

ASSOCIATION NOTES

RELEASE FROM MINISTRY OF HEALTH

NAME OF PRACTITIONER: Dr Joseph Francis Lopez

The Medical Council met to inquire on complaints against Joseph Francis LOPEZ on 5 November 1974. As he had left Singapore for America despite adequate notice the Council postponed the hearings which were then held from 16 January through to the 18 January 1975.

The charges against Dr J F Lopez were of professional misconduct:—

- (a) that he had allowed an unqualified person to issue medical certificates;
- (b) that on the 8th of April 1974, at the Gleneagles Hospital, Singapore, he took over a patient of Dr Yeoh Kian Hian, one Mr Charles Carver, without having first obtained the permission of the said Dr Yeoh Kian Hian.

The practitioner was present and his counsel was Mr C S Wu of Donaldson and Burkinshaw.

The complainant in the first set of charges was Dr Benny Cheng Shao Lin of Clifford Dispensary, Jurong.

Mr S Saurajen as Solicitor to the Council adduced evidence on the circumstances leading on the facts alleged in the set of nine charges and called the witnesses: the complainant, Dr Benny Cheng Shao Lin, Mr S S Pillai of the Lopez Clinic and Mr Zulkifli bin Abdullah, formerly employed by Dr Lopez in the same clinic.

Mr C S Wu submitted that the facts of the charges of which evidence had been adduced were insufficient to support the finding of professional misconduct. Mr S Saurajen was heard in reply. Following deliberations of the Council on this point the President announced that the Council had determined that the facts adduced indicated that there was a case for the practitioner to meet.

In answer to the charges Mr Wu called as witnesses the practitioner, Dr J F Lopez and Miss Cecilia Hooi, administrative assistant to Dr Lopez.

In concluding the case Mr Wu and Mr Saurajen successively addressed the Council.

On the first charge (A)—There were nine charges against Dr Lopez. The charges were that on the 10th November, 1973, 12th November, 1973, 18th December, 1973, 2nd January, 1974, 11th January, 1974, 14th March, 1974, 9th May, 1974, 5th June, 1974 and 12th July 1974, Dr Lopez allowed one S S Pillai, his employee in his clinic known as The Lopez Clinic at Jurong, to issue and sign medical certificates to three persons when the said S S Pillai was not a registered medical practitioner.

There was at the material dates no resident doctor at the Jurong Clinic. S S Pillai is a qualified Hos-

pital Assistant Grade II and at the material dates was the only employee at the Jurong Clinic.

It was not in dispute that Pillai issued and signed the nine medical certificates while he was in the employ of Dr Lopez. The only question before the Council was whether or not Dr Lopez knew that Pillai issued those certificates.

Dr Benny Chan, the complainant, was at the material time the doctor of the National Iron and Steel Mills at Jurong and the persons to whom these nine medical certificates were issued were employees of the said Steel Mills. These certificates were sent to Dr Chan for vetting and endorsement. When he received these certificates he said that he rang up Pillai on three occasions and asked about the medical certificates and on each occasion Pillai said he did what he did as "Dr Lopez asked me to do it". On the 23rd July, 1974, Dr Chan swore a Statutory Declaration containing a complaint against Dr Lopez.

Pillai, called by the Council, denied the three telephone conversations alleged by Dr Chan. He said in evidence that prior to his employment at the Jurong Clinic he had been in charge of an estate hospital in Malaysia and there he was permitted to issue medical certificates and that after he joined the Jurong Clinic he continued the practice of issuing medical certificates as before without being aware that what he was doing was wrong. He said Dr Lopez had no knowledge that he was issuing medical certificates.

The only other witness called by the Council was Zulkifli bin Abdullah who was employed in the Jurong Clinic as a clinic assistant for a month in November 1970. He said that after 5 p.m. he was in sole charge of the clinic and when a patient come he would telephone Dr Lopez who would prescribe treatment over the telephone. He further said that Dr Lopez suggested that he issue a medical certificate if the patient needed it but he did not do so.

Dr Lopez could not have been unaware of the issue of certificates by Pillai. The evidence was that there were one hundred medical certificates in a book. The nine medical certificates, the subject of the charges, were issued from six books, which means that between the period in question, November 1973 and July 1974, a period of eight months, about six hundred certificates were issued.

The Council had before it the evidence of Pillai, Dr Lopez and Cecilia Hooi relating to the way in which the Jurong Clinic was run, the way in which the medical certificate books were issued and used, the quantity of medical certificate books supplied, the way the duplicate medical certificates were kept in Jurong Clinic and other clinics of Dr Lopez, the way the medical cards were kept.

Following which the Council determined that the facts which formed the basis of the first set of charges had been proved to their satisfaction.

On the second charge (B)—the complainant was Mr Yeoh Kian Hian, of Liat Towers, Orchard Road.

The Solicitor to the Council adduced evidence of the facts alleged in the charge and called as witnesses the complainant Mr Yeoh Kian Hian and Dr Lim Ban Siong of Lim Clinic, 255 Jalan Kayu, Singapore 28.

After the conclusion of the case against the practitioner, Mr Wu, in evidence to answer the charge called on the practitioner, Dr Lopez and Mr R Adams, Managing Director of Messrs Lockheed Aircraft Services Singapore (Pte) Ltd.

At the conclusion of which Counsel for the practitioner and the Solicitor to the Council successively addressed the Council. After deliberation in camera, the President announced that the charges had been proved to their satisfaction.

The President invited the practitioner to address the Council in mitigation which he did in one plea for the two charges.

After which Council determined its judgment as follows:—

- (a) on the set of nine charges that the practitioner's name be removed from the register of medical practitioners with effect from Monday, 20 January 1975.
- (b) on the second charge that the practitioner is censured and gives an undertaking not to repeat the offence.
- (c) that the costs for the entire proceedings will be charged to the practitioner.

The Council was unanimous in its view that there was a serious breach of professional conduct in both of the main charges. Dr Lopez had engaged an unqualified person who over a long period of time and, without supervision, was treating patients and issuing medical certificates on his behalf. He failed to exercise any control over this unqualified person as might be expected of any responsible medical practitioner.

The essence of the 2nd charge was that he had taken over another practitioner's patient. In his defence it was made out that this was a "storm in a tea cup". The Council, however, viewed with concern that he had done so on instructions from the Managing Director of the firm who employed the patient which seemed to him to be sufficient authority to take over the case and had followed this up by so informing the practitioner by way of amending Mr Yeoh's orders for treatment. The obligation to maintain courtesies and good relationships to a fellow colleague did not seem to be of importance and it was for this reason that Council had agreed that he should be censured and give an undertaking not to repeat the offence.

At the conclusion of the proceedings the Chairman announced that the charges had been proved to their satisfaction.

Counsel for the practitioner enquired if the Council would agree to a stay of its judgment as Dr Lopez would appeal to the High Court. Council, following deliberation in camera, determined that the judgment stand. It further indicated, on a question raised by Counsel for the practitioner, that the proceedings would be reported in the professional journals.

Dr Lopez obtained a stay of execution of the Judgement by the Medical Council through a High Court Order before Mr Justice Choor Singh on 31st January 1975.

An appeal by the Medical Council against the stay of execution was not considered by the Court of Appeal because the Medical Registration Act specifically states that there is no appeal on a High Court decision.

Dr Lopez's appeal against the judgement of the Medical Council was heard in the High Court before Justice J Chua on 23rd and 24th October 1975. Judgement was delivered on 27th January 1976 where Justice Chua dismissed the appeal and ruled that Dr Lopez pays the costs of the appeal.

Notice of the removal of Dr Lopez's name was made with effect from 27th January 1976 in the Government Gazette of 30th January 1976.