

**SINGAPORE DENTAL COUNCIL**  
**DISCIPLINARY INQUIRY FOR DR ANG KIAM HAU STEVEN**  
**ON 25 JULY 2019 AND 6 AUGUST 2019**

**Disciplinary Committee:**

Assoc. Prof Neo Chiew Lian, Jennifer (Chairperson)

Dr Shahul Hameed

Dr Kwa Chong Teck

Assoc. Prof Chia Wai Yin, Audrey (Lay Member)

**Legal Assessor:**

Mr Ravinran Kumaran (M/s Relianze Law Corporation)

**Counsel for the SDC (M/s CNPLaw):**

Mr Chia Shengyou, Edwin

Ms Benita Koh

**Counsel for the Respondent (M/s Dentons Rodyk & Davidson):**

Mr Christopher Chong

**DECISION OF THE DISCIPLINARY COMMITTEE**

**Introduction**

1. The Respondent, Dr Ang Kiam Hau Steven (“the Respondent”) is a registered dentist of about 23 years standing. During the material times he practised at The Smile Division Dental Surgeons @ Orchard Pte Ltd, located at 304 Orchard Road #02-105, Lucky Plaza, Singapore 238863 (“TSD@Orchard”).
2. TSD@Orchard was part of a group of dental surgery clinics under The Smile Division Dental Group (“TSD”). There were nine clinics under TSD. Each operated as a separate company at different locations in Singapore. We shall refer to the clinics hereafter according to their location names. TSD paid their full

time dentists commissions based on percentages of fees they charged their patients less incidental costs of the treatments.

3. A was the Managing Director of TSD. He was also the sole shareholder and a director of each of the companies under TSD. He principally practised at TSD@Yishun that was the head office of TSD.
4. B was the practice manager of TSD. One of her duties was to prepare and submit documents to the Central Provident Fund Board (“CPF Board”) for patients who wished to make claims under the MediSave Scheme and Community Health Assist Scheme (“CHAS”) for fees payable for the dental treatments they received at TSD clinics.
5. Dr C was another dentist who practised at TSD clinics located at Hougang, Choa Chu Kang and Clementi.

### **MOH’s Police Report**

6. On 14 July 2014, the Ministry of Health (“MOH”) made a police report to the effect that they had detected irregularities in the MediSave claims submitted by some dental clinics. They noticed an unusual pattern of high MediSave claims by clinics under TSD when compared with other unrelated clinics that saw more patients with similar claims. The Commercial Affairs Department (“CAD”) investigated the matter.

### **The Criminal Charges**

7. Resulting from the investigations, the Respondent, A and Dr C were charged for a series of criminal offences. The Respondent faced 283 charges of making dishonest claims amounting to \$434,241.00 on behalf of 14 patients, pursuant to Section 420 read with Section 109 of the Penal Code.
8. In summary, the accusations, in all the charges, were that the Respondent abetted others by engaging in a conspiracy to cheat the CPF Board to deliver various

sums of monies to TSD from the CPF accounts of TSD's patients for treatments that were in fact, not performed. The Respondent offered 'financial packages' to patients who could not afford the full treatment costs of certain dental surgeries. Although the patients were told that the total costs of the surgeries under the 'financial packages' would be less than the market rates, payment for the full (or almost full) cost of the treatments would however be paid out of their MediSave accounts.

9. The patients signed several MediSave claim forms. This enabled the Respondent to submit multiple MediSave claims on their behalves. This was done to circumvent the withdrawal limits imposed by CPF B for the surgeries. The Respondent's modus was to perform the surgeries over one or two days. He would then submit multiple MediSave claim applications claiming to have done the surgeries on other dates when in fact he had not done so. In each instance, the Respondent would falsely state the treatment details, i.e. the dental procedures that were purportedly done, in the MediSave application forms and the Letters of Certification (which he was required to sign as an 'approved medical practitioner' under Regulation 3 of the Central Provident Fund (MediSave account Withdrawals) Regulations (Cap 36, Reg 17)).
10. In doing so, the Respondent deceived the CPF B into believing that he performed the treatments when, in fact, he did not. In respect of the 5 patients, who were the subject matter of the 5 charges, the CPF B paid a total sum of \$65,858 to TSD pursuant to 30 false claims certified by the Respondent.

### **The Convictions**

11. On 4 May 2018, the Respondent pleaded guilty to 30 of the 283 charges in the State Courts. The remaining 253 charges were taken into consideration. The Respondent was sentenced to a total of 30 months' imprisonment on 10 August 2018. He did not appeal against the convictions and/or sentences and started serving his sentence on 17 August 2018.

## **The Disciplinary Proceedings**

12. Following his convictions, the Singapore Dental Council (“SDC”) referred the fact of his convictions to a Disciplinary Committee pursuant to section 34(1)(3) of the Dental Registration Act (Cap 76) (“the Act”). This provision states that, ‘Where a registered dentist ... has been convicted in Singapore ... of an offence involving ... dishonesty, the Council shall ... immediately refer the matter to a Disciplinary Committee under section 37’.
  
13. A Notice of Inquiry, dated 26 February 2019, was served on the Respondent. In it, 5 charges were preferred against him by the SDC in relation to the 30 criminal charges that he had pleaded guilty to and for which he was sentenced. The 5 charges were in respect of the fact of his convictions which rendered the Respondent liable to be punished under section 40(2) read with section 40(1)(a) of the Act. The relevant portions of these provisions state that, ‘Where a registered dentist ... is found to ... have been convicted in Singapore ... of any offence involving dishonesty ... the Disciplinary Committee may exercise one or more of the powers referred to in subsection (2)’. These powers are as follows:
  - (a) Direct the Registrar to remove the registered dentist from the appropriate register;
  
  - (b) Suspend the registered dentist for a period of not less than 3 months and not more than 3 years;
  
  - (c) Impose such conditions as are necessary to restrict the practice of the registered dentist in such a manner as the Disciplinary Committee thinks fit for a period not exceeding 3 years;
  
  - (d) Impose on the registered dentist a penalty not exceeding \$50,000;
  
  - (e) Censure the registered dentist in writing;

(f) Order the registered dentist to give an undertaking to abstain in future from the conduct complained of as the Disciplinary Committee thinks fit; and

(g) Make such other order as the Disciplinary Committee thinks fit.

14. At this juncture, we take note of section 40(3) of the Act that states that the convictions of the Respondent in the State Courts shall be final and conclusive in these disciplinary proceedings. In other words, it is not open to us to go behind the Respondent's convictions for any reason.

### **The Disciplinary Hearing**

15. The Respondent engaged Counsel to represent him at these disciplinary proceedings and did not attend in person. We note that section 38(3) of the Act allowed the Respondent to have his Counsel answer the 5 charges on his behalf. SDC's Counsel tendered an Agreed Statement of Facts ("ASOF") and an Agreed Bundle of Documents ("ABOD") in support of the 5 charges. SDC's Counsel read the first of the 5 charges in full and the Respondent's Counsel confirmed that the Respondent had read and understood the nature and consequences of all 5 charges. He further stated that he had instructions that the Respondent pleaded guilty to the 5 charges. SDC's Counsel then went through the Agreed Statement of Facts. It mirrored the facts stated in the criminal charges and the Statement of Facts in the criminal proceedings against the Respondent but with respect to only the 5 patients. The Disciplinary Committee then found the Respondent guilty and convicted him of the 5 charges.
16. SDC's Counsel tendered the Prosecution's Written Submissions (Sentencing and Costs) and Prosecution's Bundle of Authorities and addressed the Disciplinary Committee on sentencing. He asked for an order that the Respondent's name be removed from the appropriate register, amongst other orders.
17. The Respondent's Counsel tendered a written Plea in Mitigation, a Respondent's Bundle of Documents (which consisted of newspaper reports and testimonials in

favour of the Respondent, a psychiatric report on him and the grounds of decision of the judge who convicted him in the criminal proceedings) and Respondent's Bundle of Authorities. He urged the Disciplinary Committee not to strike the Respondent off the register but to impose a long suspension.

### **Prosecution's Submissions on Sentencing**

18. The Prosecution submitted the following sentencing principles:
- (a) The sentence must be just and fair in the light of all the circumstance of the case - *Singapore Medical Council v Kwan Kah Yee* [2015] 5 SLR 201;
  - (b) Broader public interest considerations such as upholding the public's trust in the reputation of the profession must be at the forefront in determining the sentence - *Wong Meng Hang v Singapore Medical Council and other matters* [2019] 3 SLR 526 ("Wong Meng Hang's case");
  - (c) Sanctions in disciplinary proceedings serve to ensure that the offender does not repeat the offence so that the public is protected and, second, to uphold the standing of the professional body; and
  - (d) Personal mitigating factors are of little value in disciplinary proceedings as in criminal proceedings and may even have to give way to ensure that the public interest component of sentencing is met.
19. The Prosecution principally relied on Wong Meng Hang's case in seeking to remove the Respondent from the appropriate register. There, the Court of Three Judges noted that:
- '(d) Where a doctor's misconduct evinces a serious defect of character, striking off is likely to be appropriate. This might arise from conduct underlying a predicate criminal conviction which is harmful to the repute of the profession or incompatible with the offender remaining a member of it, and the s53 (1) (b) of the Medical Registration Act.

(e) Striking off should be considered when the facts of the case disclose an element of dishonesty.'

(See paragraph 67)

20. From paragraphs 68 to 74 of the case, the learned Judges considered the consequences of dishonesty in cases involving professionals. They opined, at paragraph 72, as follows:

'Therefore as a general rule misconduct involving dishonesty should almost invariably warrant an order for striking off where the dishonesty reveals a character defect rendering the errant doctor unsuitable for the profession: see *Chia Choon Yang* at [39]. This would typically be the case where dishonesty is integral to the commission of a criminal offence of which the doctor has been convicted, or where the dishonesty violates the relationship of trust and confidence between the doctor and patient. In our judgment, exceptional circumstances would have to be shown to avoid its imposition in such circumstances.'

(Underlined for emphasis)

21. The Respondent's Counsel accepted that the above is the position of the law and that for the Disciplinary Committee to depart from a decision to remove the Respondent from the appropriate register, it was incumbent on the Respondent to show that there are exceptional circumstances.

22. We now consider the Respondent's mitigation. The Respondent advanced the following in support of a sentence of suspension for a long period. In this context, this can only be for a maximum of 3 years (see section 40(2)(b) of the Act):

(a) The Respondent had embarked on his plan to deceive the CPF Board out of an altruistic intention, i.e. to help poor patients. If not for his scheme, the 5 patients would not have been able to 'undergo proper dental treatment which they could not otherwise have been able to afford'. This altruistic intention eventually devolved into a scheme that was no longer restricted to poor patients after Goh got involved;

- (b) The Respondent did not compromise the interests of the 5 patients because they received treatment that was necessary;
- (c) The Respondent did not abuse the trust of his patients because they were aware of the scheme;
- (d) The Respondent can no longer commit similar offences because MOH suspended his accreditation in 2017 and he can no longer submit MediSave claims for his patients. There is therefore no specific deterrent factor to be considered in the Respondent's case;
- (e) The Respondent had been a dedicated dentist – he had provided free dental treatment to some patients. He was therefore capable of reform and should be given the opportunity to practise after an appropriate period of suspension;
- (f) The Respondent had pleaded guilty to the criminal charges and from a very early stage indicated that he would plead guilty to the 5 charges and had done so. He has therefore shown genuine remorse. He now suffers the ignominy of serving a criminal sentence of 30 months. He has also made full restitution to the CPF Board of the monies deducted from the CPF accounts of his patients with interest, even though the bulk of the monies received went to TSD and Goh.

23. Neither Counsel submitted on what is the definition of 'exceptional circumstances'. Wong Meng Hang's case and the other cited cases similarly do not say what constitutes 'exceptional circumstances'. This is understandable. Flaux J in *Solicitors Regulation Authority QBD [2018] 4 WLR 163* discussed this at length and we quote from his judgment:

'46. ... the courts have studiously and rightly avoided seeking to define what does and what does not amount to "exceptional circumstances", as this is a fact specific exercise in each individual case: see per Dove J in *R (Solicitors Regulation Authority) v Imran [2015] EWHC 2572 (Admin); [2015] ACD 134*, para 20.



'47. Further guidance in relation to the assessment of whether there are exceptional circumstances in a particular case is provided by Dove J in that case at paras 19 and 24:

"19. Clearly, at the heart of any assessment of exceptional circumstances, and the factor which is bound to carry the most significant weight in that assessment is an understanding of the degree of culpability and the extent of the dishonesty which occurred. That is not only because it is of interest in and of itself in relation to sanction but also because it will have a very important bearing upon the assessment of the impact on the reputation of the profession which Sir Thomas Bingham MR in Bolton identified as being the bedrock of the tribunal's jurisdiction."

...

"24. It is necessary, as the tribunal did, to record and stand back from all of those many factors, putting first and foremost in the assessment of whether or not there are exceptional circumstances the particular conclusions that had been reached about the act of dishonesty itself."

...

'101. ... the most significant factor carrying most weight and which must therefore be the primary focus in the evaluation is the nature and extent of the dishonesty, in other words the exceptional circumstances must relate in some way to the dishonesty. This point was made very clearly by Dove J at para 24 of Imran, where he said: "in my view it is not possible when assessing exceptional circumstances simply to pick off the individual features of the case. It is necessary, as the tribunal did, to record and stand back from all of those many factors, putting first and foremost in the assessment of whether or not there are exceptional circumstances the particular conclusions that had been reached about the act of dishonesty itself. The fact that many solicitors may be able to produce testimonials and may immediately confess the dishonest behaviour is certainly relevant to the determination of whether or not it is

an exceptional case, but is not a factor that is likely to attract very substantial weight. Of far greater weight would be the extent of the dishonesty and the impact of that dishonesty both on the character of the particular solicitor concerned but, most importantly, on the wider reputation of the profession and how it impinges on the public's perception of the profession as a whole."

(Underlined for emphasis)

24. We note that the Respondent's Counsel did not advance any of the matters stated in his Plea in Mitigation as an exceptional circumstance. We examined each of the grounds and in our view, nothing in there or his Counsel's oral submissions can be considered an exceptional circumstance. We state our reasons:

- (a) The Respondent was the architect of the scheme to deceive the CPF. He had deliberately designed the scheme to be attractive to his patients by reducing the costs of the treatments to below what the market charged. By doing so, his patients paid little or nothing for their treatment out of their own pockets. The financial states of the 5 patients and the circumstances under which he proposed and managed to sell his 'financial packages' to each of them were not disclosed in these proceedings. It is therefore not possible for the Disciplinary Committee to evaluate whether there is any merit in the plea that the Respondent was motivated out of compassion for his patients. In our view, the mere fact that the Respondent thought up the scheme, which he knew, was against the law, and where he stood to gain financially, suggests to us that altruism was not a factor in his mind. That the scheme eventually devolved into a grander and bolder plan to encompass other patients is further indicative that concern for the welfare of his patients was definitely not the primary consideration of the Respondent. Rather, profiting from his patients appears to be the driving reason for him planning, embarking and continuing his scheme to deceive the CPF;

- (b) As an approved medical practitioner, he was aware that he was bound by the General Terms & Conditions for Approved Medical Practitioners that required him to make claims in accordance with the Regulations. There is no excuse for departing from this requirement in a deliberate systematic fashion over a persistent period when he well knew that trust was reposed in him by the authorities to abide by the rules and regulations in making MediSave claims for his patients;
- (c) There was no evidence that the treatments given to the patients were necessary. Both Counsel confirmed that there was discussion on this during the criminal proceedings. However, the record before us does not state conclusively whether this was indeed the case;
- (d) Similarly, whether the Respondent abused the trust of his 5 patients is moot. The record does not show what the Respondent told his patients when he 'sold' his 'financial packages' to them, what was their understanding and/or expectations and whether the Respondent conveyed to them that he was going to break the law in order to provide the underpriced treatments. In this regard, we note that a Disciplinary Committee of the SDC dealt with the Respondent on 4 and 5 April 2018 ("Earlier Disciplinary Proceedings"). There he faced 4 charges for submitting false claims to induce the CPF to deliver to TSD a total sum of \$22,100 from the MediSave account of a patient's husband. The gravity of those charges concerned us. The Respondent's patient's husband signed four MediSave application forms for the use of his MediSave account for his wife's treatment. The Respondent used two of the signed forms to make claims for treatments purportedly done on the patient when in fact he did not do so. He used the other two forms to make claims for treatments purportedly done on the patient's husband when the patient's husband was not even his patient. The Respondent did all these to extract monies from the patient's husband's MediSave account to cover the full cost of the patient's treatment. When confronted, he offered to refund the full \$22,100 to the patient and her husband;

- (e) We cannot ignore the fact that in the Earlier Disciplinary Proceedings the Respondent deliberately embarked on a course of action that was contrary to that which he conveyed to his patient and her husband. In other words, there was an abuse of the trust reposed in him by that patient (and her husband) when her husband signed the MediSave claim forms in blank. We go so far as to say that if Wong Meng Hang's case was decided before the Earlier Disciplinary Proceedings, the outcome of that case would have been quite different;
- (f) The Respondent's Counsel did make the plea that the Earlier Disciplinary Proceedings should be disregarded as an antecedent because the subject matter of the charges there relate to events chronologically after the subject matters of the 5 charges in the present case. We see no merit in that argument. The fact remains that the Earlier Disciplinary Committee convicted the Respondent for offences similar to those here. We see the 5 charges and the subject matters of the Earlier Disciplinary Proceedings as one long continuum of the Respondent's dishonest conduct. To ignore this is to ignore what is plain and obvious before us;
- (g) We do not see merit in the plea that the Respondent can no longer submit MediSave claims because the CPF Board has removed his accreditation. That it was taken away can only mean that the authorities had lost faith in him complying with the requirements. In other words, he was deemed untrustworthy to be considered as an approved medical practitioner;
- (h) The testimonials of his good work as a dentist and newspaper cuttings lauding the Respondent's kindness towards an unfortunate patient, in our view also do not amount to "exceptional circumstances". As stated by Flaux J, these are not factors likely to be of substantial weight (see paragraph 23 above); and
- (i) Finally, we note the mitigation plea advanced during the criminal proceedings by the Respondent. Again, we do not see how any of the matters raised by the Respondent may be regarded as "exceptional

circumstances”. We accept that the Respondent pleaded guilty to the criminal charges and the 5 charges here at the first opportunity. The evidence against him was so overwhelming that it would be futile to do otherwise. We also accept that it is commendable that the Respondent had made full restitution and none of his patients lost their MediSave monies. However, the fact remains that one of the conditions of him being awarded the approved medical practitioner status is that he would be liable jointly and severally with TSD ‘... for ensuring that MediSave monies inappropriately deducted shall be promptly refunded to the relevant accounts’ (see Clause 1 of the General Terms & Conditions for approved medical practitioners). Even if he did not make restitution, the law could compel him to do so. We do recognize that, at the end of the day, he paid back more than he got and that this is an indication of his remorse. However, we are of the view that this cannot count as an exceptional circumstance. The restitution the Respondent made does not relate to his specific acts of dishonesty in any way. It is more an act to demonstrate contrition in the hope of getting a lesser sentence in the criminal proceedings.

### **Conclusion and Decision**

25. Having considered all the circumstances of this case, the Prosecution’s address on sentencing and after having given due regard to the mitigation plea, we hold that the primary concern and duty of this Disciplinary Committee is to the profession. The Respondent’s serial dishonest conduct and convictions would seriously impinge on the reputation of the profession if the sanction is anything less than that stated in Wong Meng Hang’s case for a case involving dishonesty. The extent of the Respondent’s dishonesty is egregious because it was calculated and carried out repeatedly and done primarily for profit. We therefore decide that the appropriate sentence to be imposed on the Respondent, pursuant to section 40(2) and (4) of the Act, is as follows:

- a) We direct the Registrar to remove the name of the Respondent from the appropriate register;
  - b) The Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of the Counsel to the Singapore Dental Council and the Legal Assessor, and such reasonable expenses as are necessary for the conduct of these proceedings be taxed if not agreed.
26. Pursuant to Regulation 25 of the Dental Registration Regulations, we also order that the grounds of our decision be published for the benefit of the public and to raise the standards of the dental profession.
27. The hearing is thereby concluded.

Dated this 6<sup>th</sup> day of August 2019.

**Assoc. Prof Neo Chiew Lian, Jennifer**  
Chairperson, Disciplinary Committee

**Dr Shahul Hameed**  
Member, Disciplinary Committee

**Dr Kwa Chong Teck**  
Member, Disciplinary Committee

**Assoc. Prof Chia Wai Yin, Audrey**  
Layperson, Disciplinary Committee