

**SINGAPORE DENTAL COUNCIL**  
**DISCIPLINARY COMMITTEE INQUIRY AGAINST DR LAW LAY YIN**  
**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 (Breakpoint LLC)

**Counsel for the SDC:**

Ms Chang Man Phing

Ms Dynyse Loh

(M/s WongPartnership LLP)

**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 Law Lay Yin, was granted conditional registration by the Singapore Dental Council (“**SDC**”) on 16 September 2014 for a period of two years, subject to certain conditions imposed by the SDC.
2. These proceedings arose out of a complaint made on 5 September 2016 by one Mr C (the “**Complainant**”) against the Respondent in relation to a dental

procedure performed by the Respondent on the Complainant's son, P (deceased) (the "**Patient**").

3. Pursuant to the said complaint, the SDC 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 LAW LAY YIN**, are charged that on 14 August 2016, whilst practicing as a dental practitioner on conditional registration at Dental Care @ Fajar Pte Ltd (the "**Clinic**"), a clinic under Smileworks Pte Ltd, you performed an extraction of a tooth #48 on a patient, one late P (the "**Patient**") who suffered from Fallot's Tetralogy and had a pacemaker, without the supervision of your assigned supervisor, Dr Lam Ying Keat or a fully registered Division 1 dentist, in breach of the conditions under which you were granted conditional registration and the Circulars issued by the Singapore Dental Council ("**SDC**") as defined below.

#### Particulars

- (a) You were granted conditional registration by the SDC on 16 September 2014 for a period of two (2) years.
- (b) The grant of conditional registration was made subject to the following conditions, that:
  - (i) You shall work for Smileworks Pte Ltd under the supervision of a registered Division 1 dentist assigned by your employer; and

- (ii) If your assigned supervisor is unavailable, you shall work under supervision of another fully registered Division 1 dentist provided by the clinic.
  
- (c) At all material times, you were employed by Smileworks Pte Ltd and your assigned supervisor was Dr Lam Ying Keat, a registered Division 1 dentist.
  
- (d) 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.*”
  
- (e) Pursuant to Regulation 16 DRR, you are required to comply with the circulars issued by the SDC 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 14 August 2015, stating *inter alia*, that,

***“Supervision of dentists under Conditional Registration***

*Please be reminded that, as per Section 14A(4) of the Dental Registration Act, dentists registered under Conditional Registration are required to work under supervision of a fully registered dentist in a particular employment approved by the Council for a specified period (equivalent to 2-year full time working hours).*

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

- (iv) 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.***

- (v) 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”).

- (f) On 14 August 2016, whilst under conditional registration, you performed an extraction of tooth #48 on the Patient under local anaesthesia (the “**Extraction**”) and administered antibiotics prophylaxis of amoxicillin prior to the Extraction at the Clinic without the supervision of Dr Lam Ying Keat or another fully registered Division 1 dentist.
- (g) As such, you have acted in breach of the conditions under which you were granted conditional registration and the Circulars.

and that in relation to the facts alleged, you have been 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 15 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 12 April 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 Respondent is Dr Law Lay Yin.
  - (b) The Respondent is charged with 1 charge of professional misconduct as set out in the Notice of Inquiry dated 5 December 2018.
  - (c) On 16 September 2014, the Respondent was granted conditional registration by the SDC subject to the conditions imposed by the SDC.
  - (d) Pursuant to section 14A(4) of the Dental Registration Act (Cap 76, 2009 Rev Ed) (“**DRA**”), SDC’s letter dated 16 September 2014 set out, *inter alia*, the following conditions of the Respondent’s registration:

- (i) The Respondent shall work for Smileworks Pte Ltd (the “**Employer**”) under the supervision of a registered Division 1 dentist assigned by her Employer for 2 years; and
  - (ii) If the Respondent’s assigned supervisor is unavailable, the Respondent shall work under the supervision of another fully registered Division 1 dentist provided by the Clinic.
- (e) The Respondent confirmed that she understood and will abide with the conditions of registration on 16 September 2014.
- (f) At the material time, the Respondent was working at Dental Care @ Fajar Pte Ltd, a clinic under her Employer (the “**Clinic**”). The Respondent’s assigned supervisor was Dr Lam Ying Keat (“**Dr Lam**”), a registered Division 1 dentist.
- (g) The patient was one P (the “**Patient**”). The Patient was 20 years old when he first consulted the Respondent in 2016. The Patient suffered from Fallot’s Tetralogy and had a pacemaker.
- (h) The Patient went to the Clinic on 8 August 2016 due to pain at the right side of his lower jaw. He was accompanied by his mother. This was the Patient’s first visit to the Clinic. The Patient’s mother informed the Clinic’s nurse who indicated on the registration form that the Patient had Fallot’s Tetralogy, scoliosis and a pacemaker and was allergic to Stemitil. The Patient’s mother also informed that the Patient was being treated at National Heart Centre.
- (i) The Patient was then reviewed by Dr A at the Clinic. Dr A reviewed the Patient and found that the Patient’s tooth at #48 was partially erupted (the “**Tooth**”). The Tooth was tender to palpation. Dr A diagnosed pericoronitis and generalized gingivitis.
- (j) Due to the Patient’s existing medical condition, Dr A did not perform any periodontal probing but instead prescribed Chlorhexidine mouthwash to

the Patient. Dr A advised the Patient to return to the Clinic for the tooth to be removed if the pain did not subside.

- (k) Dr A then arranged a follow-up appointment one week later for scaling and polishing. The Patient fixed his follow-up appointment for 22 August 2016. Dr A also prescribed Amoxicillin of 2 grams to be taken by the Patient one hour before his next appointment as a precaution in light of the Patient's medical condition.
- (l) On or around 13 August 2016, the Patient's father called the Clinic to fix an earlier appointment as the Patient's pain did not subside. The Patient's father was informed that Dr A was not around and another dentist would attend to the Patient instead.
- (m) On 14 August 2016, at around 4pm, the Patient returned to the Clinic for a consultation. He was accompanied by his father. The Respondent's supervisor, Dr Lam, was not present at the Clinic when the Respondent attended to the Patient. The Respondent was aware that Dr Lam was not in the Clinic and that there was no other fully registered Division 1 dentist supervising her.
- (n) The Patient's father informed the Respondent of the Patient's existing heart condition to which the Respondent answered that she was aware as she had reviewed the Patient's case notes beforehand.
- (o) The Respondent ordered an X-ray to be done on the Tooth and then informed the Patient that the Tooth had to be extracted under local anesthesia (the "**Extraction**"). Prior to the Extraction, the Respondent prescribed antibiotics prophylaxis of Amoxicillin 2 grams to the Patient.
- (p) During the Extraction, the Respondent administered local anesthesia 1 cartridge of Articaine (4%) at the Patient's right-hand side ID block. As the Patient was still in pain, the Respondent administered a further 1 cartridge of Articaine (4%) at the same area and 1 cartridge of Articaine



(4%) as long buccal infiltration. The Respondent then proceeded to extract the Tooth.

- (q) The Respondent advised the Patient to take painkillers if he was in pain after the anesthesia wore off. The Patient informed his father in the Respondent's presence that he would be meeting his friend. The Patient then left the Clinic.
- (r) The consultation and Extraction were carried out by the Respondent without supervision of Dr Lam or another fully registered Division 1 dentist.
- (s) Regulation 16 of the Dental Registration Regulation ("DRR") provides that "*Every registered person shall observe the Council's pronouncement on professional matters and professional ethics issued from time to time.*"
- (t) Pursuant to Regulation 16 of the DRR, the Respondent was thus required to comply with the circulars issued by the SDC 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.***

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- (v) 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**”).

- (u) Accordingly, by performing the Extraction without the supervision of the Supervisor or another fully registered Division 1 dentist, the Respondent was in breach of the conditions and restrictions of the Respondent’s conditional registration and that she is thereby guilty of professional misconduct under section 40(1)(d) of the DRA.

### **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 SDC 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 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 SDC, admitted without reservation the fact that she had practised without supervision, and she had expressed remorse and contrition over her misconduct. Then, after she was served the Notice of Inquiry dated 5 December 2018, she had, in a letter dated 14 January 2019 from her solicitors to the SDC's solicitors, indicated that she intended to plead guilty to the Charge. The DC appreciates the Respondent's candour and does not doubt the sincerity of her remorse and contrition.
13. The Respondent submitted that there is no issue pertaining to the propriety of the treatment that she had administered to the Patient, and this should be regarded as a mitigating factor in her favour. The DC respectfully disagrees. If the Respondent'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.
14. The Respondent also submitted that she was a conditionally registered dentist with considerable experience in relation to her peers, having been under supervision for almost 1 year and 11 months, which was just one month short of the prescribed two-year supervision period. The Respondent submitted that this was not a case of a completely inexperienced dentist working under supervision, and this should be regarded as a mitigating factor in the

Respondent's favour. With respect, the DC does not consider this to be a mitigating factor. If the Respondent had been a completely inexperienced dentist and she had performed the Extraction without supervision, that would have been an aggravating factor against the Respondent. However, the converse fact that the Respondent was not completely inexperienced does not make it a mitigating factor. If anything, the fact that the Respondent had considerable experience would have made it more difficult for a patient or a member of the public to realize that the Respondent was only conditionally registered and was required to practise under supervision.

15. The Respondent also submitted that on 14 August 2016, the day of the offence, her supervisor, Dr Lam, was within the vicinity of the clinic. Dr Lam was not overseas on 14 August 2016 and as in fact a 10-minute drive away at all times during the Respondent's working hours. Should the Respondent have experienced any issues which required Dr Lam's assistance, Dr Lam was in a position to respond expediently. 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 Respondent was not presented with an emergency. There was no urgency which required the Respondent to perform the Extraction immediately as an emergency procedure without any supervision.
- (b) The Respondent could have called for Dr Lam to be present, and then waited for Dr Lam to be in attendance to supervise her before she began the procedure. By the Respondent's own admission, Dr Lam was not overseas and was merely a 10-minute drive away, and was in fact "*within the vicinity of the clinic*".
- (c) According to the Respondent's own explanation dated 5 October 2016 to the SDC, the Patient had had to wait for a minimum of 30 minutes after the antibiotic prophylaxis had been administered to him, before carrying out the actual extraction of the Tooth. Given that Dr Lam 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 performed the Extraction without supervision. Indeed, the very fact that Dr Lam was not overseas, but was only a 10-minute drive away and was in fact available to “*respond expediently*” to issues if required, makes the Respondent’s misconduct that much more egregious, because the Respondent could have easily refrained from committing it, but committed it nevertheless.
16. The Patient’s visit to the clinic on 14 August 2016 was not impromptu or unexpected, but was by prior appointment. Indeed, according to the Respondent’s written explanation dated 25 May 2017 to the SDC, the Respondent had on 13 August 2016 specifically consulted Dr Lam on the Patient’s case, and they had discussed the circumstances under which the Respondent should not proceed with the Extraction on 14 August 2016, the circumstances under which the Respondent *could* do so without any supervision, and what precautions the Respondent ought to take if she was proceeding with the Extraction without supervision. Clearly, in her consultation with Dr Lam on 13 August 2016, the Respondent had already anticipated that she might have had to perform the Extraction on 14 August 2016 without any supervision, and she had asked for advice and instructions for that very eventuality. Therefore, when she actually performed the Extraction on 14 August 2016 without any supervision, it was a conscious and deliberate act of misconduct which was premeditated and pre-planned. The DC considers this to be an aggravating factor.
17. This aggravating factor is further exacerbated by the fact that the Extraction 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. The DC is of the view that the fact that the Respondent had performed an invasive procedure under local anaesthesia on a high-risk patient without supervision is an aggravating factor.
18. The DC has duly noted the following submissions made by the Respondent in mitigation:

- (a) She has taken remedial measures to ensure that she would not re-offend.
  - (b) She has no prior antecedents and that she is not a recalcitrant offender.
  - (c) She has established her life and family in Singapore and is committed to living and working in Singapore for the long term.
  - (d) She had dutifully complied with the SDC's direction to cease practising from 22 September 2017 to 13 November 2017. She has recently given birth to a child in 2018 and her ability to continue working in Singapore is crucial to meet her financial needs and those of her young family.
19. The DC has also taken into account the very positive testimonials given by the Respondent's peers and patients.
20. 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 SDC had issued the numerous Circulars, by which the SDC 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.
21. By performing the Extraction without supervision, the Respondent had defied the objectives of the requirement for supervision, exposed the Patient to the potential of harm, and eroded public confidence in the dental profession. The DC is of the view that the punishment must reflect and indeed emphasize the gravity of the misconduct, repair the damage done to public confidence, and

serve as a deterrence to like-minded conditionally registered dentists who may contemplate a similar breach of the requirement or who are simply indifferent to it.

22. The DC has also considered the Respondent's submissions on the costs of these proceedings. In the course of the Inquiry, the question arose as to whether it was necessary to hold a Newton Hearing in respect of certain facts which the SDC proposed to place before the DC. After hearing arguments, the DC decided that a Newton Hearing was not necessary. Pursuant to this decision, the Respondent submitted that the SDC should be entitled to only 50% of the costs of the proceedings. With respect, the DC does not accept this submission. The time taken up by this issue, including the time that the parties took for arguments, was not substantial, and the DC does not see any good reason to depart from the usual rule that costs should follow the event.
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 3 months;
  - (b) That the Respondent shall pay a fine of S\$2,000.00;
  - (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 31<sup>st</sup> day of May 2019

Dr Djeng Shih Kien  
Chairman

Dr Wu Loo Cheng

Ms Lee Yong Ching Margaret

Mr Philip Leong