

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

GROUND OF DECISION ON THE COMPLAINT AGAINST ZHAO YING (REGISTRATION NUMBER TXXXX500C)

A. INTRODUCTION

1. Mr L ("**Complainant**") submitted his complaint against the Registered Person, Mr Zhao Ying ("**Mr Zhao**"), to the Traditional Chinese Medicine Practitioners Board ("**Board**") by way of a signed statutory declaration dated 6 May 2021 ("**Complaint**").
2. The Complaint related to acupuncture treatment that the Complainant received from Mr Zhao at Clinic A ("**Clinic**") on 24 April 2021. The Board referred the matter to IC 2023/2 ("**IC**") for an inquiry.
3. The IC completed the inquiry proceedings and submitted a report ("**IC Report**") to the Board for its consideration. The Board then convened a hearing on 25 September 2025.

B. THE BOARD'S DECISION

4. The Board, having read and carefully considered the IC Report and the evidence and documents presented at the IC hearing, accept the following findings of the IC in relation to the Terms of Reference ("**TOR**"):
 - (1) Finding on TOR 1: Mr Zhao had failed to provide good clinical care to the Complainant in accordance with paragraph 4.1.1(a) of the Ethical Code and Ethical Guidelines for TCM Practitioners (January 2006) ("**ECEG**"), and had not performed good history taking nor carried out an adequate assessment of the Complainant's medical condition.

- (2) Finding on TOR 2: Mr Zhao did not obtain the informed consent of the Complainant prior to the treatment in accordance with paragraph 4.2.2 of the ECEG, as he had not explained the benefits, risks and possible complications of the treatment to the Complainant.
 - (3) Finding on TOR 3: Mr Zhao had failed to provide appropriate and competent care to the Complainant as he had failed to record the location of acupoints during the acupuncture treatment, and had also failed to remove all acupuncture needles from the Complainant.
 - (4) Finding on TOR 4: Arising from Mr Zhao's omission to remove an acupuncture needle from the Complainant's buttock, the Complainant suffered injury in the form of pain at the thigh area.
 - (5) Finding on TOR 5: Mr Zhao had failed to provide appropriate post-treatment care to the Complainant.
 - (6) Finding on TOR 6: Mr Zhao did not comply with paragraph 4.1.2 of the ECEG, as he had failed to record or sufficiently record certain required information in his medical records.
 - (7) Mr Zhao's aforesaid conduct would amount to a breach of **section 19(1)(f)** of the Traditional Chinese Medicine Practitioners Act 2000 ("**Act**") read with Regulation 2(2)(a) of the Traditional Chinese Medicine Practitioners (Practice, Conduct and Ethics) Regulations ("**Regulations**") [for breaching paragraph 4.1.1(a), 4.1.1(e), 4.1.2 and 4.2.2 of the ECEG]; and also read with Regulation 2(2)(b) of the Regulations [for breaching paragraphs 8.2 and 8.4 of the General Advisory on Acupuncture and Other Related Treatment (June 2021) ("**GAA**")].
 - (8) Mr Zhao's conduct would amount to negligence under **section 19(1)(i)** of the Act.
5. Arising from the findings in paragraph 4 above, the IC had recommended to the Board to take the following measures in respect of Mr Zhao:

- (1) Suspend the registration of Mr Zhao as a TCM practitioner for a period of 3 months.
 - (2) Mr Zhao be fined \$5,000.
 - (3) Mr Zhao be censured.
 - (4) Mr Zhao is to give an undertaking, on such terms as the Board thinks fit, to abstain from the conduct that is the subject of the complaint against him.
6. The Board has decided to accept the IC's recommendation, and accordingly impose the following measures on Mr Zhao pursuant to sections 19(2) and 20 of the Act:
 - (1) That Mr Zhao's registration as a TCM practitioner be suspended for 3 months;
 - (2) That Mr Zhao be fined \$5,000;
 - (3) That Mr Zhao be censured;
 - (4) That Mr Zhao gives an undertaking, on such terms as the Board thinks fit, to abstain from the conduct that is the subject of the complaint against him; and
 - (5) That Mr Zhao shall pay the costs and expenses of or incidental to the inquiry against him.

C. ELABORATION OF THE BOARD'S DECISION

C.1 Undisputed Facts

7. The main facts were set out in the Amended Agreed Statement of Facts dated 8 April 2024 ("**Amended ASOF**"). The salient agreed facts are set out below.

8. The Complainant had visited the Clinic (where Mr Zhao was working at) on 24 April 2021 to seek acupuncture treatment for his back, shoulder and neck ache.
9. During history taking and clinical examination, Mr Zhao did certain aspects of history taking and clinical examination.
10. After the acupuncture treatment, Mr Zhao did not remove a needle at the lower half of the Complainant's buttock. When the Complainant sat on the couch at the registration area that he "felt a sharp pain and numbness that pierced through [his] inner thighs, quads and legs", causing him to realise that there was a needle embedded in the lower half of his posterior. The Complainant then removed the needle himself.
11. The injuries which were caused to the Complainant as a result of Mr Zhao's omission were pain to the right thigh and fear resulting in giddiness which would typically be short term.

C.2 Board's agreement with the 1st to 6th findings of the IC

12. Finding on TOR 1: The Board agrees with the IC that Mr Zhao had not provided good clinical care to the Complainant in accordance with paragraph 4.1.1(a) of the ECEG, in failing to perform good history taking or carry out an adequate assessment of the Complainant's medical condition prior to administering the acupuncture treatment on the Complainant.
13. Mr Zhao did not perform *good history taking* as he had not recorded the duration of injury, history of the injury, and the possible cause of the injury suffered by the Complainant. Mr Zhao also did not perform *appropriate TCM clinical evaluation* as he did not perform any checks at the Complainant's back area despite noting that the Complainant had complained of pain at the back.
14. Finding on TOR 2: The Board agrees with the IC that Mr Zhao did not obtain the informed consent of the Complainant in accordance with paragraph 4.2.2 of the ECEG, because he did not personally ensure that the benefits, risks and possible

complications of the procedure were explained to the Complainant before the treatment.

15. Mr Zhao could not simply rely on the receptionist to explain the benefits, risks and possible complications of the treatment to the Complainant.
16. The fact that the Complainant had signed a written consent form that was passed to him by the receptionist does not mean that his *informed* consent to the treatment had been obtained, since Mr Zhao had *not* explained the benefits, risks and possible complications of the treatment to the Complainant in the first place.
17. Finding on TOR 3: The Board agrees with the IC that Mr Zhao had failed to provide appropriate and competent care to the Complainant, in the course of the treatment pursuant to paragraph 4.1.1(e) of the ECEG, in relation to (1) Mr Zhao's failure to record the location of acupoints during the acupuncture treatment, in breach of paragraph 8.2 of the GAA; and (2) Mr Zhao's failure to remove all acupuncture needles from the Complainant, in breach of paragraph 8.4 of the GAA.
18. Finding on TOR 4: The Board agrees with the IC that Mr Zhao had failed to remove all of the acupuncture needles from the Complainant. There was a needle at the lower half of the Complainant's buttock that was not removed. Arising from Mr Zhao's omission to remove the said needle, the Complainant suffered injury in the form of pain at the thigh area.
19. Finding on TOR 5: The Board agrees with the IC that Mr Zhao had failed to provide appropriate post-treatment care to the Complainant in breach of paragraph 4.1.1(e) of the ECEG.
20. Mr Zhao did not personally provide post-treatment advice to the Complainant, including what to expect after acupuncture, whether there would be any follow up treatment, and whether there would be any medication. More importantly, even after discovering that there was an unremoved needle in the Complainant's buttock area, Mr Zhao did not conduct further checks on the affected area.

21. Finding on TOR 6: The Board agrees with the IC that Mr Zhao had failed to record or sufficiently record the following information in his medical records in breach of paragraph 4.1.2 of the ECEG:
- (1) “Drug allergies” under paragraph 4.1.2(b) of the ECEG was completely not recorded.
 - (2) “Medical history” under paragraph 4.1.2(c) of the ECEG was completely not recorded.
 - (3) “Main complaint” under paragraph 4.1.2(d) of the ECEG was not sufficiently recorded.
 - (4) “Diagnosis” under paragraph 4.1.2(f) of the ECEG was completely not recorded.
 - (5) “Prescription” under paragraph 4.1.2(h) of the ECEG was not recorded because although Mr Zhao recorded that there are “no prescriptions”, he did not keep any records of the acupoints acupunctured, which would have been the information that should be recorded where acupuncture treatment was performed.
 - (6) “Instructions to patient” under paragraph 4.1.2(i) of the ECEG was completely not recorded.
 - (7) There were insufficient records of the “investigation results” required under paragraph 4.1.2 of the ECEG as there were no records of any examination done for the back area.
 - (8) There were no records of the “discussion of treatment options” required under paragraph 4.1.2 of the ECEG.
 - (9) There were no records by Mr Zhao of “informed consent” obtained from the Complainant required under paragraph 4.1.2 of the ECEG.

C.3 Board's agreement with the findings of the IC on the breach of section 19(1)(f) and section 19(1)(i) of the Act

22. Mr Zhao's offending conduct was his failure to remove all the needles after the acupuncture session, which had resulted in pain to the Complainant's right thigh. Such conduct was in breach of various provisions of the Act and paragraphs of the ECEG and GAA.
23. In this regard, the Board concurs with the IC that Mr Zhao's aforesaid conduct would constitute a breach of **section 19(1)(f)** of the Act read with Regulation 2(2)(a) of the Regulations (for breaching paragraphs 4.1.1(a), 4.1.1(e), 4.1.2 and 4.2.2 of the ECEG [as set out above]) and also read with Regulation 2(2)(b) of the Regulations (for breaching Guidelines 8.2 and 8.4 of the GAA).
24. In addition, the Board concurs with the IC that Mr Zhao's aforesaid conduct would constitute negligence under **section 19(1)(i)** of the Act, in relation to his breaches under TORs 1 to 6. In this regard, Mr Zhao's conduct was committed in his professional capacity, and would be regarded as falling so far short of expectations as to warrant the imposition of sanctions.

D. SENTENCE

25. In relation to TORs 1 to 5, the Board takes guidance from the sentencing framework set out in ***Wong Meng Hang v Singapore Medical Council*** [2019] 3 SLR 526 ("***Wong Meng Hang***"), based on the harm-culpability matrix.
26. In respect of TOR 6 on insufficient documentation, the Board will take reference from relevant precedents instead of applying the *Wong Meng Hang* sentencing framework.

TOR 1

27. With regard to **harm** under TOR 1, the Board is of the view that the harm occasioned by Mr Zhao's conduct was at the low end of "slight". In this regard, no actual harm was occasioned by Mr Zhao's failure to provide an adequate assessment of the Complainant's condition.
28. In relation to **culpability** under TOR 1, the Board finds the level of culpability to be "low". In this regard, Mr Zhao did do some medical history taking and clinical examination. In addition, there is no evidence that any inadequate assessment on Mr Zhao's part was intentional.
29. Arising from the "slight" harm and "low" culpability, the applicable indicative sentencing range would be a fine or other punishment not amounting to suspension.
30. Having regard to the levels of harm and culpability, the Board is of the view that the appropriate starting point in relation to TOR 1 would be a ***fine of \$5,000***.

TOR 2

31. With regard to **harm** under TOR 2, the Board is of the view that the harm occasioned by Mr Zhao's conduct was "slight". In this regard, no actual harm was occasioned by Mr Zhao's failure to obtain the Complainant's consent prior to the treatment.
32. In relation to **culpability** under TOR 2, the Board finds the same to be at the low end of "medium". In this regard, Mr Zhao had departed from the standard of care or conduct reasonably expected of a TCM practitioner as he had delegated the task of obtaining informed consent completely to the receptionist. He had left it to the receptionist to explain the benefits, risks and possible complications of the proposed treatment to the Complainant when he knew or ought to have known that the receptionist was neither qualified nor trained to do so.
33. Based on the "slight" harm and "medium" culpability, the applicable indicative sentencing range would be a suspension of up to 1 year.

34. Having regard to the levels of harm and culpability, the Board is of the view that the appropriate starting point in relation to TOR 2 would be a ***suspension of 1 month***.

TORs 3, 4 and 5

35. The Board will consider TORs 3, 4 and 5 together as they relate closely to each other on the issue of treatment care.
36. With regard to **harm** under TORs 3, 4 and 5, the Board is of the view that the harm occasioned by Mr Zhao's conduct was at the low end of "moderate". In this regard, there was actual harm occasioned by Mr Zhao's lack of care in failing to remove 1 acupuncture needle from the lower half of the Complainant's buttock/posterior. The Complainant had experienced pain to the right thigh. There was also the potential harm of bent and stuck needles which could cause the puncturing of the nerves or blood vessels. Further, harm has been caused to the public confidence in the TCM profession, as the public would expect a qualified TCM practitioner to remove all needles administered during an acupuncture treatment.
37. In relation to **culpability** under TORs 3, 4 and 5, the Board finds the same to be "low". In this regard, although Mr Zhao was remiss in failing to remove the needle from the Complainant's thigh, he did not do so intentionally.
38. In the *Grounds of Decision on the Complaint against Chua Kah Gay* ("**Chua Kah Gay**"), the Board had found that the respondent's failure to remove 2 needles from the patient's head and toe areas gave rise to "moderate" harm (lower end) and "low" culpability.
39. In the present case, Mr Zhao missed 1 unremoved needle (as opposed to 2 unremoved needles in *Chua Kah Gay*). Although the number of unremoved needles ought not in and of itself to be the absolute determinant of the levels of harm or culpability, the Board is of the view that Mr Zhao's levels of harm and culpability based on his overall conduct ought not to be higher than that of *Chua Kah Gay*.

40. Based on a level of “moderate” harm and “low” culpability, the applicable indicative sentencing range would be a suspension of up to 1 year.
41. Having regard to the levels of harm and culpability, the Board is of the view that the appropriate starting point in relation to TORs 3, 4 and 5 would be a **suspension of 2 months**.

TOR 6

42. In Singapore *Medical Council v Mohd Syamsul Alam bin Ismail* [2019] 4 SLR 1375 (“**Mohd Syamsul**”), the respondent’s failure to keep adequate records/documentation amounted to an intentional and deliberate departure from the standards expected of him. The respondent was given 3 months’ suspension. For this charge involving insufficient documentation, the C3J did not apply the *Wong Meng Hang* sentencing framework.
43. In the present case, the Board is of the view that Mr Zhao’s documentation was incomplete, rather than there being a total absence of documentation.
44. As Mr Zhao had maintained some clinical notes (albeit incomplete), the Board is of the view that the appropriate starting point for TOR 6 would be a **suspension of 1 month**.

Summary of appropriate starting points for TORs 1 to 6

45. In summary, the appropriate starting points for TORs 1 to 6 (prior to any adjustments for offender-specific factors and the application of the one-transaction rule) would be a total of 4 months’ suspension and a fine of \$5,000. This is set out in the table below.

TOR	Level of harm	Level of culpability	Applicable indicative sentencing range	Appropriate starting point

1	Low end of “slight”	“Low”	Fine or other punishment not amounting to suspension	Fine of \$5,000
2	“Slight”	Low end of “medium”	Suspension for up to 1 year	1 month’s suspension
3	Low end of “moderate”	“Low”	Suspension for up to 1 year	2 months’ suspension
4				
5				
6	Based on precedents			1 month’s suspension
	Total Starting Point			4 months’ suspension; and Fine of \$5,000

Adjustments for offender-specific aggravating and mitigating factors

46. Although Mr Zhao's *partial* plea of guilt was a potentially mitigating factor, his decision not to contest some aspects of the TORs ultimately did not lead to significant savings in time and costs, as the evidential hearings still had to proceed, and evidence from both the Complainant and the expert witness had to be heard.
47. In any event, any mitigating value in Mr Zhao's partial plea of guilt would generally be offset by the aggravating factor of his seniority in the TCM profession. In this regard, his seniority as a TCM practitioner would have reposed a greater degree of trust in him, and his breach of professional standards would have affected the public confidence in the TCM profession to a greater extent.
48. On balance, prior to the application of the one-transaction rule, no adjustments need to be made to the total starting point of a suspension of 4 months and a fine of \$5,000.

Application of the one-transaction rule

49. The Board is of the view that the sentences for (1) TOR 1, (2) TOR 2, and (3) TORs 3 to 5 should run consecutively.
50. However, it would be appropriate for the sentence for TOR 6 to run concurrently with the sentences for TORs 1 and 2. In this regard, there is some overlap between the breaches in TOR 6 (inadequate records of inter alia the medical history, discussion of treatment options and informed consent) and TOR 1 (inadequate assessment through good history taking) as well as TOR 2 (informed consent).
51. Arising from the aforesaid matters, the total suspension period would be reduced to 3 months (ie. 4 months – 1 month), leaving aside the fine of \$5,000.
52. Taking into consideration all the facts and circumstances of the present case, the Board has decided that Mr Zhao's registration as a TCM practitioner be suspended for 3 months, that he be fined \$5,000, that he be censured, that he is to give an undertaking (on such terms as the Board thinks fit) to abstain from the conduct that is the subject of the complaint against him, and that he shall pay the costs and expenses of or incidental to the inquiry. Mr Zhao's suspension is to commence 40 days after the date of the Board's decision.

Dated this 10th day of December 2025



DR TEO HO PIN
CHAIRMAN
TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD