

# SMA Ethics File

## 1. LTA TAXI DRIVER LICENCE RENEWAL

Recently, a GP brought to the SMA Council's attention that a few taxi driver patients had requested him to complete and sign the screening form, to certify them as fit, even before they go for their X-ray. This is to save them the hassle of returning to the clinic with the X-ray results.

The Council would like to advise that the certification of fitness is based on history-taking, examination, investigation (of which the CXR is one of them). The requirement of a radiologist's certification of the CXR is a good system. The GP can only certify after he is satisfied that all necessary aspects of the screening are satisfactory.

Further, in the current format of the screening form, the paragraph on the CXR report is at the beginning of the form, while the Examining Doctor is required to certify at the end of the form. Technically speaking, it would appear that the Examining Doctor is expected to at least look at the CXR certification before signing at the end.

One possible solution is for such **patients to go for their CXR first, and get it certified, before going to see the Examining Doctor for the final certification.**

In view of the above, **the SMA Council would recommend that the final certification be given only after the satisfactory completion of both parts of the examination.**



## 2. OBLIGATION OF DOCTORS TO REPORT UNDERAGE PREGNANCY

Further to the report of the SMA Ethics Committee on pages 44 and 45 of the 44<sup>th</sup> SMA Annual Report, the Chairman Dr Chin Jing Jih made the following clarifications for Item 6 on "Obligation of doctors to report underage pregnancy" during the SMA Annual General Meeting on 18 April 2004.

Depending on the age when the act was committed, a potential offence might have been committed under the following:

### (a) Section 375 (Statutory Rape) of the Penal Code

This provides that a man who has sexual intercourse

with a woman under 14 years of age, whether with or without her consent, is guilty of committing rape. Rape is one of the listed offences which must be reported to the Police as provided by Section 22(1)(a) of the Criminal Procedure Code, unless there is a reasonable excuse for not doing so, which includes:

- (i) cases where the doctor is prohibited by specific legal provisions from making the report (e.g. where an abortion was performed, as the Termination of Pregnancy Act would preclude a doctor from reporting the statutory rape offence to the police without the girl's consent); and
- (ii) when the doctor judges that there is a need to safeguard medical confidentiality.

### (b) Section 140 (Offences Against Women and Girls) of the Women's Charter

This provides that any person who has carnal connection with any girl below the age of 16 years except by way of marriage is guilty of an offence. There is no legal requirement to report the matter to the Police as the offence is not listed in the Criminal Procedure Code.

Generally, if the patient is 16 years old or below, it is advisable to refer the patient to KK Hospital for further management. Doctors may also explore with the patient the possibility of her seeking a counsellor for advice. As a doctor, our obligation is to protect the patient's best interests and if there is any concern that the patient may be a victim of abuse, it may be best for the case to be reported so that proper investigations can be conducted.

However, if a doctor were questioned by the Police in the course of a police investigation, the disclosure would not be a breach of medical confidentiality. This is because Section 121 of the Criminal Procedure Code requires anyone questioned by the police in the course of a police investigation to reveal all facts he is acquainted with. ■

