

PRIVATE AND CONFIDENTIAL
(FOR MMA MEMBERS ONLY)

2022 - 2023

REPORT OF THE ETHICS COMMITTEE

PERSATUAN PERUBATAN MALAYSIA
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mma
MALAYSIAN MEDICAL ASSOCIATION



COMPOSITION OF THE ETHICS COMMITTEE

At the first meeting of the 62nd Malaysian Medical Association (MMA) Council held on 9th September 2022, Dr Mohamed Namazie Ibrahim was appointed as the Chairman of the Ethics Committee. The members of the Committee (2022/2023) are as follows:

CHAIRMAN	: DR MOHAMED NAMAZIE IBRAHIM
SECRETARY	: DATUK DR THIRUNAVUKARASU A/L RAJOO
COMMITTEE MEMBERS	: DATO' DR VIJAYA SINGHAM PETHARUNAM PILLAI
	: DR GUNASEKARAN A/L BALASUNDARAM
	: DR GAYATHRI A/P K. KUMARASURIAR
	: DR THIYAGAR S/O NADARAJAW
	: PROF DATO' DR N.K.S THARMASEELAN
	: DR MARK TAN KIAK MIN
	: DR SARAH-JANE KHONG
SECRETARIAT	: MS NATASHA



*Standing left to right:
Prof 'Dato' Dr NKS
Tharmaseelan, Dato' Dr
Vijaya Singham, Dr
Mohamed Namazie, Dr
Gayathri, Dr Thiyagar, Dr
Mark Tan*

*Not in the picture: Dr
Sarah-Jane Khong, Dr
Gunasekaran, Datuk Dr
Thirunavukarasu*

INTRODUCTION

Doctors have a respected position in Society and the public has high expectations of the medical profession and those expectations are rising as people become better informed about the medical care. Patients want to be sure that their doctors are professionally competent and considerate and respect their views and wishes when treating them. Doctors are responsible for maintaining their professional competence and standard of performance. The basis of professional practice are as follows:

- ✚ Be professionally competent.
- ✚ Perform consistently well.
- ✚ Practice ethically and professionally.
- ✚ Demonstrate common decency.
- ✚ Do patients no harm.
- ✚ Offer compassionate and empathic care.
- ✚ Be an effective team player.

- ✚ Take action if poor practice places patients at unnecessary risk.
- ✚ Have good interpersonal and communication skills.

The MMA “Code of Ethics” and “Code of Professional Conduct” of MMC provide a set of fundamental principles which should guide doctors in their professional conduct. Doctors should strive to build a professional reputation based on integrity and ability and be aware that your personal conduct may affect your reputation and that of your profession.

The medical profession’s moral authority is conferred by Society through the process of licensing or registration. This is the social contract through which doctors are accorded special status in return for a particularly stringent set of behavioural expectations. Doctors will use the best of their ability, knowledge, skills, and judgment in the service of the patient. Any breach of this responsibility will diminish the moral authority of the individual doctor and of the profession.

The code binds the profession together regardless of the anatomical zones of our interest or the instruments that are held in our hands.

MEETINGS

Up to the date of writing this report, three meetings were held. The attendance of the members is as follows:

NO	NAMES	1ST ETHICS MEETING 17/12/2022	2ND ETHICS MEETING 11/03/2023	3RD ETHICS MEETING 14/05/2023
1	Dr Mohamed Namazie Ibrahim	√	√	√
2	Dr Thirunavukarasu Rajoo	√	√	√
3	Dato’ Dr Vijaya Singham Petharunam Pillai	x	√	√
4	Dr Gunasekaran A/L Balasundaram	√	√	√
5	Dr Gayathri A/P K. Kumarasuriar	x	√	√
6	Dr Thiyagar S/O Nadarajaw	√	√	√
7	Prof Dato’ Dr N.K.S Tharmaseelan	√	√	√
8	Dr Mark Tan Kiak Min	x	x	√
9	Dr Sarah-Jane Khong	x	x	√

COMPLAINTS

The Ethics Committee received a total of 12 complaints throughout this term until the writing of this report. Many queries and complaints were received via copied emails addressed directly to the Malaysian Medical Council (MMC), which we have not included in this report.

NATURE OF COMPLAINTS

COMPLAINTS ON	NO. OF CASES
Professional Fees	0
Medical Report	2
Unprofessional Conduct	5
Hospital Charges	3
Advertisement	2

For comparison, the total number of cases received in the last five years is shown below:

PERIOD	NO. OF CASES
2018-2019	7
2019-2020	8
2020-2021	4
2021-2022	7
2022-2023	12

MMA CODE OF MEDICAL ETHICS DRAFT

The Ethics Committee met four times this year, from the start of the term to the writing of this report, to review revisions to the MMA Code of Medical Ethics Draft. Each Committee member contributed and presented at the following meetings, which took place on:

1. 14th May 2023 at 9 a.m. to 4 p.m., Physical Discussion
2. 22nd May 2023 at 7 p.m. to 10 p.m., Virtual Discussion
3. 29th May 2023 at 7 p.m. to 10 p.m., Virtual Discussion
4. 2nd June 2023 at 7.30 p.m. to 10 p.m., Virtual Discussion

ACKNOWLEDGEMENT

The Chairman of the Ethics Committee expresses gratitude to all Committee members for their presence and contributions at all meetings. We also thank the Secretariat staff for their day-to-day administrative work.

CASE REPORTS

Case No. 1: Advertisement

The complaint was received on the 23rd of September 2022.

Summary: Dr. XXX, a paediatrician practicing in a private clinic, sought advice regarding a potential violation of the code of conduct. He received an invitation from an Infant/Toddler care provider to give training sessions to their in-house staff. The care provider intends to issue a certificate of completion to their staff and has requested Dr. XXX's signature on it. Dr. xxx was concerned that this could breach the doctor's code of conduct.

Action(s) Taken: The Ethics Committee advised that the doctor's name should not appear on the certificate of completion.

Remarks: The case is closed.

Case No. 2: Unprofessional Conduct

The complaint was received on 4th of October 2022.

Subject: *Kesangsian Doktor Untuk Mengesyorkan Kelulusan Mendapatkan Pengesahan Pemeriksaan Kesihatan Untuk Bekerja*

Summary: A complaint was filed against a panel doctor for delaying the issuance of a fitness to work certificate after examining the complainant, a person with a history of HIV, as part of the employment medical examination. The complainant alleged that the doctor consistently declined to issue the medical certificate, failed to provide concrete proof of his unfitness to work, and

abandoned the case, creating fear, despair, and financial hardship because he had been unemployed for nearly two months. He requested the MMC and the MMA to look into the matter since discrimination against HIV patients is illegal and should not be accepted in the present day.

Action(s) Taken: The complaint was submitted to the doctor in question, who responded that the delay was due to the complainant's inability to produce the latest laboratory report on viral load and CD4 status, since he could not depend on the old results to issue a certificate of fitness. Following that, the complainant submitted the latest laboratory report, and the doctor issued the certificate of fitness. The doctor requested that his letter of explanation be sent to the complainant, which was done.

Remarks: The case has been closed. There was no further communication from the complainant. To avoid similar occurrences, all doctors are advised to communicate clearly with their patients.

Case No. 3: Advertisement

The complaint was received on 13th of October 2022.

Subject: Doctor Advertising on social media: Tiktok

Summary: This complaint/question involved a few doctors advertising their services on social media. The complaint further stated that these doctors posted footage of their clients' faces and body parts. The complainant sent images and TikTok videos. He queried if these methods of publication were lawful, and how he could tell whether their service was genuine.

Action(s) Taken: Following discussion by the Ethics Committee, the decision was reached to respond as follows:

Question 1: Is their way of publication legal?

Answers:

- a) Based on the postings on Facebook and other social media, it appears that the advertisements are illegal since they do not have an approval number from the Lembaga Iklan Ubat (LIU). It is mandatory to publish the LIU approval number in all advertisements.
- b) Aside from the legal issues, the advertisements by the doctors have serious ethical implications, which will be reviewed by the Malaysian Medical Association's Ethics Committee.

Question 2: And how can I know their service is genuine?

Answers:

- a) If you intend on using their services, it is best to pay them a visit and make a prudent judgement on whether you are comfortable with their services.
- b) If you wish to check the authenticity of the doctor, you can verify the registration of the doctor in the Medical Register on the Malaysian Medical Council website, www.mmc.gov.my.
- c) If you wish to check the authenticity of the clinic, you can check its registration with the Medical Practise Division of the Ministry of Health. The link to lodge the complaint is <http://medicalprac.moh.gov.my>.

Remarks: The case has been closed. All doctors are cautioned not to promote their services on social media. These are considered advertisements, and approval from Lembaga Iklan Ubat is mandatory. Furthermore, sharing photos of patients and videos of procedures being performed on

them in social media requires patients' consent and should be avoided as much as possible to avoid ethical issues.

Case No. 4: Unprofessional Conduct

The complaint was received on 20th of October 2022.

Subject: Complaint Against Dr in A Klinik

Dear Sir, I visited a clinic with high blood pressure and a severe headache, and despite my inability to walk properly, the doctor gave me an injection and told me to go home and sleep, resulting in a misdiagnosis that led to a stroke in my right brain, leaving me paralyzed on my left side and suffering from neglect, causing significant trauma and requiring hospitalization and rehabilitation that have greatly impacted my life.

Action(s) Taken: Three letters were sent to the Complainant requesting consent to forward the complaint to the doctor concerned. The Complainant did not respond to our request.

Remarks: The case has been closed.

Case No. 5: Medical Report

The complaint was received on 14th of November 2022.

Subject: Plastic Surgeon

This is to inform you that my daughter was admitted to the hospital for a deep laceration on her left forehead, but there were several issues during her treatment, including a miscommunication regarding the need for emergency surgery, failure to properly inform me about the risks, a delay in providing medication for her fever, a lack of information about alternative treatment options, and concerns about the excessive surgical cost. I request a satisfactory explanation and hope for better communication and professionalism from the department involved.

Action(s) Taken: The complaint was forwarded to the doctor concerned, asking for his response. The doctor responded, stating that he will respond to the Complainant directly. The Ethics Committee took no further action because the complaint had already been submitted to the MMC.

Remarks: The case has been closed.

Case No. 6: Unprofessional Conduct

The complaint was received on 28th of November 2022.

Subject: Depressed Over the Service Given by the Private Hospital Fertility Department

I would like to bring to your attention the unsatisfactory experience my wife and I had during our IVF treatment at a private fertility hospital, where our IVF cycle was unsuccessful, the doctor rushed the procedure and did not provide proper support, and we were asked to pay a high cost for another cycle without any assistance or understanding of our financial situation. I hope the Malaysian Medical Council (MMC) can inspect and regulate private fertility centers to ensure fair pricing and quality services, as many couples cannot afford multiple cycles and face emotional distress. We hope MMC can help improve the accessibility and affordability of IVF treatment for couples in need.

Action(s) Taken: As the complaint mentioned that the MMC should take action, the complainant was advised to refer the matter to the MMC and a link to lodge the complaint was provided. The Complainant has not replied to the MMA since then.

Remarks: The case has been closed.

Case No. 7: Hospital Charges

The complaint was received on 8th of December 2022.

Subject: GL had been declined three times by an Insurance Company

My customer has expressed dissatisfaction with the unprofessional behaviour of a specialist doctor at the hospital to provide an explanation for the decline of the Guarantee Letter coverage and strongly desires an investigation by the Malaysian Medical Association (MMA) regarding this matter, as detailed in their email dated 29/10/2022.

Action(s) Taken: The Complainant was asked to request that the patient concerned confirm the said matter. However, the Complainant did not respond to our request.

Remarks: The case has been closed.

Case No. 8: Unprofessional Conduct

The complaint was received on 10th of December 2022.

Subject: Irresponsible Medical Treatment

I would like to lodge a complaint regarding the irresponsible mental health treatment I have received from the staff, particularly from my attending psychiatrist, which has resulted in severe bullying by the entire community, leading to immense suffering, mental anguish, physical pain, and the inability to care for myself due to the effects of sound, sights, PTSD, hypnosis, brainwashing, and the implantation of false narratives in my mind, which have persisted since June 2020 and continue to affect me. I am in desperate need of assistance as I am unsure of what steps to take.

Action(s) Taken: A letter was sent to the Director General of Health for clarifications on the incident because the doctor complained against refused to respond to the complaint and wanted MMA to request the patient's medical report, despite the fact that we had stressed that MMA wanted a response to the complaint and not a medical report. The complaint had already been sent to the State Director of Health, but no answer had been received.

Remarks: The case is still pending.

Case No. 9: Unprofessional Conduct

The complaint was received on 28th of December 2022.

I met the doctor for the breast implant; after the surgery, I had pain up until today, and the shape is not balanced. The doctor informed me that it was normal and requested that I do an MRI scan. Unfortunately, I have spent my money on the surgery and do not have enough now for an MRI scan. Please help with this situation and refund my money to do justice.

Action(s) Taken: The Complainant was advised to file a formal complaint with the CKAPS because there were fees involved.

Remarks: The case has been closed.

Case No. 10: Medical Report

The complaint was received on 13th of April 2023.

Subject: Formal Complaint on the Customer Service Department about the Patient

I would like to report an incident where my daughter was admitted to the Hospital's emergency department and was treated inhumanely, with negligence, and with a lack of professionalism, including being ignored for hours, treated rudely and roughly by a nurse, and experiencing complications from improper medical procedures. I request that the Ministry of Health take serious action against all parties involved in this case. The customer service representative said they would stand firm to their decision, never admit to their wrongdoings, and compensate us back for all our medical bills.

Remarks: The case has been closed. The hospital has replied directly to the Complainant.

Case No. 11: Hospital Charges

The complaint was received on 6th of May 2023.

Subject: Overdue Bills

I am a foreign national with a medical insurance policy, and I was admitted to a hospital in Malaysia for 4 days. However, the hospital unfairly charged me for an amount not covered by my insurance due to a baseless mention of "heart disease" in the discharge summary, which is not true according to my medical history, and I am seeking legal action and requesting the Ministry of Health, MMA, and MMC to investigate this matter and take appropriate action against the hospital.

Remarks: The matter will be discussed in the next Ethics meeting(s) on the further course of action to be taken.

Case No. 12: House Call and Treatment Charges

The complaint was received on 17th of May 2023.

Subject: Complaint Regarding Unusually High Cost of Doctor's Services

I would like to lodge a complaint with the MMA regarding the unreasonably high charges by an online medical service provider for the medical treatment provided to my elderly mother, as compared to the significantly lower bill from a hospital to which my mother was subsequently admitted as her condition did not improve. I have all the necessary documentation to support my case.

Case history:

Day 1:

I called a doctor for house service to check on my elderly mother, who was very ill.

I got the telephone number from www.xxxxxxxxx.com.my. The doctor took a blood sample, and the diagnosis was a bacterial infection. My mother was given an IV antibiotic twice daily from Day 2-12.

Day 2-6:

Broad Spectrum Cephalosporin 1g
Controloc 20mg
Metoclopramide 10mg
Heparin Solution for Flushing

Day 7 - 12:

Gentamicin 80mg
Metoclopramide 10mg
Controloc 20mg
Heparin Solution for Flushing

The total bill was **RM 36,085**, the breakdown is as below:

Day 1	:	RM 1019 (1 X Home Visit: RM 350 + Blood/Covid Tests: RM 669)
Day 2	:	RM 3723 (2 X Home Visits: RM 700 + Medication/Blood Test: RM 3023)
Day 3	:	RM 3531 (2 X Home Visits: RM700 + Medication/Blood Test: RM 2831)
Day 4 - 6	:	RM 9816 (6 X Home Visits: RM 2100 + Medication/Blood Test: RM 7716)
Day 7 - 12	:	RM 17996 (12 X Home Visits: RM 4200 + Medication/Blood Test: RM 13796)

However, my mother was still unwell after the treatment, and I took her to a private hospital xxx where she was admitted. She was administered Cefazolin IV (2g x 19 doses).

The total bill for xxx was only **RM 11,538.70**, inclusive of 7 nights room stay, procedures, 5 specialists consultation charges, lab tests, an ECG, and medicines.

Remarks: The Complainant has provided the documents. The matter will be discussed in the next Ethics Committee meeting(s) on the further course of action to be taken.

APPENDICES

Appendix I

RULES OF THE ETHICS COMMITTEE

Rule 1

Where a complaint is brought to the notice of the Honorary General Secretary of the Association regarding the professional conduct of a member of the profession, a direction shall be obtained from the Chairman of the Ethics Committee as to whether, in his opinion, there is a prima facie case for investigation by the Association. If the complaint is unsigned or does not contain the original newspaper cutting (in the case of a complaint relating to alleged advertising), the Secretary will write to the complainant to rectify such defects before proceeding further with any complaint. All anonymous complaints, i.e., those without a name or contact address, will not be acted upon further, save at the discretion of the Ethics Committee in matters of serious concern to the Association. The Secretary shall keep the Chairman of the Ethics Committee informed of all correspondence on matters related to the Ethics Committee.

Rule 2

Complaints regarding the professional conduct of individual members of the profession shall be considered by the Ethics Committee in the following circumstances:

- (i) Upon reference from a Branch Committee.

- (ii) Upon a report being made to the Council of the Association by a Branch Committee that the propriety of a member of the Association remaining a member may be called into question.
- (iii) Upon a report from a member or non-member of the Malaysian Medical Association or a member of the public, whether the complainant is personally affected or not.

Rule 3

An investigation regarding the professional conduct of a member of the profession may be held either at an ordinary meeting of the Ethics Committee or at a special meeting, at the discretion of the Chairman of the Committee. Not less than twenty-one days' notice of the meeting shall be given to every member of the Committee and to all parties concerned.

Rule 4

(i) IN CASES OTHER THAN APPEAL TO THE COUNCIL OF THE ASSOCIATION:

- (a) The Honorary General Secretary of the Association shall inform the respondent that a complaint regarding his conduct is to be brought to the notice of the Ethics Committee and shall invite him to submit his written observation on the matter or to supplement any explanation he has given on a previous occasion. If a reply is not received within 14 days, a further two reminders will be sent by AR Registered post.
- (b) Each party shall send to the Honorary General Secretary, not less than 14 days prior to the date of the meeting of the Committee at which the complaint is to be investigated, copies of all documents on which he intends to rely. Except with the consent of the Chairman and of the other party, no other party or other documents shall be considered, but they may be considered or heard at an adjourned meeting.
- (c) If there is no response after fourteen days, two further reminders will be sent by AR Registered post. If there is still no response, the Ethics Committee shall deliberate on the case and may forward the complaint to the regulatory authorities, if appropriate.
- (d) The Committee shall investigate the facts of the case and shall take such evidence as shall be deemed necessary for the purpose.

(ii) IN CASES OF APPEAL

- (a) The Honorary General Secretary of the Association shall inform both the complainant and the respondent that the appeal is to be considered by the Council of the Malaysian Medical Association and shall invite them to supplement any observations or explanations given on any previous occasion in writing.
- (b) Paragraphs (i) (b) shall apply to the Council of the Association when hearing an appeal.
- (c) Paragraphs (i) (c) shall apply only as regards documents not relied on before the Ethics Committee.
- (d) No party shall be entitled to adduce evidence additional to that called before the Ethics Committee by whom the case has previously been investigated, without the permission of the President of the Council. Any application for permission to adduce additional evidence shall be made to the Hon. Gen. Secretary not less than 14 days before the date fixed for the hearing of the appeal.
- (e) Legal assistance, either paid or unpaid, is not permitted on either side at the hearing, but the President may allow any person concerned in the investigation to be assisted in presenting his case by a colleague who, except by permission of the Council, shall not be permitted to address the Council.

Rule 5

Where the case is one affecting only the parties concerned, it shall be competent for the Committee, after due inquiry and investigation of the case under these Rules, to approach both the complainant and the respondent with suggestions or advice regarding an amicable resolution of the dispute for their acceptance. This may include a referral for arbitration or mediation with the consent of both parties. If all parties adopt and subsequently put into effect such suggestions or advice, the Committee may, at its discretion, declare the case to be finally resolved. On receipt of information that such suggestions or advice have not been put into effect, the Committee shall, with the permission of the Chairman, further consider the case at a further meeting, of which notice shall be given under Rule 4 and for which the procedure shall be as laid down in Rule 4.

Rule 6

The Committee or Council shall, subject to Rule 6, after due investigation, adopt a resolution in one of the following forms or in such other form as it may consider appropriate:

I. IN ALL CASES OTHER THAN CASES OF APPEAL

- (i) That in the opinion of the Committee the complaint has not been established, and that the case be dismissed.
- (ii) That in the opinion of the Committee there has been no violation of the Articles, Rules (or Resolutions) of the Association or Branch, or of the generally accepted principles of professional conduct, and that no action be taken.
- (iii) That in the opinion of the Committee the complaint is frivolous, and that the case be dismissed.
- (iv) That in the opinion of the Committee has committed an indiscretion and error of judgement in that he has but that his conduct does not call for censure.
- (v) That in the opinion of the Committee has violated:
 - (a) the Articles, Rules (or Resolutions) of the Association;
 - (b) the generally accepted principles of professional conduct in that he has but that, in consideration of faults on the part of others concerned, the case be dismissed.
- (vi) That in the opinion of the Committee has violated.
 - (a) The Articles, Rules (or Resolutions) of the Association;
 - (b) The generally accepted principles of professional conduct, in that he has and that he be and hereby be referred to the Malaysian Medical Council.
- (vii) That in the opinion of the Committee the conduct of has been (or is)
 - (a) in violation of the Articles, Rules (or Resolutions) of the Association;
 - (b) detrimental to the honour or interests of the Association (and);
 - (c) detrimental to the honour or interest of the medical profession in that he has and (if a member) resolve that he be informed of this finding of the Committee and allowed until to consider his position; that the Honorary General Secretary of the Association be instructed to report in due course to the Committee upon his reply if any, and that, if upon, such further report the Committee shall consider his reply unsatisfactory, or if no reply be received within the time

specified, it be recommended to the Council of the Association that the Council in the exercise of its power under the Articles of the Association do expel from membership of the Malaysian Medical Association.

- (viii) That it is recommended to the Council of the Association that the Council in the exercise of its powers under the Articles of Association do expel from membership of the Malaysian Medical Association of a member of the Branch, on the ground that his conduct is deemed by the Council to have been (or to be):
- (a) detrimental to the honour and interests of the Association (and);
 - (b) detrimental to the honour and interest of the medical profession (and);
 - (c) calculated to bring the profession into disrepute;
 - (d) such that he has wilfully and persistently refused to comply with the Regulations of the Association.

In all cases in which a resolution is adopted by the Committee in terms of one of the alternatives contained in sub-paragraph (vi) to (viii) hereof the Committee shall prepare a statement for the information of Council and such statement shall consist of the following:

- (i) all necessary concerning the parties and date and place of investigation, the nature of the evidence adduced before the Committee and such other matters of a like nature as the Committee shall think proper.
- (ii) a summary of the facts of the matter in dispute as found by the committees to have been proved and;
- (iii) a statement of the inferences (if any) material to the issues in dispute drawn by the Committee from such facts.

II. IN ALL CASES OF APPEAL EITHER

- (i) a resolution that the Council of the Association uphold the decision of the Committee and dismiss the appeal, or
- (ii) a resolution, in one of the forms set out above sub-paragraph (i) to (viii) and in addition to one of the following resolutions:
 - (a) that the appeal be allowed;
 - (b) that the appeal be dismissed;
 - (c) that the decision of the Committee be modified accordingly.

Rule 7

A copy of any resolution of the Committee adopted under Rule 7 shall be sent by the Honorary General Secretary of the Association to the complainant and the respondent and to the Honorary General Secretary of such branch (if any) as the Committee shall resolve to be directly concerned for the confidential information of the members of the Executive Committee of such branch as the Committee shall.

Rule 8

Save where the Committee has adopted a Resolution in terms of Rule 6 (I) (viii) if a medical practitioner shall make amends or express regret in writing to the satisfaction of the Ethics Committee it shall be competent for the Committee subsequently by resolution to rescind any Resolution passed under Rule 6 and to pass such further Resolution (if any) as may appear to them appropriate in all the circumstances.

Rule 9

The Resolution of the Committee upon a case, other than a case where the Committee has adopted a Resolution in terms of Rule 6 (I) (vii), (viii) or (ix) shall be final unless new facts shall subsequently be brought forward which, in the opinion of the Committee, justify the case being reopened. In a case where the Committee has adopted a Resolution in terms of Rule 6 (I) (vii), (viii) or (ix) such resolution shall be final unless the case is referred back to the Committee by the Council and upon any reference back by the Council it shall be opened to the Committee to rescind such resolution and to pass such further Resolution (if any) as may appear to them appropriate in all the circumstances.

Rule 10

- (i) In any case where the Committee has adopted a Resolution in terms of Rule 6 (I) (vii), (viii), or (ix) the Honorary General Secretary of the Association shall communicate in writing with the respondent and the Honorary General Secretary of the Branch of which the respondent is member informing them of the date on which the Resolution will be considered by the Council and inviting them to submit prior to such date for the confidential information of the Council.
 - (a) In the case of the respondent any representation which he desires to place before Council;
 - (b) In the case of the Honorary Secretary of a Branch any report which the Executive Committee of the Branch shall resolve to place before the Council in mitigation of the conduct of the respondent which report may refer to the character and status of the respondent and any matter which such Branch Committee consider would further its purpose.
- (ii) Such communication from the Honorary General Secretary of the Association shall wherever reasonably practicable be sent so as to give both to the respondent and to the Honorary Secretary of the Branch not less than 21 days' notice and where an unreasonable delay would be caused by delaying the consideration of the matter until a later meeting of the Council.
- (iii) Any representation sent by the respondent and any report adopted by the Executive Committee of a Branch and submitted by the Honorary General Secretary of such Branch under this rule shall be communicated to the members of the Council and of the Ethics Committee only.

Rule 11

After a case has been referred to the Ethics Committee for investigation, if either party shall make any report or complaint or institute any proceedings based on the matter in dispute or anything in any way connected therewith, whether to any criminal or civil court or to anybody having statutory or other powers of discipline over either party while the matter is under consideration by the Ethics Committee or the Council, the Committee or the Council, as the case may be, may, at its discretion, adjourn or refuse to proceed with the investigation of the case.

Rule 12

- (i) If any member of the Ethics Committee has taken part in the previous investigation into any case, he shall be debarred from taking part in the consideration of such a case as a member of the Council of the Association, but he shall not be debarred from giving evidence as to the facts if called upon to do so.
- (ii) If any member of the Ethics Committee be personally concerned in a case, be the principal, partner, or assistant of any person so concerned, or otherwise have any

personal interest in or special knowledge of the case, he shall, before the consideration by the Ethics Committee of any report or recommendation thereon, disclose such interest to the Committee, and if so decided by the Committee, he shall retire from the meeting during such consideration, but he shall not be debarred from giving evidence as to facts if called upon to do so.

- (iii) Where the Chairman of the Ethics Committee is debarred from taking part in the consideration of a case under (i) or (ii) above, the Committee shall appoint one of its members to act as Chairman for the purpose of the case.

Rule 13

- (i) In every case in which the Ethics Committee shall, after due investigation in accordance with these Rules, have passed a Resolution declaring that in the opinion of the Committee the conduct of any medical practitioner, whether by contravention of the Rules and Resolutions of a Branch or otherwise, has been (or is) detrimental to the honour and interests of the medical profession or of the Association, it shall be the duty of the Honorary General Secretary of the Association, if the Committee shall so resolve, to cause such Resolution to be brought directly to the knowledge of every member of the Branch in the area of which such practitioner resides, and every member of such other Branches as the Committee may specify, by means of a Notice in the form appended hereto which notice it shall be the duty of the Honorary General Secretary of the Association to authenticate by his signature. In the case of a Notice of which copies are made by a mechanical process, it shall suffice that the signature of the Secretary appears on the original Notice and is copied as part thereof.
- (ii) In any case in which the Ethics Committee shall, at the time of, or subsequently to, the adoption of a Resolution of the nature contemplated by paragraph (i) of this Rule, have also resolved that, in the opinion of the Committee, it is desirable that such a Resolution be brought officially to the notice of any specified Branches of the Association, it shall be the duty of the Honorary General Secretary of the Association to transmit copies of the said Resolution to the Honorary General Secretaries of the Branches so specified, whose duty it shall be to bring such resolution in a proper manner to the notice of members of the Branch.
- (iii) In any case in which the Committee has adopted a Resolution in terms of Rule 6 (I) (vii) no Resolution of the nature contemplated by paragraphs (i) or (ii) of this Rule shall be adopted by the Committee until after the consideration by the Committee of the Report of the Honorary General Secretary under Rule 6 (I) (vii) and in any case in which notices have been sent by the Honorary General Secretary under paragraphs (i) or (ii) of this Rule and in which the Committee subsequently rescinds its Resolution under Rule 8 it shall be the duty of the Honorary General Secretary to send to the recipients of the Notice so sent a further notice of such rescission and to take all reasonable steps to ensure further notice is received by all recipients of such original notice.

FORM OF NOTICE REFERRED TO IN PARAGRAPH (i) MALAYSIAN MEDICAL ASSOCIATION

(Private and Confidential)

NOTICE

In pursuance of Rule 12 of the Rules of the Ethics Committee of the Association relating to Complaints regarding Professional Conduct, Notice is hereby given

that at a meeting of the Committee held at on the day of a Resolution in the following terms was duly passed:

“That, in the opinion of the Committee, the conduct of has been (or is) detrimental to the honour and interests of the medical profession and/or to the honour and interests of the Association in that he has

Signed in pursuance of the Rules of the Ethics Committee of the Malaysian Medical Association relating to the complaints regarding Professional Conduct.

Honorary General Secretary
Malaysian Medical Association

Rule 14

- (i) All notices or communications required by these Rules to be served on or sent to any person may, in the case of a Member of the Association be served or sent either by personal delivery or by Registered Post in a prepaid letter addressed to such member at his address appearing in the Register of Members of the Association, and in the case of a person who is not a member, be served or sent either by personal delivery or by being sent through the post in a prepaid letter addressed to such person at his last known address. Any notice or communication if served by post shall be deemed to have been served on the day following that on which the letter is posted (unless such day following is a Sunday or other day on which no postal delivery is made, in which event the notice or communication shall be deemed to have been served on the day on which a postal delivery shall next be made), and in proving service, it shall be sufficient to prove that the letter was properly addressed and put into the Post Office.
- (ii) The Ethics Committee may appoint Ethics Sub-Committees in each of the Branches and delegate all or some of its functions to these Sub-Committees, which shall deal with all ethical complaints that arise within the Branch. Where an ethical complaint affects members in more than one Branch, it shall be referred to the Ethics Committee of the Association. In all ethical matters coming under the Ethics Committee, where the rules of the Ethics Committee or the Code of Ethics refer to the Ethics Committee, this shall be read as referring to the Ethics Sub-Committee. Each Ethics Sub-Committee shall consist of the Branch Chairman, who shall be Chairman of the Sub-Committee, the Branch Secretary, who shall be Secretary of the Sub-Committee; and three other members who shall be appointed by the Ethics Committee.

The Rules of the Ethics Committee shall generally apply to the Ethics Sub-Committee.

Dr Mohamed Namazie Ibrahim
Chairman of the Ethics Committee 2022/2023