

**SINGAPORE DENTAL COUNCIL DISCIPLINARY INQUIRY AGAINST
DR YEE YING CHOON**

23 FEBRUARY 2017

Disciplinary Committee:

Dr Benjamin Charles Long (Chairperson)
Dr Choo Keang Hai
Dr Cheong Kim Yan
Mr Mansoor Hassanbhai (Lay Person)

Legal Assessor:

Mr Liow Wang Wu, Joseph (Straits Law Practice LLC)

Counsel for the SDC (Goh JP & Wong LLC):

Mr Goh Teck Wee
Mr Soon Wei Song

Counsel for the Respondent (MyintSoe & Selvaraj):

Mr S Selvaraj
Mr Leong Hoy Kok, Edward

GROUNDINGS OF DECISION OF THE DISCIPLINARY COMMITTEE

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

1. The present inquiry arises out of a complaint by a patient. The Respondent is Dr. Yee Ying Choon, ("Dr. Yee"), a registered dentist under the Dental Registration Act (Cap.76) and practicing at Glory Dental Surgery located at 865 Mountbatten Road #02-02 Singapore 437844 ("the Clinic").

2. The Charge, as amended at the onset of the hearing, against Dr Yee was:-

AMENDED 1ST CHARGE

That you, DR, YEE YING CHOON, a registered dentist under the Dental Registration Act (Cap.76) are charged that whilst practicing at Glory Dental Surgery ("the Clinic"), on or about 5th January 2015 at around 3 p.m., you were in gross neglect of your duties to your patient,

("the Patient"), in that you prescribed and thereby allowed the Patient to consume Ibuprofen, a drug belonging to the class of nonsteroidal anti-inflammatory drugs ("NSAID"), to which the Patient had an allergy which you knew or ought to have known:-

Particulars

- (a) On 5th January 2015, the Patient visited you for a root canal procedure ("the Procedure");
- (b) Prior to the start of the Procedure, you inquired if the Patient had any drug allergies. The Patient verbally informed you that he was allergic to NSAIDs.
- (c) You further confirmed that the Patient's allergy to NSAIDs had been noted in the Patient's medical history.
- (d) That notwithstanding, you proceeded to prescribe Ibuprofen tablets to the Patient after the Procedure, which the Patient consumed, thereby exposing the Patient to the consequence of a serious allergic reaction.

And that in relation to the facts alleged you have been guilty of professional misconduct within the meaning of Section 40(1)(d) of the Dental Registration Act (Cap. 76, 2009 Ed).

3. The relevant facts relating to the Charge was set out in the Amended Statement of Fact. The Amended Charge was read to Dr. Yee to which she pleaded guilty to the same. She confirmed that she understood the nature of the charges and the consequences of her plea. The Amended Statement of Fact was then read to her. She admitted those facts.
4. Counsel for the Prosecution argued that taking into consideration the published grounds of decision in the matter of *Singapore Medical Council v Dr Teh Tze Chen Kevin*, a decision by a Disciplinary Committee of the Singapore Medical Council, the medical practitioner in that case faced 6 charges. The 1st Charge related to the prescription of Augmentin, a medication which contained Amoxycillin, to which the patient therein had an allergy, pursuant to section 45(1)(d) of the Medical Registration Act (Cap.174) ("MRA") for professional misconduct. Counsel for Prosecution highlighted that section 45(1)(d) of the MRA was *in pari materia* with the Dental Registration Act (Cap.76) and in

their view that the appropriate order to be made against the Respondent under section 40(2) of the Dental Registration Act would be a fine of S\$10,000, that Dr. Yee be censured and be ordered to pay the costs of and incidental to the proceedings.

5. Counsel for the Respondent tendered written submissions. Prosecution highlighted that it was not able to accept certain aspects of the Respondent's mitigation and as a consequence thereof, the Counsel for the Respondent amended paragraph 25 of his written mitigation by deleting the second sentence to that paragraph. The mitigation highlighted that the plea of guilty was made timely and prosecution was informed early on that the Respondent would be taking a certain course of action, that the reason for her inadvertence was attributed to fatigue, and that she was remorseful and had refunded the costs of the root canal procedure of \$895.00. The Respondent also called on the Complainant on two occasions to call him to find out his well-being. She has also provided assistance to the Patient in arranging follow-up treatment with a specialist. Testimonials were produced to demonstrate that her dedication to her work as well as empathy to her patients.

ORDERS TO BE MADE

6. This Committee took time to deliberate. In our deliberations to decide what appropriate orders should be made, we took into consideration that the gross neglect shown by Dr. Yee could have had potentially fatal consequences. Patients who were given the wrong prescriptions could go into anaphylactic shock or develop Stevens-Johnson syndrome. Such risks are high for a patient with known hyper-sensitivity to NSAIDs. Dentists need to be reminded that there is a need to examine the medical history of a patient before prescribing medication. They need to also regularly update the patient's medical history. In our view, there is a need to emphasize that special care must be exercised when

dealing with patients with known hyper-sensitivity to any particular drug and this will be reflected in our orders to be made.

7. At the same time, we have noted all the mitigatory circumstances. In particular, we have taken into consideration that Dr. Yee had shown that she had acted responsibly after realizing her mistake. She promptly called the Complainant after discovering her mistake and profusely apologized to him. She demonstrated her remorse by refunding the costs of the operation; importantly, she has not wasted the time of the prosecution and this Committee by pleading guilty. Her actions in respect of this matter concords with the testimony about her care and dedication to her patients. But for these mitigating factors, the orders that we are making would have been much more severe.

8. In deciding what the appropriate sentence was, we find the published decision of *Singapore Medical Council v Teh Tze Chen Kevin* to be of little assistance. In that case, the respondent faced 6 charges. He was found guilty of the 1st, 2nd, 3rd and 6th charge. The Disciplinary Committee in that case was lenient with the respondent notwithstanding their comment that the 6th charge, which the respondent was convicted of, was one which connoted dishonesty and in usual circumstances should have resulted in a suspension. The 1st to 3rd charges in that case did not appear to specify which limb of professional misconduct was being relied on (see *Low Sze Hong v Singapore Medical Council* [2008] SGHC 78, *Lee Kim Kwong v Singapore Medical Council* [2014] 4 SLR 113 and *Ang Pek San Lawrence v Singapore Medical Council* [2014] SGHC 241). The Disciplinary Committee in that case imposed a global financial penalty of \$10,000, ordered that the respondent be censured and to pay a portion of the costs of and incidental to those proceedings. As stated, we found the Grounds of Decision of little assistance because there was no explanation in that case as to how each charge for which the respondent was found guilty of was dealt with. It would have

been helpful in cases where a respondent is facing multiple charges that a sentence be imposed on each charge so that such sentencing outcome can provide guidance for other Disciplinary Committees.

9. In the above premises, we consider the following orders to be appropriate. Pursuant to section 40(2) of the Dental Registration Act, the Disciplinary Committee hereby order as follows, that:-
 - (i) The Respondent be fined a sum of \$7,000;
 - (ii) The Respondent do hereby be censured; and
 - (iii) The Respondent pays the costs and expenses of and incidental to these proceedings, including the costs of the counsel to SDC and Legal Assessor, and such reasonable expenses are as necessary for the conduct of the proceedings.
10. We are mindful that the maximum pecuniary sanction that we can imposed is up to \$50,000 and we are of the view that the sum imposed is adequate. In this regard, we have also taken into account that the costs orders made will involve payment of sums which are not insignificant.
11. Pursuant to Rule 25 of the Dental Registration Regulations, this Disciplinary Committee orders that this Grounds of Decision be published.
12. The hearing is hereby concluded.

Dated this 23rd day of February 2017.

Dr Benjamin Charles Long
Chairman, Disciplinary Committee

Dr Choo Keang Hai
Member, Disciplinary Committee

Dr Cheong Kim Yan
Member, Disciplinary Committee