

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR KWOK SHU MING DANIEL (REGISTRATION NO.: M07859)

It is hereby notified that after due inquiry held on 26 March 2019 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 KWOK Shu Ming Daniel (Registration No.: M07859) guilty of the following disciplinary charges:—

First Case

‘That, on or about 15 April 2013, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (‘the Patient’) in that he prescribed Amoxycillin to the Patient when he knew or ought to have known that the Patient was allergic to Penicillin.

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

Second Case

‘That, on or about 5 October 2013, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (‘the Patient’) in that he prescribed Amoxycillin to the Patient when he knew or ought to have known that the Patient was allergic to Amoxycillin.

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

Dr KWOK had been included in the General Register from 19 September 1990 to present. Upon the direction of the Chairperson of the Inquiry Panel, inquiry into the above-mentioned disciplinary charges against Dr KWOK was consolidated into one pursuant to section 16 of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation.

First Case

Briefly stated, the Patient consulted Dr KWOK at his clinic on 15 April 2013 complaining of sore throat, running nose, cough and rashes on her face and neck. Dr KWOK made a diagnosis of Upper Respiratory Tract Infection and prescribed the Patient with, amongst other medicines, Amoxycillin 500 mg qid. for 4 days. The Patient had consulted Dr KWOK on and off since May 2007 and her allergy to Penicillin was made known to him at the first consultation.

Amoxycillin is an antibiotic belonging to the Penicillin group and it should not be given to any patient who is allergic to Penicillin.

According to the medical record obtained from the hospital, the Patient developed skin rashes over her limbs after taking Amoxycillin on 15 April 2013. She first attended the Out-Patient Department of the hospital for treatment on 16 April 2013. She was subsequently referred to see a specialist in Rheumatology and she was treated conservatively with medication. Her skin rashes were noted to have subsided by the time when she returned to the hospital for follow up on 18 May 2013. The Patient lodged her complaint against Dr KWOK with the Medical Council.

Second Case

Briefly stated, the Patient consulted Dr KWOK at his clinic on 5 October 2013 complaining of sore throat, stuffy nose and chills. Dr KWOK made a diagnosis of Upper Respiratory Tract Infection and prescribed the Patient with, amongst other medicines, Amoxycillin 500 mg qid. for 4 days. The Patient had consulted Dr KWOK on and off since May 2007 and her allergy to Amoxycillin was made known to him during these consultations.

According to the A&E Attendance Record kept by the hospital, the Patient developed skin rashes over her body after taking Amoxycillin on 5 October 2013. She was admitted through the A&E Department for inpatient treatment of allergy with medication. Eventually, her skin rashes subsided and she was discharged home on 7 October 2013. The Patient lodged her complaint against Dr KWOK via a District Councillor with the Medical Council.

Dr KWOK admitted the factual particulars of the disciplinary charges against him. It remained for the Inquiry Panel to consider and determine on the evidence whether he had been guilty of misconduct in a professional respect.

First Case

Dr KWOK was fully aware that the Patient was allergic to Penicillin. And yet, he still prescribed her with Amoxycillin, which should not be taken by patients who are allergic to Penicillin.

Patients are entitled to, and they often do, rely on doctors to exercise reasonable care and competence in avoiding prescription of drug to which they have a known allergy.

Allergic reaction to drug is not dose-dependent, and can be triggered by even a small dose. Moreover, allergic reaction to drug can be very serious and potentially life-threatening. In a patient with a reported allergy to a particular drug, the risk of having an allergic reaction after taking the same drug again would be high.

Prescription of Amoxycillin to the Patient, whom Dr KWOK well knew was allergic to Penicillin, was inappropriate and unsafe. The Inquiry Panel was of view that, if Dr KWOK had taken adequate note of the Patient's history of allergy, he ought to have considered whether there were safer alternatives than Amoxycillin.

The Inquiry Panel was of the view that Dr KWOK'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 charged.

Second Case

Likewise, although Dr KWOK was fully aware that the Patient was allergic to Amoxycillin, he still prescribed her with this medicine. Such prescription was not only inappropriate but also unsafe. The Inquiry Panel also held the view that, if Dr KWOK had taken adequate note of the Patient's history of allergy, he ought to have considered whether there were safer alternatives than Amoxycillin.

For the same reasons stated in respect of the First Case, the Inquiry Panel was firmly of the view that Dr KWOK'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 charged.

This was in the Inquiry Panel's view a classic case of lack of prudence. The Inquiry Panel was particularly concerned that Dr KWOK had failed to take note of his patients' history of drug allergy on two occasions within 6 months.

The Inquiry Panel appreciated that Dr KWOK was a conscientious and compassionate doctor and accepted that he had learnt his lesson. However, The Inquiry Panel needed to ensure that he would not commit the same or similar misconduct in the future.

The Inquiry Panel was told in mitigation that Dr KWOK had since the incident taken additional precautionary measures to avoid similar mishap from happening.

Taking into consideration the nature and gravity of the charges for which Dr KWOK were found guilty and his plea of mitigation, the Inquiry Panel made a global order that Dr KWOK's name be removed from the General Register for a period of 2 months. The Inquiry Panel further ordered that the removal order be suspended for 12 months, subject to the condition that Dr KWOK would complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Medical Council.

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*