



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

行公義

Ensuring Justice

守專業

Maintaining Professionalism

護社羣

Protecting the Public

貴處檔號：
Your Ref. MC 24/893/4/E
本會檔號：
Our Ref.

電話：
Tel. No.
二十四小時查詢熱線：2574 4333
24-hour enquiry hotline

27 April 2010

To: All registered medical practitioners

Dear Doctors,

Re: Excessive Charges for Laboratory Tests

The findings of the Disciplinary Inquiry concluded on 28 August 2009 caused some degree of concern among medical practitioners. I was not able to write to you sooner because the Defendant Doctor appealed to the Court of Appeal. The judgment was handed down on 22 April 2010. The appeal was rejected. In other words the Medical Council won the case and the Defendant Doctor lost.

This case is not about charges for consultation, treatment or procedures conducted by doctors on patients. The case involved charges for laboratory tests which were not performed by the attending doctor. The specimens were sent to the laboratories for testing.

The specific charge for which the Defendant Doctor was found guilty of misconduct is set out below:

“...charged the patient excessively for the laboratory tests conducted for sexually transmitted diseases.”

The receipts issued by the Defendant Doctor were divided into: “Consultation, Medication and Treatment” and “Laboratory Tests”. This indicated a clear separation of the charges.

The price quoted by the laboratory to which the Defendant Doctor sent some of the specimen was \$ 1,400. This price was agreed by both the prosecution and the

defence side as the actual charges by the laboratory for the tests requested by the Defendant Doctor. The Defendant Doctor charged the patient \$ 2,780. This was clearly in excess of the actual laboratory charge and the Defendant Doctor made a profit from this. There was no evidence to indicate that the Defendant Doctor provided any additional service to merit this profit.

The other laboratory test was for Human Papillavirus DNA PCR-RFLP. The price quoted by the laboratory was \$ 175. This price was not disputed by the defence side. The Defendant Doctor charged the patient \$ 1400 which is in excess of the actual laboratory charge. Again the Defendant Doctor made a profit from it and there was no evidence that the Defendant Doctor did anything to justify it.

The Professional Code and Conduct (2000) was applicable to this case. In Section 13.2 guideline (b) The Medical Council will consider a fee to be excessive based on the average fee customarily charged in the HKSAR for similar services.

Arising from this case, the Medical Council wishes to impress upon members of the profession that the doctor's own fees for professional services should be clearly separated from the fees collected on behalf of laboratories for investigations. If the doctor charges fees for his own services in connection with the investigations to be performed by the laboratories, the charges should be clearly set out and explained to the patient.

Yours sincerely,



(Prof. Felice LIEH-MAK)

Chairman

Medical Council of Hong Kong