy to Ibuprofen. The Defendant should therefore not have prescribed Ibuprofen to the Patient.
8. Any doctor of reasonable competence exercising reasonable care should have avoided prescribing a medicine to which the patient has a known allergy.
9. Patients are entitled to, and they often do, rely on doctors to exercise reasonable care and competence in prescribing medicines. They are entitled to assume that doctors will not prescribe a medicine to which they have a known allergy.
10. We are satisfied that the Defendant’s conduct clearly falls below the standard expected amongst registered medical practitioners, and constitutes professional misconduct. We find him guilty as charged.

### **Sentencing**

11. The Defendant has a clear record.

12. The Defendant has implemented a package of remedial measures to prevent recurrence of the mistake, including attending courses on medication safety and sending the clinic assistants to attend courses on dispensing and pharmacy practice. He has also implemented improvements to the dispensing system to alert both the doctor and the clinic assistants of patients' allergies, and to ensure that medicines which a patient is allergic to are not dispensed. The patients are also alerted, at the point of dispensing, to notify the doctor and the dispensing staff of any allergy they may have.
13. In line with our published policy, we shall give the Defendant full credit in sentencing for his honest admission and full cooperation at the earliest opportunity, both during preliminary investigation and in this inquiry.
14. We bear in mind that the purpose of disciplinary orders is not to punish the Defendant, but to protect the public from persons who are unfit to practise medicine for reason of competence or otherwise, and to maintain public confidence in the medical profession by upholding the reputation of the profession.
15. We reiterate that given the Defendant's remorse and the remedial measures implemented, we are of the view that the likelihood of re-offending is very low.
16. Having regard to the gravity of the case and the mitigating factors, as well as our duty to protect the public, we order that the Defendant be reprimanded.
17. We acknowledge that similar cases of prescribing a medicine to which the patient has a known allergy are consistently sentenced to suspended removal from the General Register. We must emphasize that this case in no way lowers the prevailing level of sentence for such cases. Each case should be decided on its own merits, and our sentence is determined having regard to the strong mitigating factors and the low likelihood of recurrence of the mistake.

Prof. Grace Tang, SBS, JP  
Temporary Chairman, Medical Council