

Chronology of Events Leading to the Publication & Withdrawal of GOF

DATE	
30 May 1981	Article in <i>The Straits Times</i> – “Medical associations to work out schedule of fees doctors may charge”
28 Dec 1981	First meeting of SMA-APMPS Ad hoc Committee on Doctors’ Fees
20 Jan 1982	Article in <i>The Straits Times</i> – “Time now for a guideline”
15 Feb 1982	Meeting to discuss schedule of doctors’ fees – Representatives from MOH, SMA and APMPS
21 Mar 1982	Article in <i>The Straits Times</i> – “Docs to show costs or govt may act” “ <i>The Health Ministry recently met SMA Council members and the 463-member Association of Private Medical Practitioners Singapore to make known the Ministry’s views favouring some form of guide on medical charges.....The Permanent Secretary for Health and Director of Medical Services, Dr Andrew Chew, confirming the meeting, told the Sunday Times: “It is very important that we have available a guide on medical charges.”</i> ”
1987	First edition of GOF published.
2 Apr 1987	Letter from DMS Dr Kwa Soon Bee congratulating SMA for the publication of GOF. “ <i>I feel the role of SMA is to try to get together as many of its members to adopt the guideline and to publicise to the public at large for their information.</i> ”
1988	Report of the GOF Committee (published in SMA Annual Report 1987-88).
1992	Second edition of GOF published.
4 Nov 1992	Article in <i>The Straits Times</i> – “Medical group issues extensive fee guide” “ <i>We wanted guidelines for a comprehensive list so that patients’ knowledge on medical procedures is improved and there is less misunderstanding.</i> ”
2001	Third edition of GOF published.
Mar 2006	Fourth edition of GOF published.
25 Apr 2006	Letters seeking advice on GOF and Competition Act sent to three SMA Honorary Legal Advisors who are also Senior Counsels from Allen & Gledhill, Drew & Napier and Gurbani & Co.
22 May 2006	Legal opinion from Drew & Napier. “ <i>In our view, the SMA Guideline will be construed as either directly or indirectly fixing prices even though it only lays down recommended fee ranges for specified situations instead of actual fixed fees. This is because it is not the form it takes but the object or practical effect on competition that matters.</i> ”
2 Jun 2006	Legal opinion from Gurbani & Co.
20 Jun 2006	Legal opinion from Allen & Gledhill. “ <i>Having considered the matter, we are of the view that the Guideline is likely to be in breach of Section 34(2)(a) of the Competition Act, even if the fees were meant to be merely indicative and/or published for the benefit of the patient, unless it can be shown that the Guideline does not lead to an appreciable effect on competition that is that the fee schedule is not adhered to by your members.</i> ”
28 Jun 2006	Letter to DMS to seek guidance on GOF with regards to Competition Act.
31 Oct 2006	Second letter to MOH PS and DMS.
22 Nov 2006	Reply from MOH Mr Desmond Lee.
27 Nov 2006	Letters seeking advice on GOF sent to two more Honorary Legal Advisors: Legal Clinic and Rodyk & Davidson.
19 Dec 2006	Legal opinion from Legal Clinic. “ <i>...SMA Guideline on Fees is enough to have the effect of preventing, restricting or distorting competition amongst doctors in terms of the level at which they set their</i> ”

	<i>professional charges.....the section only requires that it has the effect of doing so even if that was not the objective of the action.....recommendations and guidelines on fees for medical services would not qualify for exemption or be excepted from the prohibition by virtue of the Third Schedule.....I am of the view that by basically the same reasoning, the Guideline on pricing of medications would probably likewise be deemed to contravene the Competition Act.”</i>
27 Dec 2006	Letter requesting assistance with drafting appeal to Minister for Trade and Industry sent to Allen & Gledhill.
28 Dec 2006	Legal opinion from Rodyk & Davidson. “The Act provides for some exclusions and exemptions to the prohibition but the Fees Guidelines are unlikely to satisfy the requirements.....My opinion is that the Fees Guidelines are very likely to be regarded to be in contravention of the Competition Act and I would recommend that the SMA look at alternative measures to try to achieve their objectives given the recent introduction to Singapore of a competition law regime.”
23 Jan 2007	Reply from Allen & Gledhill.
26 Jan 2007	SMA Council met team from Allen & Gledhill to discuss the withdrawal of the GOF. Lawyers offered to attempt to solve the matter through informal means.
15 Feb 2007	Allen & Gedhill informed that their attempt to help solve the issue through informal means had failed.
28 Feb 2007	Letter to CCS Chief Executive Mr Ong Beng Lee and copied to MOH Minister for Health, PS and DMS.
9 Mar 2007	Reply from CCS – Mr Ong noted SMA’s letter of 28 Feb 2007.
13 Mar 2007	Invitation to Past SMA Presidents and new members of 48 th Council to attend Special Council Meeting on 20 Mar 2007.
20 Mar 2007	Special Council Meeting – 47 th Council, new members of 48 th Council and Past SMA Presidents met to discuss withdrawal of GOF.
1 Apr 2007	SMA Annual General Meeting – In view of the opinions from our legal advisors, advice from MOH and response from the Competition Commission of Singapore (Ministry of Trade and Industry), members present unanimously agreed that the GOF (including the tent card) should be withdrawn with immediate effect.
2 Apr 2007	SMA members were informed of the withdrawal of GOF via email and the SMA website. A list of FAQs was also circulated. In response to queries from the press, SMA then issued a media release.
4 Apr 2007	In response to more queries from the media, the 48 th SMA Council held a press briefing in SMA Conference Room.
5 Apr 2007	SMA members were informed via email that the contents of the press kit were available for viewing on the SMA website. These included correspondences with MOH and CCS, the presentation slides which detailed the history of GOF and summarised the legal advice obtained from our Honorary Legal Advisors, and the impact of the withdrawal of GOF.
10 Apr 2007	Following news reports that CCS would be working with CASE to handle all complaints about overcharging, SMA has requested for more information from both parties about their procedures for handling such complaints, as well as the standards by which complaints about overcharging would be determined to be valid or otherwise.
16 Apr 2007	Reply from CCS.
18 Apr 2007	Abridged version of the President’s Forum from the April issue of <i>SMA News</i> published in <i>The Straits Times</i> and re-titled as “Keeping the patient’s best interests at heart”.
23 Apr 2007	Reply from CASE.