

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR LAU OI CHUN (REG. NO.: M04223)

It is hereby notified that after due inquiry held on 2 August 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 LAU Oi Chun (Registration No.: M04223) guilty of the following disciplinary charges:—

*'That on divers dates between April and October 2019, she, being a registered medical practitioner, in respect of her patient ('the Patient'):*—

(a) *issued the following sick leave certificates to the Patient without reasonable and/or proper justifications:*—

(1) *Certificate dated 12 April 2019 for the period from 12 April 2019 to 18 April 2019;*

(2) *Certificate dated 2 May 2019 for the period from 3 May 2019 to 3 June 2019;*

(3) *Certificate dated 12 May 2019 for the period from 12 May 2019 to 18 May 2019;*

(4) *Certificate dated 12 June 2019 for the period from 13 June 2019 to 22 July 2019;*

(5) *Certificate dated 22 July 2019 for the period from 22 July 2019 to 26 August 2019;*

(6) *Certificate dated 27 August 2019 for the period from 28 August 2019 to 27 September 2019;*

(7) *Certificate dated 28 September 2019 for the period from 28 September 2019 to 27 October 2019; and/or*

(8) *Certificate dated 29 October 2019 for the period from 29 October 2019 to 12 November 2019; and/or*

(b) *issued a sick leave certificate to the Patient dated 12 May 2019 on a date before 12 May 2019.*

*In relation to the facts alleged, either individually or cumulatively, she has been guilty of misconduct in a professional respect.'*

Briefly stated, the Patient consulted Dr LAU from 12 April 2019 to 29 October 2019. At the material time, the Patient was pregnant. The Patient complained of loin pain and/or abdominal pain and/or per vagina bleeding. The Patient had a history of miscarriage twice resulting in two abortions before and had heart disease. Dr LAU issued 9 sick leave certificates to the Patient with days of sick leave granted ranging from 7 days to 40 days.

Additional sick leave were issued by Department of Obstetrics & Gynaecology, Prince of Wales Hospital ('O&G / PWH') to the Patient on (i) 11 June 2019 for the period from 4 to 12 June 2019 because of Obstetrical Problem requiring inpatient admission; and (ii) 23 July 2019, 29 July 2019 and 27 August 2019 for one day sick leave on the date attended for antenatal check up.

On 18 March 2020, the Medical Council received a complaint from the then employer of the Patient, against Dr LAU for unreasonably issuing sick leave certificates to the Patient over a period of time from 12 April 2019 to 12 November 2019; and also a sick leave certificate issued by Dr LAU in respect of the Patient for the period from 12 to 18 May 2019 dated 12 May 2019 was received on 10 May 2019.

It is clearly stated in paragraph 26 of the Code of Professional Conduct (the 'Code') (2016 edition) that:—

*'26.1 Doctors are required to issue reports and certificates for a variety of purposes (e.g. insurance claim forms, payment receipts, medical reports, vaccination certificates, sick leave certificates) on the basis that the truth of the contents can be accepted without question...*

*26.2 A sick leave certificate can only be issued after proper medical consultation of the patient by the doctor. The date of consultation and the date of issue must be truly stated in the certificate, including a certificate recommending retrospective sick leave.*

26.3 *Any doctor who in his professional capacity gives any certificate or similar document containing statements which are untrue, misleading or otherwise improper renders himself liable to disciplinary proceedings...*

On 12 April 2019, Dr LAU granted the Patient sick leave for 7 days from 12 to 18 April 2019. This period was reasonable for the disease of threatened abortion. However, there was no documentation in the clinical notes of any symptom of threatened abortion. There was no evidence to support what was written in the sick leave certificate as threatened abortion. The documented 'loin pain' was not a symptom of threatened abortion.

On 2 May 2019, Dr LAU granted the Patient sick leave for 32 days from 3 May to 3 June 2019 for severe dizziness and weakness. The Inquiry Panel agreed with the Secretary's expert that the period was too long for the given diagnosis. The symptom of dizziness and weakness at 8 weeks of gestation was a common symptom at early pregnancy. Usually it would get better as pregnancy progressed. Usually doctors would give sick leave for a shorter period and assess the symptom at interval for the progress. Also, in the clinical notes dated 2 May 2019, the only documented complaint was body fatigue without further detail of other symptoms. The long sick leave period could not be justified.

On 12 May 2019, Dr LAU granted the Patient sick leave for 7 days from 12 to 18 May 2019 because of threatened abortion. The period was appropriate for the given diagnosis. However, there was no documentation in the clinical notes of the consultation at all. There was no evidence to support what was stated in this sick leave certificate as threatened abortion.

On 12 June 2019, Dr LAU granted the Patient sick leave for 40 days from 13 June to 22 July 2019 because of heart disease and past history of termination of pregnancy two times. The clinical notes documented that the Patient had Down's screening test done on 4 June 2019. Ultrasound finding of the pregnancy and heart disease was documented but there was no documentation of what kind of heart disease, any symptom of cardiac decompensation or effect of cardiac disease on pregnancy. The Inquiry Panel agreed with the Secretary's expert that termination of pregnancy two times was not an indication of sick leave as the ultrasound finding showed satisfactory growth of foetus. The Secretary's expert also did not see, which the Inquiry Panel agreed, that the Patient was suffering from recurrent abortion. Further, the Patient was just discharged from the PWH on 11 June 2019. She was granted sick leave during hospitalization from 4 to 12 June 2019. O&G / PWH should know the wellbeing of pregnancy and what type of heart disease the Patient suffered. However, O&G / PWH did not advise further leave other than the hospitalized period. The assessment of Dr LAU was completely different from O&G / PWH, and she had no documentation in support of her decision, especially what type of heart disease and extent of the disease affecting the pregnancy. 'Heart disease' was not a sound indication for such a long period of leave.

On 22 July 2019, Dr LAU granted the Patient sick leave for 36 days from 22 July to 26 August 2019 for pregnancy with heart disease and weakness. The documentation in the clinical notes at that consultation was 'male' only, which did not support the decision of the long leave. No documentation of even simple clinical sign like exercise tolerance (which reflected weakness), diet intake, orthopnoea, degree of daily work at home, dyspnoea at rest, body weight, blood pressure and pulse was found in the clinical notes. The sick leave granted for this period could not be justified.

On 27 August 2019, Dr LAU granted the Patient 31 days of sick leave from 28 August to 27 September 2019. On 28 September 2019, Dr LAU granted the Patient 30 days of sick leave from 28 September to 27 October 2019. On 29 October 2019, Dr LAU granted the Patient 15 days of sick leave from 29 October to 12 November 2019. A total of 76 days of sick leave was granted continuously from the 3 consultations with the diagnosis of pregnancy with heart disease, weakness, +/- palpitation. In all the 3 consultations, there was no documentation of any assessment of the conditions of the Patient listed above. There was no evidence supporting the necessity of the Patient requiring the long sick leaves.

For the above reasons, the Inquiry Panel was satisfied on the evidence that the issuance of the subject sick leave certificates on divers dates between April and October 2019 were without reasonable and/or proper justifications. Dr LAU's conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. Dr LAU was thus found guilty of misconduct in a professional respect as charged under charge (a).

The then employer of the Patient said that on 10 May 2019 a sick leave certificate issued by Dr LAU in respect of the Patient for the period from 12 to 18 May 2019 was received, but the sick leave certificate was dated 12 May 2019. Dr LAU did not dispute the saying.

Public confidence in sick leave certificates issued by registered medical practitioners would be undermined unless the date of consultation and the date of issue are truly stated. In the view of the Inquiry Panel, Dr LAU's conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. She was found guilty of misconduct in a professional respect as charged under charge (b).

Having considered the nature and gravity of the case and the mitigation advanced by Dr LAU, the Inquiry Panel ordered that Dr LAU's name be removed from the General Register for a period of 1 month, and the operation of the removal order be suspended for a period of 12 months.

The order is published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. The full decision of the Inquiry Panel 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*