

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR WONG CHIU CHUNG (REG. NO.: M05696)

It is hereby notified that after due inquiry held on 29 September 2023 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 ('Inquiry Panel') found Dr WONG Chiu Chung (Registration No.: M05696) guilty of the following charge:—

'That he, being a registered medical practitioner, disregarded his professional responsibility to his patient, a Mr. X ('Mr. X'), in that:—

in or about December 2018 to February 2020, he made Health Care Voucher ('HCV') claim(s) for prescribing medications and/or supplements to Mr. X being a voucher recipient without providing in person consultation to Mr. X.

In relation to the facts alleged, he has been guilty of misconduct in a professional respect.'

2. By a letter from the Department of Health ('DH') to the Medical Council ('Council') dated 4 February 2021, DH informed the Council that during the investigation of a case by its Health Care Voucher Division ('HCVD'), it was revealed that Dr WONG might have committed professional misconduct by prescribing medicines to patient(s) without consultation. Attached to the letter were (i) DH's investigation findings of the case dated February 2021 ('Investigation Findings'), and (ii) written declarations provided by Dr WONG to HCVD dated 22 April 2020, 5 June 2020, 11 December 2020, 23 December 2020 (respectively, '1st Declaration', '2nd Declaration', '3rd Declaration', and '4th Declaration').

3. DH also believed that this might be a case of fraud, and reported the case to the police on 4 February 2021 for further investigation. By a letter from DH to the Secretariat of the Council dated 13 June 2022, DH informed the Council that police investigation had been completed. The police concluded that there was insufficient evidence to support any criminal charge.

4. Dr WONG was absent at the inquiry and he was unrepresented. The Inquiry Panel was satisfied that Dr WONG had sufficient notice of the inquiry and it was his own choice of not appearing in person or instructing lawyers to attend on his behalf. The Inquiry Panel did not see any prejudice would be caused to Dr WONG if the Inquiry Panel heard and decided upon the disciplinary charges in his absence. Accordingly, the Inquiry Panel proceeded with the inquiry in the absence of Dr WONG.

5. Dr WONG had signed on a Statement of Agreed Facts dated 20 September 2023 admitting to the disciplinary charge.

6. According to the Investigation Findings, Dr WONG had made the following three voucher claims in respect of Mr. X being a voucher recipient without seeing him or knowing his physical condition, as follows:—

- (i) a voucher claim made on 28 December 2018 (transaction no. TV18C28-5144075-0) in the amount of \$1,500 in which medicines (i.e. six bottles of omega 3 and four bottles of supra glucosamine) were provided;
- (ii) a voucher claim made on 18 June 2019 (transaction no. TV19618-2693973-1) in the amount of \$660 in which medicines (i.e. 6-month amlodipine) were provided; and
- (iii) a voucher claim made on 15 February 2020 (transaction no. TV20215-746495-4) in the amount of \$1,750 in which medicines (i.e. 1-month amlodipine and 1-month gliclazide) were provided.

(collectively '3 Voucher Claims')

7. Amongst the 3 Voucher Claims, the voucher claim made on 15 February 2020 was made after Mr. X had passed away on 11 February 2020.

8. In his 1st Declaration, Dr WONG admitted that in respect of the 3 Voucher Claims, Mr. X had neither visited his clinic for consultation in person nor received in person healthcare services provided by him. Dr WONG declared that a total of two persons claiming to be Mr. X's daughter or daughter-in-law, instead of Mr. X himself, visited his practice for all three voucher

claims. On each of the three occasions, Mr. X's daughter or daughter-in-law claimed that Mr. X was suffering from hypertension, diabetes and 'old CVA' (i.e. cerebrovascular accident); staying at an elderly home; and unable to walk and therefore unable to come to Dr WONG's practice. They presented Mr. X's HKID card and labeled drug pockets to Dr WONG, and requested for medicines to treat Mr. X's illness. Per requests by Mr. X's daughter or daughter-in-law, Dr WONG prescribed medicines for Mr. X on all three occasions.

9. In his 2nd Declaration, Dr WONG further stated that in respect of the 3 Voucher Claims, he had not in person met Mr. X's daughter or daughter-in-law. In all three occasions, Mr. X's daughter or daughter-in-law were received by the counter staff only.

10. According to the rules and requirements under Health Care Voucher Scheme (HCVS), vouchers can only be used for the treatments provided by an enrolled healthcare service providers in their professional capacity to meet the healthcare needs of voucher recipients after consultation. Vouchers should not be used by voucher recipients only to purchase products and cannot be used to pay for those healthcare services received or medication obtained through voucher recipient's family member or his/her proxy.

11. Dr WONG admitted that he had prescribed medicines to Mr. X without seeing him in person. No doubt Dr WONG was in breach or violation of the rules and requirements under HCVS. Having said that, albeit there was breach or violation of the rules and requirements under HCVS, such breach or violation *per se* was by so means sufficient to constitute professional misconduct.

12. It is stated in paragraph 9.1 of the Code of Professional Conduct (the 'Code') (2016 edition) that:—

'A doctor may prescribe medicine to a patient only after proper consultation and only if drug treatment is appropriate...'

13. In respect of the disciplinary charge, Mr. X was never Dr WONG's patient. At all material times, Dr WONG had never seen Mr. X or even Mr. X's daughter or daughter-in-law, and provided medicines over the counter. Without seeing Mr. X in person, Dr WONG simply would not know if the drug and the dosage prescribed were appropriate. A doctor should not simply rely on what a patient's relative or representative said over the counter is the illness of the patient, and without more, prescribe medicines for the patient right away. A doctor has the responsibility to diagnose if such alleged illness is the case, and only if so, to prescribe appropriate medicines. The Inquiry Panel was of the view that Dr WONG's conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. The Inquiry Panel therefore found him guilty of misconduct in a professional respect as per the disciplinary charge.

14. The offence of which Dr WONG was convicted was very serious. He had never even seen Mr. X and prescribed potent medicines without assessing the Mr. X's blood pressure and sugar level. What was worse was that on 15 February 2020, Dr WONG prescribed medicines to Mr. X who had already passed away on 11 February 2020. The Inquiry Panel was very concerned with such kind of practice, in that Dr WONG prescribed medicines for Mr. X, who was never his patient, and had even passed away. In order to protect the public from such totally unacceptable practice and uphold the professionalism of the medical profession, the Inquiry Panel considered that a more serious penalty should be imposed.

15. Taking into consideration the very serious nature and gravity of Dr WONG's case and what the Inquiry Panel had heard (*via* the legal advisor to the Inquiry Panel, addressing on the mitigating factors favourable to Dr. WONG) and read from Dr WONG's letters as mitigation, the Inquiry Panel ordered that in respect of the disciplinary charge, Dr WONG's name be removed from the General Register for a period of 1 month.

16. Pursuant to the Inquiry Panel's order, Dr WONG's name has been removed from the General Register on 24 November 2023.

17. 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 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