

Newsletter

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For more information, please contact:

Andy Leck
+65 6434 2525
andy.leck@bakermckenzie.com

Lim Ren Jun
+65 6434 2721
ren.jun.lim@bakermckenzie.com

Increasing Calls for Regulation of Home and Centre-based Care

Singapore's rapidly ageing population has given rise to concerns over the lack of regulation of care services offered by private service providers in homes and at centres.

In a report titled "Care Where You Are", Associate Professors Elaine Ho and Shirlena Huang shed light on the growing demand for particular elder-care services, considering the increasing preference of Singaporeans to 'age in place' - that is, to receive care at home or at care centres, rather than stay at nursing homes. Statistics revealed that while 10,000 senior citizens chose to receive subsidised care at nursing homes, 14,000 senior citizens chose subsidised home and centre-based services.

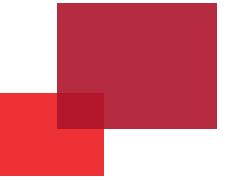
At present, however, regulation of such services is minimal. The report revealed that there are at least 60 private providers offering such services, with a majority of them focusing on providing home care. Amongst them, only two such private home care providers are regulated, because they receive government grants and are thus subject to the Ministry of Health's ("MOH") service requirements. These requirements include regulation on care processes and qualifications of staff employed. The remaining providers of home and centre-based care are not regulated, and do not require a license to operate, unlike providers of nursing homes and childcare centres. While MOH provides guidelines for such providers, they are not legally obliged to comply.

The report also notes a gap that a regulatory framework, if implemented, would resolve. At present, nurses and other licensed healthcare professionals are regulated by the respective regulatory authorities, such as the Singapore Nursing Board. This means that disciplinary measures for professional misconduct would only be taken against the individual, while the employing service provider, even if equally at fault, would not face any liability or consequence and can easily replace the healthcare worker with another.

Stakeholders in the industry have commented on how the presence of a regulatory framework would provide families with an avenue of recourse when adverse events occur, and will not only protect the elderly and their families, but will also guide service providers in making improved decisions.

The MOH has noted the findings of the report, and commented that care has to be taken when considering potential regulation of the sector under the Healthcare Services Act past 2020, given the evolving nature of the sector and in consideration of the risks to patient safety involved.

More details can be found [here](#) and the full report can be found [here](#).



Public Consultation on Draft Subsidiary Legislation under Human Biomedical Research Act

From 17 August to 28 September 2018, the Ministry of Health (“**MOH**”) will be conducting an online consultation to seek the views and comments of interested parties on proposed subsidiary legislation for the Human Biomedical Research Act (“**HBRA**”).

The HBRA was passed by the Parliament in August 2015 to regulate the conduct of human biomedical research, tissue bank and tissue banking activities, as well as further regulate certain restricted human biomedical research. It also prohibits the commercial trading of human tissue and certain types of human biomedical research.

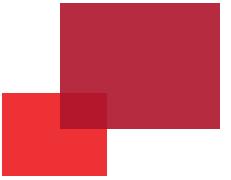
Implementation of the Act has been brought about gradually through separate phases. In January 2017, the provisions relating to the prohibition of commercial trading of human tissue came into operation. Thereafter, in November 2017, the provisions relating to the regulatory framework for human biomedical research came into operation. The tissue banking regulations have yet to come into force.

The present consultation revolves around implementation of the human tissue regulatory framework, which aims to provide greater protection for research subjects and tissue donors in terms of their safety and welfare. The framework will establish administrative and operational requirements for researchers carrying out tissue banking activities. Additionally, it will impose supplementary requirements on tissue banks that supply human tissue for transplant into research subjects.

The proposed subsidiary legislation sets out in greater detail the requirements introduced by the HBRA. For example, it specifies the steps required to ensure compliance with the Act, on matters such as notification of MOH by tissue banks, declaration of compliance, obtaining consent from donors, reporting of adverse events, as well as the necessary requirements for the removal, supply and export of tissue from a tissue bank.

The human tissue regulatory framework is targeted to be brought into force by the first half of 2019. Interested parties may submit written comments detailing their views and comments using the e-feedback form or by sending an email to MOH.

More details of the online consultation can be found [here](#).



First Committee of Inquiry Hearing Held for SingHealth Cyberattack

A Committee of Inquiry ("COI") has been convened to look into the cyberattack on SingHealth's patient database, which occurred on or around 4 July 2018. The first hearing took place on 28 August 2018 at an undisclosed location. The COI hearings are currently not open to the public as it involves matters of national security and patient confidentiality.

After the initial discovery of suspicious activity on the network on 4 July 2018, the Cyber Security Agency of Singapore ("CSA") and the Integrated Health Information System ("iHIS") were enlisted to investigate, and a cyberattack was confirmed on 10 July 2018. About 1.5 million SingHealth patients had their personal information illegally accessed, and about 160,000 of those patients also had personal information stolen.

According to SingHealth, personal information such as "*name, NRIC number, address, gender, race and date of birth*" were accessed by the unidentified perpetrators. SingHealth has stressed that "*no phone numbers, financial information or other patient medical records were illegally accessed*". Since the attack, SingHealth has informed affected patients via SMS and also via letters. SingHealth has also implemented Internet separation measures in the interim.

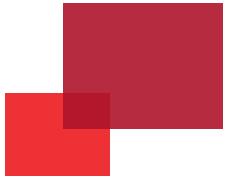
In conjunction with the COI hearings, the matter is also currently being investigated by the Personal Data Protection Commission ("PDPC"), which announced its involvement on 24 July 2018. The PDPC will also assess the culpability of SingHealth, and will make recommendations for SingHealth and other entities to better safeguard users' personal data. Under the Personal Data Protection Act, the PDPC may impose a maximum financial penalty of SGD 1 million, if SingHealth is found to be in breach of its data protection obligations.

More information about the COI can be found in the press release issued by the Ministry of Communications and Information [here](#).

HSA Detects Banned Substance Sibutramine in Two Slimming Products

The Health Sciences Authority ("HSA") has detected an undeclared and banned substance, sibutramine, in two slimming products, namely "Body Slim Herbal" and "Sparkle Twins".

The substance sibutramine has been banned in Singapore since 2010, following findings that it caused users to have an increased risk of heart attacks and strokes. Just last month, the HSA detected the banned substance in two other products named "Li Da Weight Loss Capsule" and "Chapter Plus By Backslim",



as well as in several other slimming products over the past few years. The HSA has noted that consumption has caused serious negative effects such as breathing difficulties, palpitations, hallucinations and hearing voices.

In this particular case, “Body Slim Herbal” and “Sparkle Twins” were found on online marketplaces, through HSA’s surveillance which involves random sampling and testing of health products marketed and sold to the Singapore market. Both products were falsely labelled, with the former claiming to be “free of side effects” and “100% natural” “for quick effect, faster weight loss”. The latter also claimed to contain only natural ingredients, and was promoted as a “Lemon & Pomegranate Flavour drink” that helps with weight loss.

www.bakermckenzie.com

Baker McKenzie Wong & Leow
8 Marina Boulevard
#05-01 Marina Bay Financial Centre
Tower 1
Singapore 018981
Tel: +65 6338 1888
Fax: +65 6337 5100

The HSA has directed all sellers and suppliers of the two slimming products to stop selling such products immediately, as these are illegal products containing banned substances. Pursuant to the Health Products Act, any person selling such illegal health products are liable to prosecution and shall be liable on conviction to a fine of up to SGD 100,000 or to imprisonment for a term not exceeding three years or to both.

More information about HSA's alert can be found [here](#).