

MEDICAL REGISTRATION ORDINANCE (Chapter 161)
ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG
DR IP MAN WAI (REG. NO.: M15185)

It is hereby notified that after due inquiry held on 3 November 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 IP Man Wai (Registration No.: M15185) guilty of the following charge:

“That on or about 9 July 2020, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (“the Patient”), in that he gave a measles, mumps and rubella (MMR) vaccine injection to the Patient instead of a human papillomavirus (HPV) vaccine as intended by the Patient.

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

2. On 7 July 2020, the Patient went to New Town Integrated Medical Centre (Tin Shui Wai), Dr IP’s clinic (“the Clinic”), and made an appointment with a nurse there for the injection of HPV vaccine. An appointment for the injection of HPV vaccine was made by the Patient for 9 July 2020 at 11 a.m.
3. On 9 July 2020, the Patient attended the Clinic with a view to receiving an injection of the HPV vaccine. After registration, a clinic assistant on duty handed the Patient a consent form and a questionnaire for consideration and signing. The consent form and questionnaire were in respect of the injection of MMR vaccines (respectively “the Questionnaire” and “the Consent Form”) instead. The Patient answered the questions in the Questionnaire and signed on the Consent Form. The Patient was later taken to the consultation room and received an injection of the first dose of MMR vaccine from Dr IP.
4. The Patient left the Clinic after the injection. The Patient returned to the Clinic shortly thereafter to make enquiries as to why she did not have to pay for the vaccine she received. The clinic assistant on duty at the time told her that the MMR vaccine she received was free under a government-subsidized programme. It was at that point that the Patient became aware that she was not administered with the HPV vaccine, but was wrongly administered with the MMR vaccine. The clinic assistant then informed Dr IP that the Patient would like to receive HPV vaccine, rather than MMR vaccine. Dr IP asked the clinic nurse to inform the Patient that she could receive the first dose of HPV vaccine in a month’s time.
5. By a statutory declaration dated 15 May 2021, the Patient lodged a complaint with the Medical Council against Dr IP.
6. Dr IP admitted the factual particulars of the disciplinary charge against him.

7. It is stated in paragraph 21 of the Code of Professional Conduct (2016 edition) that:

“21.1 ... the proper employment of nurses, midwives and other persons trained to perform specialized functions relevant to medicine is entirely acceptable provided that the doctor concerned exercises effective personal supervision over any persons so employed and retains personal responsibility for the treatment of the patients.”

8. According to Dr IP’s submission to the Preliminary Investigation Committee dated 8 February 2023, Dr IP accepted that the responsibilities to properly supervise clinic assistants and to ensure patients are fully informed of the type of vaccines they are receiving rest on him. Dr IP accepted that the Patient indicated to his clinic assistant on 7 July 2020 that she intended to get HPV vaccination. However, Dr IP did not provide HPV vaccine to the Patient on 9 July 2020, but administered MMR vaccine instead. Dr IP said that the root cause of the incident was due to a breakdown of communication with his clinic assistant, and he has since the incident implemented measures to ensure, amongst other things, that correct vaccinations will be administered to patients. In other words, the Inquiry Panel took it that Dr IP accepted that his supervision over his clinic assistants was not effective, resulting in the administering of the wrong vaccine to the Patient.

9. Further, the Patient said in her complaint letter that during the injection process, Dr IP did not reconfirm with her and tell her the name of the vaccine to be injected, the side effects and care tips, and directly proceeded with the injection. In the Inquiry Panel’s view, this is unacceptable. Despite that the Consent Form and the Questionnaire was in relation to another type of vaccine, Dr IP still had the personal responsibility to reconfirm with the Patient the correct type of vaccine she would wish to administer, and that she fully understood the potential risks and side-effects, before the injection.

10. For these reasons, the Inquiry Panel was satisfied on the evidence before it that Dr IP had by his conduct in the present case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr IP guilty of misconduct in a professional respect as charged.

11. Taking into consideration the nature and gravity of the disciplinary charge for which the Inquiry Panel found Dr IP guilty and what the Inquiry Panel had read and heard in mitigation, the Inquiry Panel ordered that a warning letter be issued to Dr IP.

12. 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*