

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG

DR WONG MAN SHUN (REGISTRATION NO.: M11813)

It is hereby notified that after due inquiry held on 7 June 2022 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Inquiry Panel of the Medical Council of Hong Kong found Dr WONG Man Shun (Registration No.: M11813) guilty of the following charges:—

‘That in or about 2016, he, being a registered medical practitioner, disregarded his professional responsibility to his patient(s), in that he:—

- (a) signed on five consent forms for the use of physical restrainer in residential care homes for the elderly (‘Five Use of Restrainer Forms’) without proper assessment records made; and/or*
- (b) failed to take adequate steps to ensure information in the Five Use of Restrainer Forms were properly filled in before signing the same.*

In relation to the facts alleged, either singularly or cumulatively, he has been guilty of misconduct in a professional respect.’

Briefly stated, the Secretary of the Medical Council (the ‘Council’) was informed by Social Welfare Department (‘SWD’) vide its memo dated 15 February 2017 that during inspection of a residential care home operated by Peaceful Nursing Home Limited, 5 blank consent forms for the use of physical restraint (the ‘5 Forms’) were signed by one Dr CHAN without assessment record.

In response the allegation, Dr CHAN replied to the Chairman of the Preliminary Investigation Committee (‘PIC’) of the Council by a letter dated 20 November 2018 that:—

‘...The person in charge approached me through a friend of mine requesting the assistance of VMP (visiting medical practitioner) service to their Elderly Home. As I have no interest in providing the service to their institute, I referred Dr Wong Man Shun to them. Dr Wong who at that time being a part time locum in my clinic... I had no knowledge about the activities in the involved Elderly Home.

I had brought this case to Dr Wong Man Shun for his attention...’

By a letter dated 27 November 2020, Dr CHAN further submitted to the PIC through his solicitors that:—

‘...The forms attached to the letter from the Social Welfare Department dated 5 June 2020 bear Dr. Chan’s chop but not his signature.

...

Dr. Chan himself did not sign any blank forms. He appreciates, however, that he should not have allowed Dr. Wong to use the chop of the business and for this he apologises to the Medical Council...’

By a letter dated 15 October 2021, Dr WONG submitted to the PIC through his solicitors that:—

‘...at the relevant period of time, Dr. Wong was a part-time locum in the clinic of Dr. Chan... Dr. Chan was requested to provide visiting medical practitioner service (‘the Service’) to Peaceful Nursing Home Limited (‘the Home’). As Dr. Chan did not wish to provide services to the Home, he instead referred the Home to Dr. Wong, his locum.

...Since or about early 2016, Dr. Wong visited the Home twice a month to provide the Service.

...As visits of Dr. Wong to the Home were not frequent, Dr. Wong was requested by the Home to let the Home have use of Restrainers Forms signed in blank in case urgent need to limit resident’s movement so as to minimize harm to self and/or other residents.

...The blank forms were provided to the Home on condition that before the use of each form, the Home has to notify Dr. Wong in advance and to let Dr. Wong have distance assessment of the medical condition of the relevant resident. The blank forms could not be used without prior approval by Dr. Wong.

...The 5 blank Forms were provided to the Home in or about early July 2016 and only for use in case of emergency and upon the Home fulfil the condition abovementioned. The blank form[s] have [n]ever been used by the Home.

...Dr. Wong confirmed that the signatures on the blank forms were his own signatures. As Dr. Wong was Dr. Chan's locum, it was the then practice of Dr. Chan to allow locums working for him from time to time to use his chop. It is in such circumstance, the chop of Dr. Chan was used.

...At the material time, Dr. Wong kept frequent communications with the Home. He was adequately being informed of the medical conditions of residents of the Home.

...Shortly after the occurrence of the incident, Dr. Wong has ceased to provide service to the Home.

...Dr. Wong is remorseful and he apologize[s] for his mistakes...'

Copies of the 5 Forms together with extracts from the Code of Practice for Residential Care Homes (Elderly Persons) (March 2013 revised edition) (the 'Code for RCHEs') issued by SWD were placed by the Legal Officer before the Inquiry Panel for consideration.

It was evident to the Inquiry Panel from reading the 'Notes on Correct Use of Restraints' extracted from the Code for RCHEs that assessments of the conditions of individual residents in respect of whom use of restraints were needed would be made by nurses or health workers in the RCHEs.

However, in view of the Inquiry Panel, all registered medical practitioners ought to have taken into account the results of assessment before indicating on the Consent Form(s) their agreement or disagreement to the proposed use of restrainers. For this reason, the signing of Consent Form(s) without proper assessment records being made thereon was prohibited.

By signing the 5 Forms without proper assessment records made, Dr WONG had by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr WONG was found guilty of misconduct in a professional respect as per disciplinary charge (a).

It was incumbent in view of the Inquiry Panel upon all registered medical practitioners to take adequate steps to ensure information in Use of Restraint Forms were properly filled in before signing the same.

In failing to take adequate steps to ensure information in the 5 Forms were properly filled in before signing the same, Dr WONG had by conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, he was found guilty of misconduct in a professional respect as per disciplinary charge (b).

The Inquiry Panel appreciated that locum doctors in Hong Kong might sometimes make use of the stationary like letterheads of their principals to issue certificates or similar documents to their patients. However, Dr WONG was not asked to issue certificates or similar documents in his capacity as a locum doctor for and on behalf of Dr CHAN. Although this was strictly speaking not one of the disciplinary charges that Dr WONG was facing, the Inquiry Panel took exception to his wrongful use of Dr CHAN's chop in the circumstances of this case.

Dr WONG had a previous disciplinary record in August 2014 relating to his criminal conviction back in 2012 for the offence of indecent assault on his female patient under the false pretext of relieving her pain. Dr WONG's name was ordered to be removed from the General Register for 1 year with suspension for 3 years. In addition, a warning letter was issued to Dr WONG for his delay in reporting his criminal conviction.

The Inquiry Panel acknowledged that the present case was of a different nature and accepted the suspended removal order had already lapsed. But then again, the Inquiry Panel was entitled to take into consideration the undisputed fact that Dr WONG had committed another misconduct in a professional respect during the suspension period. The Inquiry Panel needed to ensure that Dr WONG would not commit further misconduct in the future.

Taking into consideration the nature and gravity of the proven case against Dr WONG and what the Inquiry Panel had read and heard in mitigation, the Inquiry Panel made a global order in respect of disciplinary charges (a) and (b) that the name of Dr WONG be removed from the General Register for a period of 6 months. The Inquiry Panel further ordered that the removal order be suspended for a period of 18 months.

The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. Full decision of the Inquiry Panel of the Medical Council is published in the official website of the Medical Council of Hong Kong (<http://www.mchk.org.hk>).

LAU Wan-ye, Joseph *Chairman, The Medical Council of Hong Kong*