

**SINGAPORE DENTAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR ANDY JOSHUA WARREN ON 16 MAY 2023**

12 July 2023

Disciplinary Committee:

Prof Chew Chong Lin (Chairman)
Dr Ng Jing Jing
Ms Goo Sok Huan
Ar Chan Kok Way (Observer)

Legal Assessor

Ms See Tow Soo Ling
(CNPLaw LLP)

Counsel for the SDC:

Mr Sui Yi Siong
(M/s Harry Elias Partnership LLP)

The Respondent in person

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. The Respondent in this Inquiry is **Dr Andy Joshua Warren** (“**the Respondent**”) is a fully registered Division 1 dentist registered with the Singapore Dental Council (“**SDC**”) under Dental Registration Act (Cap 76) (“**DRA**”). The Respondent was a conditionally registered dentist practicing at Phoenix Dental Surgery (“**the Clinic**”) under the supervision of one Dr T between June 2015 and September 2015.
2. On 19 April 2022, the Respondent pleaded guilty and was convicted in the State Courts of the Republic of Singapore of 9 charges involving fraud or dishonesty which comprised:

(a) Two charges of cheating punishable under section 417 of the Penal Code 1871 (“**PC**”) for cheating the Central Provident Fund Board (the “**Board**”), the trustee of the MediSave account of CGL (“**Patient 1**”), by authorising the submission of false MediSave claims in June 2015 in respect of Patient 1 for day surgeries which were not performed by the Respondent on the dates stated in the claims (the “**Patient 1 Charges**”);

(b) Five charges of cheating punishable under s 417 PC for cheating the Board, being the trustee of the MediSave account of GTF (“**Patient 2**”), by authorising the submission of false MediSave claims in June 2015 in respect of Patient 2 for day surgeries which were not performed by the Respondent on the dates stated in the claims (the “**Patient 2 Charges**”); and

(c) Two charges of cheating punishable under s 417 PC for cheating the Board, being the trustee of the MediSave account of GKL (“**Patient 3**”), by authorising the submission of false MediSave claims in July 2015 and September 2015 in respect of Patient 3 for day surgeries which were not performed by the Respondent on the dates stated in the claims (the “**Patient 3 Charges**”).

3. Cheating is defined by Section 415 Penal Code as:

415. Whoever, by deceiving any person, whether or not such deception was the sole or main inducement, fraudulently or dishonestly induces the person so deceived to deliver or cause the delivery of any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit to do if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to any person in body, mind, reputation or property, is said to “cheat”.

4. 15 other charges were taken into account for purposes of sentencing. On 19 April 2022, the Respondent was sentenced to a fine of \$5,000 for each of the nine proceeded-on charges resulting in an aggregate sentence of \$45,000.

5. Pursuant to the Notice of Inquiry dated 12 October 2022 served on the

Respondent, the 3 charges brought against the Respondent by the SDC relate to the conviction of 9 proceeded-on charges are as follows: -

FIRST CHARGE

That you, Dr Andy Joshua Warren, a dental practitioner with full registration under the Dental Registration Act, are charged that on 19 April 2022, you were convicted in Singapore on two (2) charges of cheating punishable under section 417 of the Penal Code for cheating the Central Provident Fund Board (the "Board"), the trustee of the MediSave account of CGL ("**Patient 1**"), by authorising the submission of false MediSave claims in respect of Patient 1 for day surgeries which were not performed by you on the dates stated in the claims (collectively, the "**Patient 1 Charges**") to wit:-

PARTICULARS

(a) On or around 18 June 2015, you authorised the submission of a MediSave claim to the Board through Mediclaim, to deceive the Board into believing that you had performed a day surgery on Patient 1 on 15 June 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(b) On or about 24 June 2015, you authorised the submission of a MediSave claim to the Board through Mediclaim, to deceive the Board into believing that you had performed a day surgery on Patient 1 on 16 June 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(c) On 19 April 2022, you pleaded guilty in the State Courts to the Patient 1 Charges along with 7 other charges (namely, the Patient 2 Charges and the Patient 3 Charges, as set out under the 2nd and 3rd charges of this Notice of Inquiry) and consented to having 15 other charges taken into consideration for the purposes of sentencing, and were sentenced to a fine of \$5,000 for each of the charges on the same day resulting in an aggregate sentence of \$45,000.

(d) The aforesaid convictions have not been set aside; and you are thereby guilty of having been convicted in Singapore of offences involving fraud or dishonesty, which makes you liable to be punished under section 40(2) read with section 40(1)(a) of the Dental Registration Act (Cap.76, 2009 Rev. Ed.)

SECOND CHARGE

That you, Dr Andy Joshua Warren, a dental practitioner with full registration under the Dental Registration Act, are charged that on 19 April 2022, you were convicted in Singapore on five (5) charges of cheating punishable under section 417 of the Penal Code for cheating the Central Provident Fund Board (the “**Board**”), the trustee of the MediSave account of GTF (“**Patient 2**”), by authorising the submission of false MediSave claims in respect of Patient 2 for day surgeries which were not performed by you on the dates stated in the claims (collectively, the “**Patient 2 Charges**”), to wit:-

PARTICULARS

(a) On or around 18 June 2015, you authorised the submission of a MediSave claim to the Board through Medyclaim, to deceive the Board into believing that you had performed a day surgery on Patient 1 on 15 June 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(b) On or about 24 June 2015, you authorised the submission of a MediSave claim to the Board through Medyclaim, to deceive the Board into believing that you had performed a day surgery on Patient 1 on 16 June 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(c) On 19 April 2022, you pleaded guilty in the State Courts to the Patient 1 Charges along with 7 other charges (namely, the Patient 2 Charges and the Patient 3 Charges, as set out under the 2nd and 3rd charges of this Notice of Inquiry) and consented to having 15 other charges taken into consideration for the purposes of sentencing, and were sentenced to a fine of \$5,000 for each of the charges on the same day resulting in an aggregate sentence of \$45,000.

(d) The aforesaid convictions have not been set aside; and you are thereby guilty of having been convicted in Singapore of offences involving fraud or dishonesty, which makes you liable to be punished under section 40(2) read with section 40(1)(a) of the Dental Registration Act (Cap.76, 2009 Rev. Ed.)

3RD CHARGE

That you, Dr Andy Joshua Warren, a dental practitioner with full registration under the Dental Registration Act, are charged that on 19 April 2022, you were convicted in Singapore of two (2) charges of cheating punishable under section 417 of the Penal Code for cheating the Central Provident Fund Board (**the “Board”**), the trustee of the MediSave account of GKL (**“Patient 3”**), by authorising the submission of false MediSave claims in respect of Patient 3 for day surgeries which were not performed by you on the dates stated in the claims (collectively, the **“Patient 3 Charges”**), to wit:-

PARTICULARS

(a) On or around 24 July 2015, you authorised the submission of a MediSave claim to the Board through Mediclaim, to deceive the Board into believing that you had performed a day surgery on Patient 3 on 17 July 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(b) On or about 10 September 2015, you authorised the submission of a MediSave claim to the Board through Mediclaim, to deceive the Board into believing that you had performed a day surgery on Patient 3 on 31 August 2015 when you had not, and by such deception you dishonestly induced the Board to deliver the sum of \$1,250 to Phoenix Dental Surgery Pte Ltd.

(c) On 19 April 2022, you pleaded guilty in the State Courts to the Patient 3 Charges along with 7 other charges (namely, the Patient 1 Charges and the Patient 2 Charges, as set out under the 1st and 2nd Charges of this Notice of Inquiry) and consented to having 15 other charges taken into consideration for the purposes of sentencing, and were sentenced to a fine of \$5,000 for each of the charges on the same day resulting in an aggregate sentence of \$45,000.

(d) The aforesaid convictions have not been set aside; and you are thereby guilty of having been convicted in Singapore of offences involving fraud or dishonesty, which makes you liable to be punished under section 40(2) read with section 40(1)(a) of the Dental Registration Act (Cap.76, 2009 Rev. Ed.).

6. The 3 charges faced by the Respondent are for professional misconduct under Section 40(1)(a) of the Dental Regulations Act (Cap 76) (“**the 3 Charges**”).

Section 40(1)(a) provides

40. (1) Where a registered dentist or registered oral health therapist is found or judged by a Disciplinary Committee –

(a) to have been convicted in Singapore or elsewhere of any offence involving fraud or dishonesty;

the Disciplinary Committee may exercise one or more of the powers referred to in subsection (2).

7. The Respondent has pleaded guilty to the 3 Charges at the hearing on 16 May 2023. The primary facts relating to the charges are collated in the Agreed Statement of Facts (“**ASOF**”) duly agreed by Counsel for SDC and the Respondent.

8. The Disciplinary Committee (“**the DC**”) is bound to accept the Respondent’s convictions as final and conclusive according to Section 40(3) DRA.

Section 40(3)

“In any proceedings instituted under this Part against a registered dentist or registered oral health therapist consequent upon his conviction for a criminal offence, a Disciplinary Committee shall accept his conviction as final and conclusive.”

9. It is therefore not open for the Respondent to claim that there was no dishonesty involved in offences for which he had been convicted in the State Courts. The DC therefore finds that the nature of the offences which the Respondent has been convicted of involved fraud and dishonesty under Section 40(1)(a) DRA.

Background Facts

10. Under the Central Provident Fund (Medisave Account Withdrawals) Regulations (“**CPF MAW Regulations**”), a member may apply to use his Medisave moneys to pay for medical treatment carried out in an approved medical institution by an approved medical practitioner.
11. At the material time, the Respondent was an approved medical practitioner and the two clinics under Phoenix Dental Surgery were approved medical institutions. As such, the Respondent and the two clinics under Phoenix Dental Surgery were bound by the General Terms and Conditions (published on the Ministry of Health’s (“**MOH**”) website).
12. Clause 1 of the General Terms and Conditions states that:

“Medical practitioners shall only make claims for Medisave moneys in relation to the provision of medical, psychiatric or other approved treatments in an approved medical institution, in accordance with the Regulations. Medical practitioners shall observe the guidelines and requirements of Medisave claims imposed by the MOH and shall exercise due diligence before making claims for Medisave monies. In case of error, the medical institution and the medical practitioner shall be jointly and severally responsible for ensuring that Medisave monies inappropriately deducted shall be promptly refunded to the relevant accounts.”
13. The Respondent had to certify that the procedures were performed and the fees charged were payable at the time of submitting the Medisave claims to CPF Board. The Respondent also entered details of the procedures into the patient’s medical case notes to reflect the procedures being performed on those dates.
14. The Respondent was aware of the pre-2014 Medisave claim limit for dental implant day surgeries and deliberately split up the Medisave claims into multiple claims for multiple day surgeries in order to circumvent the said limit so that the entire cost of the dental implant procedure could be claimed from the patient’s Medisave account.
15. According to the 3 Charges, the Respondent had submitted MediSave claims in respect of the 3 patients to the CPF Board to deceive the CPF Board into believing

that the Respondent had performed day surgeries on the 3 patients when he had not, and deceived the Board to disburse a total sum of \$11,250 to Phoenix Dental Surgery Pte Ltd.

16. In the Respondent's Written Submissions dated 1 May 2023, the Respondent explained that he had committed the offences under instructions from his supervisor Dr T and that it would be insubordination if he had not complied with Dr T's instructions.
17. This would in fact show that the Respondent knew that what he was instructed to do was a dishonest act but the Respondent thought he had no choice but to comply with his supervisor's instructions.
18. The Respondent also considered his splitting of the Medisave claims to be administrative only and therefore there was no dishonest intent. The Respondent was an approved medical practitioner authorized by the Ministry of Health to make claims from the patient's Medisave moneys. The Respondent is independently responsible to ensure that he followed the guidelines and requirements imposed by the Ministry of Health and should not abdicate his responsibility by claiming that it was only an administrative process or by passing the responsibility to his supervisor.
19. By his Written Submissions, the Respondent has attempted to excuse his behaviour by claiming that "questionable documentation of dates including pre-dating documents and retro-dating documents are common erroneous practices everywhere". First of all, the DC disagrees that this practice is common or should be endorsed. The Respondent's assertions that such a practice exculpates his dishonest intentions are not accepted. Since the Respondent recognizes that that it is erroneous, the Respondent should not be absolved if he perpetuated it. In any event, the Respondent's actions were not related to pre-dating or to back dating the days on which the procedures were done; the Respondent had deceived CPF Board into thinking that the procedures were done on the days indicated in the submission.
20. In *Wong Meng Hang v Singapore Medical Council* [2018] SGHC 253, misconduct involving dishonesty warrants an order for striking off.

"72. 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 doctor and patient. In our judgment, exceptional circumstances would have to be shown to avoid its imposition in such circumstances.”

21. The DC considers that there is no doubt that the 3 Charges involved misconduct where dishonesty was integral to the commission of the offence since the Respondent had pleaded guilty and was convicted under Section 415 read with Section 17 of the Penal Code.
22. The next question is whether there were exceptional circumstances which justify not imposing the sanction of striking off.
23. For the reasons set out above, the DC does not accept that there were exceptional circumstances shown by the Respondent to justify a departure from the presumptive sanction of striking off.
24. Public interest considerations include the need to uphold the standing and reputation of the profession, to prevent an erosion of public confidence in the trustworthiness and competence of its members and to protect the public who were dependent on doctors for medical care. The DC agrees with the SDC Counsel’s submissions that given the serious nature of the Respondent’s offences in perpetrating a fraud against CPF Board, a public institution, over a 4 month period between June 2015 and September 2017, public interests considerations require that no weight be given to any mitigating factors which the Respondent has raised.
25. Having considered all the facts and circumstances, the respective submissions of the parties, and the sentencing precedents cited, the DC orders that:
 - (a) the Respondent’s name be removed from the relevant Register of Dental Practitioners which shall take effect 30 days from the date of the written grounds of decision herein;

(b) pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SDC. This will include the costs incurred by the SDC for engaging the Legal Assessor.

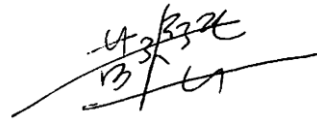
(c) The DC also orders that the Grounds of Decision be published. It is important for the Grounds of Decision to be published in order to maintain public confidence in the profession and its self-regulation.

Dated this 12th day of July 2023



Prof Chew Chong Lin

Chairperson, Disciplinary Committee



Dr Ng Jing Jing

Member, Disciplinary Committee



Ms Goo Sok Huan

Member, Disciplinary Committee



Ar Chan Kok Way

Member, Disciplinary Committee