

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR IP DAVID (REGISTRATION NO.: M06140)

It is hereby notified that after due inquiry held on 23 June 2020 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 IP David (Registration No.: M06140) guilty of the following disciplinary charges:—

“That on divers dates between May 2013 and September 2014, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (“the Patient”) in that he:—

(a) *issued the following sick leave certificates to the Patient at Asia Medical Centre without proper care and/or justification and/or investigation:—*

- (1) *Certificate dated 16 May 2013 for the period from 16 May 2013 to 14 June 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (2) *Certificate dated 14 June 2013 for the period from 14 June 2013 to 13 July 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (3) *Certificate dated 13 July 2013 for the period from 13 July 2013 to 11 August 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (4) *Certificate dated 11 August 2013 for the period from 11 August 2013 to 9 September 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (5) *Certificate dated 9 September 2013 for the period from 9 September 2013 to 8 October 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (6) *Certificate dated 9 October 2013 for the period from 9 October 2013 to 19 November 2013 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (7) *Certificate dated 6 December 2013 for the period from 6 December 2013 to 4 January 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (8) *Certificate dated 4 January 2014 for the period from 4 January 2014 to 2 February 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (9) *Certificate dated 30 January 2014 for the period from 31 January 2014 to 1 March 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (10) *Certificate dated 1 March 2014 for the period from 1 March 2014 to 30 March 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (11) *Certificate dated 31 March 2014 for the period from 31 March 2014 to 29 April 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (12) *Certificate dated 30 April 2014 for the period from 30 April 2014 to 29 May 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (13) *Certificate dated 30 May 2014 for the period from 30 May 2014 to 11 June 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”;*
- (14) *Certificate dated 14 September 2014 for the period from 14 September 2014 to 13 October 2014 with a diagnosis of “Right Middle Finger Pain after Accidental Injury on Duty”; and*

(b) *issued the following sick leave certificates to the Patient at Digital Healthcare Clinic without proper care and/or justification and/or investigation:—*

- (1) *Certificate dated 4 January 2014 for the period from 4 January 2014 to 17 January 2014 for “Right Middle Finger Accident Injury on Duty”;*

- (2) Certificate dated 18 January 2014 for the period from 18 January 2014 to 7 February 2014 for "Right Middle Finger Accidental Injury on Duty";
- (3) Certificate dated 8 February 2014 for the period from 8 February 2014 to 28 February 2014 for "Right Middle Finger Accidental Injury on Duty";
- (4) Certificate dated 1 March 2014 for the period from 1 March 2014 to 31 March 2014 for "Right Middle Finger Accidental Injury on Duty";
- (5) Certificate dated 1 April 2014 for the period from 1 April 2014 to 30 April 2014 for "Right Middle Finger Accidental Injury on Duty";
- (6) Certificate dated 1 May 2014 for the period from 1 May 2014 to 30 May 2014 for "Right Middle Finger Accidental Injury on Duty";
- (7) Certificate dated 31 May 2014 for the period from 31 May 2014 to 30 June 2014 for "Right Middle Finger Accidental Injury on Duty";
- (8) Certificate dated 1 July 2014 for the period from 1 July 2014 to 31 July 2014 for "Right Middle Finger Accidental Injury on Duty";
- (9) Certificate dated 1 August 2014 for the period from 1 August 2014 to 9 September 2014 for "Right Middle Finger Accidental Injury on Duty";
- (10) Certificate dated 10 September 2014 for the period from 10 September 2014 to 13 September 2014 for "Right Middle Finger Accidental Injury on Duty".

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

2. Dr IP's name has been included in the General Register from 15 July 1986 to present. His name has been included in the Specialist Register under the speciality of Orthopaedics & Traumatology from 7 July 2004 to 2 February 2010 and the speciality of Rehabilitation since 3 February 2010.

3. By a letter dated 31 March 2015, the Labour Department complained to the Medical Council that Dr IP was "suspected of improper issuance of sick leave certificates". Briefly stated, during the processing of 2 employees' compensation claims lodged by the Patient, the Labour Department discovered that the Patient possessed 2 sets of sick leave certificates issued by Dr IP under the name of 2 different clinics but covering the same sick leave period. Since the diagnosis stated on each of the sick leave certificates was "Right Middle Finger Pain after Accidental Injury On Duty", the Labour Department took the view that Dr IP should reasonably foresee that the Patient would make use of the same in lodging a double claim for employees' compensation.

4. Dr IP admitted that he issued to the Patient without proper care the sick leave certificates, which formed the subject of disciplinary charges.

5. According to Dr IP, the Patient first consulted him at AMC on 16 May 2013. Clinical records of this and all subsequent consultations with the Patient at AMC were brief. Most of the time they merely repeated the diagnosis of "Right Middle Finger Pain after Accidental Injury on Duty" and the same medications were prescribed to the Patient.

6. Dr IP's clinical records of his consultations with the Patient at DHC were equally brief. Save for the subjective symptom of "pain", there was nothing in the clinical records on the objective physical findings.

7. In this connection, the Inquiry Panel agreed with the comments of the Secretary's expert that Dr IP had never identified in his clinical records any significant pathology that could be the cause of the persistent pain. Save for the clinical record in respect of the first consultation at AMC and DHC, there was no mention in the clinical notes about the result(s) of any physical examination(s) done in the subsequent consultations.

8. In view of the Inquiry Panel, Dr IP ought to find out the underlying cause of the Patient's persistent pain instead of simply issuing the Patient with continuous and/or overlapping sick leave certificates. But then again, Dr IP kept prescribing the same medications to the Patient. Apparently, the Patient was not responding to this treatment modality. Or the Patient did not, subjectively speaking, find his pain symptom relieved. This was particularly true when on more than one occasion the Patient had consulted Dr IP 2 times in a day.

9. In view of the persistency of the Patient's pain symptom, Dr IP should take proper care to assess on each consultation the Patient's medical condition(s) and to review the treatment modality. Further investigation(s) like X-ray or MRI & etc. should also be made to look for other underlying cause(s) that could justify the prolonged sick leave. The Inquiry Panel was however

unable to find anything in the clinical records to this effect. The Inquiry Panel was therefore satisfied on the evidence that Dr IP issued the subject sick leave certificates without proper care and investigation.

10. Dr IP had a previous disciplinary record in respect of prescription of mefenamic acid to a patient whom he knew or ought to have known to be allergic to aspirin.

11. The Inquiry Panel was particularly concerned that Dr IP, being a Specialist in Rehabilitation, had repeatedly issued sick leaves to the Patient with persistent pain without proper care and investigation. And in the Inquiry Panel's view, only those doctors befitting of the title of specialist should be allowed to have their names remained in the Specialist Register.

12. Having considered the nature and gravity of the case and the mitigation advanced by Dr IP through his solicitor, the Inquiry Panel ordered that Dr IP'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 24 months on the condition that Dr IP would complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Medical Council. The Inquiry Panel further ordered that the name of Dr IP be removed from the Specialist Register for a period of 1 month.

13. Dr IP lodged an appeal against the order made by the Inquiry Panel but he subsequently abandoned the appeal. And by an Order dated 12 December 2022, the appeal was dismissed by the Court of Appeal.

14. Pursuant to the Inquiry Panel's order, Dr IP's name has been removed from the Specialist Register on 27 January 2023.

15. The orders are 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*