

SINGAPORE DENTAL COUNCIL
DISCIPLINARY COMMITTEE INQUIRY AGAINST DR LAM YING KEAT
ON 15 APRIL 2019 AND 31 MAY 2019

Disciplinary Committee:

Dr Djeng Shih Kien (Chairman)

Dr Wu Loo Cheng

Ms Lee Yong Ching Margaret

Mr Philip Leong (Lay Member)

Legal Assessor:

Mr Chia Chor Leong (Central Chambers Law Corporation)

Counsel for the SDC:

Mr Goh Teck Wee

Mr Soon Wei Song

(M/s Goh JP & Wong LLC)

Counsel for the Respondent:

Mr Charles Lin

Mr Gan Guo Wei

(M/s Charles Lin LLC)

DECISION OF THE DISCIPLINARY COMMITTEE

(Note: Certain information may be redacted or anonymised to protect the identity of the parties.)

INTRODUCTION

1. The Respondent, Dr Lam Ying Keat, is a Registered Dentist under the Dental Registration Act (Cap 76) and practising at Smileworks Pte Ltd located at 290 Orchard Road #11-11/12, Paragon, Singapore 238859.
2. These proceedings arose out of a complaint made on 16 October 2017 by the Executive Secretary of the Singapore Dental Council (“**Council**”).

3. Pursuant to the said complaint, the Council preferred one charge against the Respondent, as set out in a Notice of Inquiry dated 5 December 2018.

THE CHARGE

4. The charge faced by the Respondent is as follows (the “**Charge**”):

“That you, **DR LAM YING KEAT**, are charged that on 14 August 2016, whilst a registered dentist under the Dental Registration Act (Cap 76), you failed to provide supervision to one Dr Law Lay Yin (“**Dr Law**”) who was registered as a dentist on Conditional Registration under section 14A of the Dental Registration Act (Cap 76), and who you were assigned to supervise, to wit:

Particulars

- (a) Under the terms of her Conditional Registration, Dr Law was at all material times required to work under the supervision of a Division 1 dentist for a period of 2 years from 16 September 2014;
- (b) On or about 17 September 2014, your nomination by Smileworks Pte Ltd (Dr Law’s employer) to be the fully registered dentist to supervise Dr Law was approved by the Council;
- (c) Regulation 16 of the Dental Registration Regulation (“**DRR**”) states that “*Every registered person shall observe the Council’s pronouncement on professional matters and professional ethics issued from time to time.*”
- (d) Pursuant to Regulation 16 DRR, you are required to comply with the circulars issued by the Council on various dates, relating to, *inter alia*, supervision of dentists under conditional registration:
- (i) A circular dated 30 July 2014, stating *inter alia*, that,

“Supervision of Dentist under Conditional Registration

It has been brought to the attention of the Council that some dentists under Conditional Registration have not been receiving the necessary supervision during their conditional registration period.

Kindly note that Section 14A(4) of the Dental Registration Act requires dentists registered under Conditional Registration to be supervised by a Division 1 dentist working in the same practice for a specified period (at least 2 years).

As an employer of dentists under Conditional Registration, please ensure that your supervisee(s) are being supervised at work at all times.”

- (ii) A circular dated 29 January 2015, stating *inter alia*, that,

“Supervision of dentists under Conditional Registration and OHTs under Part II of the OHT register

Please be reminded that, as per Section 14A(4) and Section 21A(4) of the Dental Registration Act, dentists registered under Conditional Registration and OHTs under Part II of the OHT register are required to work under supervision of a fully registered dentist in a particular employment approved by the Council.

Council has mandated that the supervisor must work in the same clinic as his/her supervisee.”

(iii) A circular dated 7 December 2015, stating *inter alia*, that,

“Conditions for Dentists under Conditional Registration

Dentists under Conditional Registration must work in the approved clinic and be supervised by an approved Division 1 dentist at all times.

(iv) A circular dated 11 January 2016, stating *inter alia*, that,

“Please be reminded that, as per Section 14A(4) and 21A(4) of the Dental Registration Act, dentists registered under Conditional Registration and OHTs under Part II of the register of OHTs are required to work under supervision of a fully registered dentist in a particular employment approved by the Council.”

(Collectively, the “**Circulars**”).

- (e) On 14 August 2016, you allowed Dr Law to attend to and treat a patient, one late Mr P (“**the Patient**”) who suffered from Fallot’s Tetralogy and had a pacemaker, at the dental clinic known as Dental Care @ Fajar Pte Ltd, a clinic wholly owned by Smileworks Pte Ltd, by extracting the Patient’s tooth #48 without your supervision or the supervision of a Division 1 dentist;
- (f) As such, you have failed, neglected and/or breached your duties as a supervisor of Dr Law, as set out in the Circulars, thereby being in breach of Regulation 16 of the Dental Registration Regulations;

and that in relation to the facts alleged, you are guilty of professional misconduct under section 40(1)(d) of the Dental Registration Act (Cap. 76) in that your conduct demonstrated an intentional, deliberate

departure from standards observed or approved by members of the profession of good repute and competency.” [Emphasis in original]

THE GUILTY PLEA

5. At the hearing of the Inquiry on 17 April 2019 before this Disciplinary Committee (“**DC**”), the Respondent pleaded guilty to the Charge (the “**Guilty Plea**”).
6. The facts relating to the Charge and which are admitted by the Respondent (“**Admitted Facts**”) are set out in an Agreed Statement of Facts dated 28 March 2019 (“**ASOF**”).
7. Pursuant to the Guilty Plea and the Respondent’s admission of the Admitted Facts, the Respondent was duly convicted of the Charge.

THE ADMITTED FACTS

8. The Admitted Facts in relation to the Charge as set out in the ASOF are as follows:
 - (a) The Complainant is the Executive Secretary of the Council.
 - (b) The Respondent is Dr Lam Ying Keat, a Registered Dentist under the Dental Registration Act (Cap 76) and practising at Smileworks Pte Ltd located at 290 Orchard Road #11-11/12, Paragon, Singapore 238859 (the “**Clinic**”).
 - (c) From 16 September 2014, one Dr Law Lay Yin (“**Dr Law**”) was conditionally registered as a dentist and was required to work under the supervision of a Division 1 dentist for a period of 2 years. On or about 17 September 2014, the nomination by Smileworks Pte Ltd for the Respondent to be the supervisor of Dr Law was approved by the Council.

- (d) At all material times, the Respondent was aware that one late Mr P (“**the Patient**”) had a consultation with Dr Law on 14 August 2016, at Dental Care @ Fajar Pte Ltd, a clinic wholly owned by Smileworks Pte Ltd. The Patient suffered from Fallot’s Tetralogy and had a pacemaker. The Patient was initially scheduled to see a Division 1 dentist, Dr A, on 22 August 2016. However, the Patient wished to move his appointment forward due to substantial pain, and Dr A was on overseas leave on 14 August 2016.
- (e) She discussed the Patient’s case with Dr Law on Saturday, 13 August 2016.
- (f) Dr Law also informed the Respondent of the Patient’s medical history, including Fallot’s Tetralogy, and that Dr A’s management plan was for the Patient to return for cleaning but to return earlier if pain persists.
- (g) The Respondent then informed Dr Law to proceed with extraction of tooth #48 only if the Patient was in substantial pain and if the extraction was a simple and straightforward one. She informed Dr Law to perform an x-ray first if an extraction was required, to obtain the Patient’s informed consent, to give antibiotics prophylaxis and to ensure that the Patient was well before she proceeded. The Respondent also informed Dr Law to ensure that the Patient’s bleeding has stopped before discharging him from the clinic.
- (h) On or about 14 August 2016, Dr Law attended to and treated the Patient at the dental clinic known as Dental Care @ Fajar Pte Ltd, and extracted the Patient’s tooth #48 without the Respondent’s supervision or the supervision of a Division 1 dentist.
- (i) In the circumstances, the Respondent has failed, neglected and/or breached her duties as a supervisor of Dr Law, as set out in the Circulars, thereby being in breach of Regulation 16 of the Dental Registration Regulations.

- (j) The Respondent is thereby guilty of professional misconduct under section 40(1)(d) of the Dental Registration Act (Cap. 76) in that her conduct demonstrated an intentional, deliberate departure from standards observed or approved by members of the profession of good repute and competency.

SUBMISSIONS ON MITIGATION AND SENTENCE

9. The Respondent tendered a Mitigation Plea as well as sentencing precedents and submissions on sentencing.
10. On its part, the Council tendered sentencing precedents and submissions on sentencing.
11. The DC has duly considered the Respondent's Mitigation Plea and the submissions made by the respective parties on sentencing, including the sentencing precedents cited by them.

DC'S DECISION ON SENTENCE

12. The Respondent submitted that at the time of the offence, Dr Law had been under supervision for almost 1 year and 11 months and was just one month away from completing her two-year supervision period. The Respondent submitted that this was not a case where the supervisor had failed to supervise a completely inexperienced conditionally registered dentist. As Dr Law was a very experienced conditionally registered dentist, the Respondent's culpability should be viewed at the lower end of the spectrum. With respect, the DC does not accept this submission. If the Respondent had failed to supervise a completely inexperienced dentist, that would have been an aggravating factor against the Respondent. However, the converse fact that the dentist whom the Respondent failed to supervise was not completely inexperienced, or was even very experienced, does not make it a mitigating factor. If anything, the fact that Dr Law was very experienced would have made it more difficult for a patient or a member of the public to realize that she was only conditionally registered and was required to practise under supervision.

13. The Respondent also submitted that the following facts are mitigating factors:
- (a) The Respondent was fully apprised of the details of the Patient's management. She was aware that the Patient had sought an earlier appointment due to substantial pain. She had discussed the Patient's management plan extensively with Dr Law, including the Patient's pre-existing medical conditions. She had instructed Dr Law to proceed with the extraction of the Patient's tooth only if he was in substantial pain and if the extraction was likely a simple and straightforward one. She gave Dr Lam clear directions on how to proceed with the case if extraction was required.
 - (b) The Respondent's failure to supervise Dr Law arose out of an unfortunate oversight in scheduling and was not motivated by profit or dishonesty.
14. With respect, the DC does not consider the above facts to be mitigating factors. This is not a case where the Patient had presented himself at the Clinic on 14 August 2016 unexpectedly when Dr Law happened to be on duty. On the contrary, the Patient's visit to the Clinic on 14 August 2016 was by prior appointment. It was an earlier appointment than the one originally scheduled, but it was nonetheless a prior appointment and both the Respondent and Dr Law had fully expected the Patient's visit on 14 August 2016. The visit was neither impromptu nor a surprise. The Respondent had even discussed the Patient's case "extensively" with Dr Law on the previous day, Saturday, 13 August 2016. However, instead of ensuring that she was personally present in the Clinic on 14 August 2016 to supervise Dr Law when the latter attended to the Patient, or reminding and enjoining Dr Law not to treat the Patient without supervision, or even directing the Patient to another dental clinic, the Respondent in fact permitted Dr Law to perform the extraction of the Patient's tooth without supervision. Not only that, the Respondent actually instructed and gave directions to Dr Law on what to do if Dr Law were to perform the extraction of the Patient's tooth without supervision. The Respondent not only knew, but had expected that Dr Law might perform the extraction of the

Patient's tooth without supervision. The Respondent then positively allowed Dr Law to do so, and had actually prepared Dr Law for that eventuality by giving instructions and directions to Dr Law. The Respondent clearly had every intention not to be present to supervise Dr Lam on 14 August 2016. Her failure to supervise Dr Law was therefore not due to carelessness or oversight. Instead, it was deliberate, pre-meditated and, indeed, pre-planned. In the DC's view, this is an aggravating factor.

15. The Respondent submitted that on 14 August 2016, the day of the offence, the Respondent was not overseas and was in fact a short 10-minute drive away from the clinic. The Respondent's culpability should therefore be viewed lower on the spectrum as she was well positioned to react quickly in the event that Dr Law required assistance with any issues. With respect, the DC does not consider this to be a mitigating factor, but in fact considers this to be an aggravating factor instead. This is explained below:
 - (a) The Patient did not present an emergency. There was no urgency which required Dr Law to perform the extraction of the Patient's tooth immediately as an emergency procedure without any supervision.
 - (b) Given that the Respondent was not overseas and was merely a 10-minute drive away, and given that she was in fact available and "*well positioned to react quickly in the event that Dr Law required assistance with any issues*", she could just as well have simply come to the Clinic and be present to supervise Dr Law, instead of allowing Dr Law to perform the extraction without supervision.
 - (c) According to the Expert Report of Dr E adduced by the Respondent herself, the Patient had waited for 30 minutes after the antibiotic cover had been administered to him, before the actual extraction of his tooth was carried out. Given that the Respondent was merely a 10-minute drive away, she could have been in the Clinic even before the Patient's 30-minute waiting time had expired.

- (d) Under the aforesaid circumstances, there was no good, let alone compelling, reason for the Respondent to have permitted Dr Law to perform the extraction without supervision, or that justified her failure to supervise Dr Law. Indeed, the very fact that the Respondent was not overseas but was only a 10-minute drive away and was in fact “*well positioned to react quickly in the event that Dr Law required assistance with any issues*”, makes the Respondent’s misconduct that much more egregious, because the Respondent could have easily avoided committing it, but she deliberately committed it nevertheless.
16. This aggravating factor is further exacerbated by the fact that the extraction of the Patient’s tooth was an invasive procedure carried out under local anaesthesia and, to the knowledge of the Respondent, the Patient suffered from Fallot’s Tetralogy and had a pacemaker and thus was a high-risk patient. Despite this knowledge, the Respondent had not merely failed to supervise Dr Law, but had permitted Dr Law to perform an invasive procedure under local anaesthesia on a high-risk patient without supervision. By doing so, the Respondent had exposed the Patient to the potential of harm. The DC is of the view that this is an aggravating factor.
17. The Respondent submitted that Dr Law had carried out the procedure in accordance with the Respondent’s directions, and that Dr Law’s management of the Patient was wholly appropriate. With respect, the DC does not consider this to be a mitigating factor. If Dr Law’s treatment of the Patient had been *inappropriate*, that would have been an *aggravating* factor against the Respondent. The fact that the treatment had *not* been inappropriate simply means that this aggravating factor is not present, but the DC does not consider it to be a *mitigating* factor.
18. However, the DC takes into account the fact that the Respondent had pleaded guilty, and that she had pleaded guilty at the very earliest opportunity. Indeed, as early as 3 October 2017, the Respondent had, in a letter of explanation to the Council, admitted without reservation the fact that she had failed to supervise Dr Law, and she had apologized and expressed contrition for her misconduct.

19. The DC has also duly noted the following submissions made by the Respondent in mitigation:
 - (a) She has had an unblemished record of dental practice over the past 22 years, and this is her first offence.
 - (b) She has taken remedial measures to ensure that she would not re-offend.
20. The DC has also taken into account the very positive testimonials given by the Respondent's peers and patients, and the fact that she has done substantial pro-bono work for senior citizens and the needy, as well as her involvement in dental education for younger dentists.
21. However, the DC is mindful of its duty to uphold the highest standards of professional practice and conduct, protect members of the public who seek or depend on dental care, and maintain public confidence in the trustworthiness and integrity of the dental profession. The requirement for supervision of a conditionally registered dentist is imposed for the purpose of ensuring that the dentist observes and abides by those standards, so that his or her patients are protected from harm, and thereby maintain public confidence in the dental profession. The importance of this requirement is reflected by the fact that the Council had issued the numerous Circulars, by which the Council had repeatedly and consistently reminded both conditionally registered dentists as well as their supervisors of the requirement for supervision and that this requirement must be complied with.
22. By failing to supervise Dr Law, especially in light of the facts of this case, the Respondent had gravely undermined the objectives of the requirement for supervision, exposed a high-risk patient to the potential of harm, and eroded public confidence in the dental profession. The DC is of the view that the punishment must be sufficiently robust to reflect and indeed emphasize the gravity of the misconduct, repair the damage done to public confidence, and serve as a deterrence to like-minded supervising dentists who may

contemplate a similar breach of the requirement or who are simply indifferent to it. As the Respondent was the supervisor who, instead of ensuring that Dr Law was properly supervised when treating the Patient, had actually permitted Dr Law to treat the Patient without supervision, the DC is of the view that, on the facts of the present case, the Respondent's culpability is higher than that of Dr Law.

23. Having considered all of the submissions tendered by the parties and having taken into account all of the circumstances of the case, the DC now determines that the appropriate sentence to be as follows, and so orders:

- (a) That the registration of the Respondent in the Register of Dentists shall be suspended for a period of 6 months;
- (b) That the Respondent shall pay a fine of S\$8,000.00;
- (c) That the Respondent be censured;
- (d) That the Respondent shall give a written undertaking to the Singapore Dental Council that she will not engage in the conduct complained of or any similar conduct; and
- (e) That the Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitor to the Singapore Dental Council and of the Legal Assessor.

CONCLUSION

24. We hereby order the Grounds of Decision herein to be published.

25. The Inquiry is hereby concluded.

Dated this 31st day of May 2019

Dr Djeng Shih Kien
Chairman

Dr Wu Loo Cheng

Ms Lee Yong Ching Margaret

Mr Philip Leong