



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO: 186/01/88C

IN THE MATTER of the Medical
Practitioners Act 1995

-AND-

IN THE MATTER of charges laid by a
Complaints Assessment
Committee pursuant to
Section 93(1)(b) of the Act
against **WARREN WING
NIN CHAN** medical
practitioner of Auckland

**BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL
TRIBUNAL:**

HEARING by telephone conference on Thursday 10 January 2002

PRESENT: Ms P J Kapua (Deputy Chair)
Dr F E Bennett, Dr I D S Civil, Dr R S J Gellatly,
Mrs H White (Members)

ORDER OF THE TRIBUNAL

TO: Dr Warren Chan

AND TO: The Complaints Assessment Committee/Ms K G Davenport

AND TO: The Medical Council of New Zealand

TAKE NOTICE THAT pursuant to section 104(1)(a),(2) and (3) of the Medical Practitioners Act 1995 (“the Act”) **AND** Notice of disciplinary proceedings against him having been served on the last known place of business of Dr Warren Chan on or about 24 December 2001 **AND** the Tribunal being satisfied that it is necessary or desirable to do so having regard to the health or safety of the members of the public, the Tribunal **HEREBY ORDERS:**

1. That the registration of Dr Warren Chan be suspended until the disciplinary proceedings in respect of which the notices have been issued have been determined.
2. That this order is to take effect immediately.

THE ORDER IS MADE FOR THE FOLLOWING REASONS:

1. The charges against Dr Chan concern four charges, three of disgraceful conduct and one of conduct unbecoming. It is alleged that Dr Chan erred in his management and treatment of all four patients, particularly in relation to issues of consent, lack of explanation of procedures, failure to take a detailed medical history, the anaesthesia administered and the post operative care. It is noted that Dr Chan is currently under suspension as a result of charges being upheld against him of a similar nature.
2. The allegations are serious and if upheld are matters that put patients, in physical danger. The Tribunal is concerned to ensure that an extreme step such as interim suspension is done only in circumstances where it is necessary or desirable to protect the health or safety of members of the public. The Tribunal considers that the nature and similarity of the complaints and the history in respect of Dr Chan make it imperative that he is suspended until these charges have been heard in order to protect the health and safety of members of the public.

3. While the Complaints Assessment Committee has sought interim suspension the Tribunal considered the possibility of the alternative of conditions but in determining the matter on the basis of the complaints before the Tribunal the Tribunal is of the view that it is neither practicable nor pragmatic for conditions to be imposed that would meet the purpose of section 104. The Tribunal is of the view that there is no option but for Dr Chan to be placed on interim suspension.
4. It is also noted that every effort has been made to ensure that the charges have been made known to Dr Chan. His New Zealand clinics do not appear to be operating and investigations found that he was in Australia. His last known place of business was identified and notices of the charges have been forwarded to that address. The Tribunal is satisfied that Dr Chan has been properly served in terms of the Act. It is also noted that a response from Dr Chan has since been received.
5. The Tribunal is particularly concerned about the safety of the public. The complaints that constitute the charges before the Tribunal relate to a variety of aspects of cosmetic surgery, breast implants and liposuction. It is accepted that these are significant operations and given the allegations the Tribunal shares the Complaints Assessment Committee's grave concerns for the safety of the public if Dr Chan continues his practice.
6. Therefore, for all these reasons, and in all of the circumstances now present, the Tribunal is satisfied that it is necessary and desirable, having regard to the need to protect the health and safety of members of the public to suspend Dr Chan until the determination of the charges.
7. In making this order the Tribunal emphasises that it is not making any judgment or decision about the outcome of the charges. It is simply the case that it is satisfied that it is in the public interest that Dr Chan be suspended from practising until the charges are determined.
8. The Tribunal's decision is unanimous.

ADVICE TO DR CHAN:

PURSUANT TO Section 105 of the Act you may apply to the Tribunal for a revocation of this order at any time. Any such application must be in accordance with the requirements of section 105. Your Counsel will advise you regarding your rights in this regard.

DATED at Auckland this 18th day of January 2002

Prue Kapua
Deputy Chair
Medical Practitioners Disciplinary Tribunal