

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG
DR HAU KWUN CHEUNG (FORMERLY REGISTERED AS DR HAU KA LAM
(REG. NO.: M09291)

It is hereby notified that after due inquiry held on 23 February 2016 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, found Dr HAU Kwun Cheung (formerly registered as Dr HAU Ka Lam (Reg. No.: M09291) guilty of the following disciplinary offence:—

‘That in or about March and April 2012, he, being a registered medical practitioner, disregarded his professional responsibility to his patient X (‘the Patient’) in that he injected and/or tried to inject into the Patient the medicines ‘Enbrel 50 mg’ and/or ‘Enbrel 25 mg’ which have expired since October 2010 and October 2009 respectively.

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

Dr HAU was at all material times a registered medical practitioner. His name has been included in the General Register from 14 January 1994 to the present and in the Specialist Register under the specialty of Dermatology and Venereology since 7 March 2007.

Dr HAU admitted the factual particulars of the above disciplinary charge against him.

It is the unchallenged evidence of the Patient that he first attended Dr HAU’s clinic on 6 March 2012 for medical consultation concerning his psoriasis. After physical examination, Dr HAU then advised the Patient to receive a biological treatment involving a series of injection of a medicine. According to the Patient, Dr HAU did not tell him the name of the medicine at the time but Dr HAU assured him that the medicine was completely safe.

There is no dispute that Dr HAU subsequently administered 4 injections to the Patient during the period from 7 March 2012 to 17 March 2012.

On 27 March 2012, the Patient returned to Dr HAU’s clinic for the fifth injection. Whilst the Patient was waiting for the injection in the waiting room of Dr HAU’s clinic, he saw a nurse as usual bringing in a pre-filled syringe with medicine inside. Out of curiosity, the Patient took a photograph of the pre-filled syringe package. As the Patient was only interested in knowing what medicine was inside the pre-filled syringe, he did not notice at the time that the expiry date printed on the pre-filled syringe package was October 2010. Dr HAU later came in and tore open the pre-filled syringe package and administered the injection to the Patient.

On 3 April 2012, the Patient attended Dr HAU’s clinic again for another injection. Whilst the Patient was waiting for the injection in the waiting room of the Defendant’s clinic, he saw a nurse as usual bringing in a pre-filled syringe with medicine inside. The Patient then noticed the expiry date printed on the syringe package was October 2009 and he took a photograph of the same. Dr HAU later came in. Without checking the expiry date printed on the pre-filled syringe package, Dr HAU tore open the pre-filled syringe package and proceeded to administer the injection to the Patient. At that point, the Patient immediately told Dr HAU that the medicine that he was trying to inject had long expired.

Feeling worried about the possible adverse effects of being injected with expired medicine, the Patient asked Dr HAU to check the record of all his previous injections to ascertain whether he had been injected with other expired medicine and to check with the drug manufacturer whether there would be any long term effect of the same.

However, Dr HAU did not provide him with the requested injection record or the answer from the drug manufacturer. The Patient then lodged this complaint with the Medical Council through his solicitors on 17 April 2012.

In the Medical Council’s view, Dr HAU had the personal responsibility to ensure the medicine that he injected or tried to inject into the Patient was safe and proper in all material aspects. The significance of the expiry date on any medicine lies in that its efficacy and safety cannot be guaranteed beyond that date. It may well be that the efficacy and safety of a medicine do not fall off rapidly after its expiry date but the real point is that the efficacy and safety of the medicine

are no longer guaranteed. Also, the anxiety or distress that patients may develop after realizing that they have been injected expired medicines must not be overlooked.

It is clearly stated in the Good Dispensing Practice Manual (2nd edition) issued by the Hong Kong Medical Association that doctors should 'ensure that a dispensed product will still be within the expiry date at the end of the treatment period'; and '[t]he expiry dates of medicines should be regularly monitored'. Such good dispensing practice is equally apposite to administration of injection and medicine in the form of pre-filled syringe.

The Medical Council considered that Dr HAU's repeated failures to notice the medicine that he injected or tried to inject into the Patient had already expired clearly fell below the standard expected amongst registered medical practitioners in Hong Kong. Accordingly, the Medical Council found Dr HAU guilty as charged.

However, the Medical Council accepted that there was no evidence that physical harm had been caused to the Patient. Taking into account the whole circumstances of this case and Dr HAU's plea of mitigation, the Medical Council ordered that a warning letter be issued to Dr HAU and further that the order be published in the *Gazette*.

The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. The full decision 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*