

**SINGAPORE DENTAL COUNCIL DISCIPLINARY INQUIRY AGAINST  
DR ANG KIAM HAU STEVEN**

4 and 5 April 2018

Disciplinary Committee:

Dr. Leung Wing Hung Dominic  
Dr. Aw Kian-Li Andrew  
Dr. Kaan Sheung Kin  
Mrs Noor Quek (Lay-observer)

Legal Assessor:

Mr. Andy Chiok (M/s. Michael Khoo & Partners)

Counsel for the SDC:

M/s. Colin Ng & Partners LLP  
Mr Sean La'Brooy  
Mr Jezer Goh

Counsel for the Respondent:

Drew & Napier LLC  
Mr Wendell Wong  
Mr Benedict Eoon  
Ms Felicia Ang

**GROUND OF DECISION  
(SENTENCING)**

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

Background

1. This inquiry arose out of a complaint dated 22 December 2014 by a patient ("E"). The relevant Complaints Committee then referred certain matters for formal inquiry before this Committee.

2. At all material times, the Respondent is a registered dentist, who was practicing under the name of "The Smile Division Dental Surgeons @ Orchard Pte Ltd" at the material time.
3. The Respondent is charged with 4 incidents of professional misconduct in respect of payments from the CPF Medisave accounts of the Complainant E and her husband ("Y"), arising from E's visit to the Respondent for treatment in 2014. The Notice of Inquiry is dated 11 October 2016.
4. It is undisputed that a substantial portion of that Complaint against the Respondent relates to the Respondent's treatment of the Complainant. That portion of the Complaint was dismissed by the Complaint's Committee, which deemed it fit to refer for inquiry its concerns with the claims for payments made by the Respondent's clinic from the CPF Medisave accounts of E's husband.

### The Charges

5. The Respondent is charged with the following 4 Charges:

- (1) The 1<sup>st</sup> Charge

That you, DR ANG KIAM HAU STEVEN, a registered dentist (Registration Number D21279B) practising under the name of "The Smile Division Dental Surgeons @ Orchard Pte Ltd", being a dentist accredited under the Medisave Scheme governed by the Central Provident Fund (Medisave Account Withdrawals) Regulations, and responsible for ensuring that the particulars in the letter of

certification are correct, on or about 30 September 2014, wrongfully failed to ensure that the letter of certification stating that one E had undergone a procedure on 15 August 2014, and completed for the purpose of submitting a claim for S\$6,950.00 with the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36) ["the Letter of Certification"], was correct and submitted the Letter of Certification which you knew or ought to have known was false:

#### Particulars

- (1) The Letter of Certification which you signed, stating that you had performed a procedure on E for seven (7) implants done on 15 August 2014 at your clinic located at 304 Orchard Road, #02-105, Lucky Plaza, Singapore 238863, was incorrect and untrue.
- (2) You did not produce any clinical notes to show that the procedure you allegedly performed on E on 15 August 2014, was in fact conducted.
- (3) The Letter of Certification caused a sum of \$6,950.00 to be deducted from the Medisave Account of Y with the Central Provident Fund Board on 30 September 2014.
- (4) By reason of paragraphs (1) to (3) above, you acted in breach of Section 18 of the Manual on Medisave Scheme for All Approved Medical Institutions Making Medisave Claims issued by the Ministry of Health in November 2010

in failing to ensure that the particulars in the Letter of Certification are correct, and submitted a document which was false,

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

(2) The 2<sup>nd</sup> Charge

That you, DR ANG KIAM HAU STEVEN, a registered dentist (Registration Number D21279B) practising under the name of "The Smile Division Dental Surgeons @ Orchard Pte Ltd", being a dentist accredited under the Medisave Scheme governed by the Central Provident Fund (Medisave Account Withdrawals) Regulations, and responsible for ensuring that the particulars in the letter of certification are correct, on or about 30 September 2014, wrongfully failed to ensure that the letter of certification stating that one Y had undergone a procedure on 18 August 2014, and completed for the purpose of submitting a claim for S\$6,000.00 with the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36) ["the Letter of Certification"], was correct and submitted the Letter of Certification which you knew or ought to have known was false:

Particulars

- (1) The Letter of Certification which you signed, stating that you had performed a procedure on Y for six (6) implants done on 18 August 2014 at your clinic

located at 304 Orchard Road, #02-105, Lucky Plaza, Singapore 238863, was incorrect and untrue.

- (2) You did not produce any clinical notes to show that the procedure you allegedly performed on Y on 18 August 2014, was in fact conducted.
- (3) The Letter of Certification caused a sum of \$6,000.00 to be deducted from the Medisave Account of Y with the Central Provident Fund Board on 1 October 2014.
- (4) By reason of paragraphs (1) to (3) above, you acted in breach of Section 18 of the Manual on Medisave Scheme for All Approved Medical Institutions Making Medisave Claims issued by the Ministry of Health in November 2010 in failing to ensure that the particulars in the Letter of Certification are correct, and submitted a document which was false,

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

(3) The 3<sup>rd</sup> Charge

That you, DR ANG KIAM HAU STEVEN, a registered dentist (Registration Number D21279B) practising under the name of "The Smile Division Dental Surgeons @ Orchard Pte Ltd", being a dentist accredited under the Medisave Scheme governed by the Central Provident Fund (Medisave Account Withdrawals) Regulations, and responsible for ensuring that the particulars in the letter of

certification are correct, on or about 30 September 2014, wrongfully failed to ensure that the letter of certification stating that one E had undergone a procedure on 23 September 2014, and completed for the purpose of submitting a claim for S\$4,100.00 with the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36) ["the Letter of Certification"], was correct and submitted the Letter of Certification which you knew or ought to have known was false:

#### Particulars

- (1) The Letter of Certification which you signed, stating that you had performed a procedure on E for four implants done on 23 September 2014 at your clinic located at 304 Orchard Road, #02-105, Lucky Plaza, Singapore 238863, was incorrect and untrue.
- (2) You did not produce any clinical notes to show that the procedure you allegedly performed on E on 23 September 2014, was in fact conducted.
- (3) The Letter of Certification caused a sum of \$4,100.00 to be deducted from the Medisave Account of Y with the Central Provident Fund Board on 30 September 2014.
- (4) By reason of paragraphs (1) to (3) above, you acted in breach of Section 18 of the Manual on Medisave Scheme for All Approved Medical Institutions Making Medisave Claims issued by the Ministry of Health in November 2010

in failing to ensure that the particulars in the Letter of Certification are correct, and submitted a document which was false,

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

(4) The 4<sup>th</sup> Charge

That you, DR ANG KIAM HAU STEVEN, a registered dentist (Registration Number D21279B) practising under the name of "The Smile Division Dental Surgeons @ Orchard Pte Ltd", being a dentist accredited under the Medisave Scheme governed by the Central Provident Fund (Medisave Account Withdrawals) Regulations, and responsible for ensuring that the particulars in the letter of certification are correct, on or about 30 September 2014, wrongfully failed to ensure that the letter of certification stating that one Y had undergone a procedure on 29 September 2014, and completed for the purpose of submitting a claim for S\$5,050.00 with the Central Provident Fund Board established under the Central Provident Fund Act (Cap. 36) ["the Letter of Certification"], was correct and submitted the Letter of Certification which you knew or ought to have known was false:

Particulars

- (1) The Letter of Certification which you signed, stating that you had performed a procedure on Y for five (5) implants done on 29 September 2014 at your

clinic located at 304 Orchard Road, #02-105, Lucky Plaza, Singapore 238863, was incorrect and untrue.

- (2) You did not produce any clinical notes to show that the procedure you allegedly performed on Y on 29 September 2014, was in fact conducted.
- (3) The Letter of Certification caused a sum of \$5,050.00 to be deducted from the Medisave Account of Y with the Central Provident Fund Board on 1 October 2014.
- (4) By reason of paragraphs (1) to (3) above, you acted in breach of Section 18 of the Manual on Medisave Scheme for All Approved Medical Institutions Making Medisave Claims issued by the Ministry of Health in November 2010 in failing to ensure that the particulars in the Letter of Certification are correct, and submitted a document which was false,

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

6. The following facts are not disputed:

- (1) E consulted the Respondent at his clinic sometime on 22 September 2014. At the said consultation, the Respondent informed E that she will require certain dental treatment which would cost \$22,100.



- (2) There is a treatment plan dated 22 September 2014 where the Respondent recommended that 4 implants be placed. The cost of the treatment was \$22,100.
  - (3) Y signed the 4 Medisave Authorisation Forms for the purpose of claiming withdrawals from his Medisave account for the treatment of E. However, as it can be seen from the Charges, in respect of 2 of these forms, Y was described as the patient whereas in the other 2, E was described as the patient.
  - (4) The Respondent then issued 4 Letters of Certification for 22 implants (instead of the intended 4 implants) which accompanied the relevant Medisave Authorisation Forms, for the purpose of claiming the total sum \$22,100 for the treatment of E.
  - (5) The total sum of \$22,100 was subsequently withdrawn from Y's Medisave account.
  - (6) Following meetings between E and a staff, Ms N from the Respondent's clinic sometime on 1 November 2014, the Respondent agreed to refund the amount of \$22,100 to E and Y. E then ceased treatment with the Respondent.
7. Throughout these proceedings, the Respondent was represented by Counsel.

#### Plea and mitigation

8. The hearing of the inquiry was fixed to be heard from 4 to 6 April 2018. Shortly prior to the said hearing, the Respondent indicated his intention to plead guilty to the above Charges.

9. Accordingly, on 4 April 2018, the Charges were put to the Respondent who pleaded guilty to all of them. Accordingly, a plea of guilt by the Respondent was recorded in respect of the Charges, and Counsel for the Respondent was invited to address this Committee on the matter of mitigation.

The Respondent's case on mitigation

10. In mitigation, Counsel for the Respondent urged this Committee to impose only a fine of \$15,000 on the Respondent. In support of his position, the following submissions in brief were made:
  - (1) The good character of the Respondent.
  - (2) The Respondent had an altruistic motive in respect of his conduct underlying the Charges.
  - (3) There is no issue of harm to the Complainant arising from the Charges.
  - (4) No loss was suffered by E.
  - (5) The Respondent had made full restitution to E prior to her complaint being lodged.
  - (6) The Respondent is remorseful and had pleaded guilty.

(7) The Respondent has no prior antecedents.

11. The Respondent through his Counsel tendered a written plea in mitigation which also exhibited documents in support of certain of the various points raised above.

#### The SDC's case on sentencing

12. In contrast, Counsel for the SDC proposed that the Respondent's registration be suspended for a period of 12 months and that a fine of \$25,000 be imposed. Counsel for the SDC made the point that the Charges carry an element of dishonesty and that the amount involved was \$22,100.
13. Counsel for the SDC also argued that minimal weight ought to be placed on the Respondent's decision to plead guilty. An additional argument was also made that there was a direct and serious breach of the MOH Medisave Manual.
14. In the course of submissions by both Counsel, additional oral arguments were made by both the Respondent and the SDC. These arguments include a request by Counsel for the SDC that the committee make an order under s40(6) of the Dental Registration Act that costs for more than one solicitor be paid by the Respondent to the SDC.

#### Our decision

15. This Committee took time to deliberate on the question of the appropriate sentence to be imposed on the Respondent. In doing so, the Committee took into account the arguments and submissions presented by both Counsel by way of written and oral submissions.
16. One of the main considerations by the Committee is the reason behind the Respondent's acts in respect of the Charges. As stated in the decision of *Singapore Medical Council v Kwan Kah Yee* [2015] SGHC 227, the reason for the Respondent's conduct of the acts behind the Charges is an important one in respect of sentencing.
17. It is not disputed that in respect of claims under the Medisave Scheme, a medical practitioner like the Respondent plays a critical part in the process. A medical practitioner is the person applying for a patient's Medisave monies to be utilised. To this end, the Ministry of Health had, issued a Manual On Medisave Scheme For All Approved Medical Institutions Making Medisave Claims (2010) which regulates the procedure for Medisave withdrawals by approved/accredited medical practitioners/institutions under the Medisave Scheme.
18. Broadly, the Scheme involves a dentist completing a Letter of Certification and submitting the same to the CPF Board in connection with the patient's claim for withdrawal of Medisave monies, to be used in connection with certain treatments approved under the Medisave Scheme.
19. In the present case, by the Respondent's plea of guilt, he has admitted that when he submitted the 4 Letters of Certification, he knew or ought to have known that the said certifications were false. Broadly, this fact cannot be disputed because while he had

recommended the placement of 4 implants for E, under the 4 claims made by the Respondent to the CPF Board, there were to be a total of 22 implants.

20. The Respondent was asked, during the course of the hearing, why he carried out the act of issuing the false Letters of Certification. The Respondent gave the reason that he wanted to help E, which is consistent with his submission in mitigation that there was an altruistic motive behind the Charges.
21. We are unable to see how this reason is helpful in mitigation for the Respondent. If this Committee accepts this reason, then the plan to defraud the CPF Board and obtain the withdrawal of the \$22,100 was suggested by E who was a patient. In that event, the Respondent as an approved medical practitioner under the Medisave Scheme had a duty to explain to E the limits of the permissible withdrawals and claimable treatments under the Scheme, and to counsel her on the necessity of alternative payments by her, apart from using CPF monies. This was not done.
22. As explained above, the Medisave Scheme relies on the honesty and integrity of approved medical practitioners to make accurate and genuine claims for withdrawals of patients' CPF monies for the purpose of treatment; in this sense dentists are the "gatekeepers" in the Medisave Scheme. This is clear from the Letters of Certification where the approved medical practitioner has to declare the correctness of the Certificate. In the present case, the placement of 4 implants would have cost E \$22,100. This amount was raised without the need for any payment by E, by the Respondent making false claims for the withdrawals of Medisave monies, using the false representation that there was dental work for 22 implants.

23. Further, the false dental work of 22 implants were misrepresented by the Respondent to the CPF Board as being carried out on E and Y on 2 separate occasions for each of them. In other words, the Respondent had by issuing the false Letters of Certification practiced a blatant deception on the CPF Board. This Committee has no difficulty in arriving at the conclusion that the Respondent's conduct was dishonest, contrary to his Counsel's submissions that it was otherwise. This is an important consideration because apart from the declaration of truthfulness in the Letter of Certification, the SDC's Ethical Code and Guidelines also emphasised the qualities of integrity and honesty. The Ethical Code states: "... *In modern dental practice, the public not only expects us to have the necessary knowledge, skill and experience of dental practice but to maintain the highest standards of moral integrity and intellectual honesty. ...*" and to "*Maintain the highest standards of moral integrity and honesty.*"
24. On this point, Counsel for the Respondent referred to the decision of *SDC v Dr Sng Wee Hock* (29 November 2013) where only a fine was imposed. In that case, Dr Sng misrepresented to a patient that her treatment could be entirely paid by her Medisave monies and then went on to make a claim for withdrawal of the amount by supporting it with other treatments that were not carried out. Counsel for the Respondent here made the argument that Dr Sng's case was more serious because Dr Sng had breached the trust vis-à-vis the patient and him. Counsel also pointed out the similarities between the present case and Dr Sng's case that there was no harm to the patient. It seems that the case was cited to make the point that a fine would be adequate punishment.
25. While we appreciate that Dr Sng had indeed breached the trust of the patient by making the misrepresentation, that decision does not alter the fact that the Medisave Scheme relies on an approved medical practitioner to make accurate and genuine claims for

withdrawals, as opposed to fraudulent ones such that patients' treatments are funded entirely by Medisave monies. In any event, the disciplinary Committee in Dr Sng's case had stated that: "... we would add that in future cases, the number of charges and the effects of the misrepresentation may well warrant a sentence involving suspension".

26. In the present case, even if the plan to deceive the CPF Board was suggested by E, we are of the view that the Respondent was in the position to prevent that from happening. Not only did the Respondent fail to do that, he had in fact facilitated the deceit on the CPF Board by issuing the false Letters of Certification, albeit ostensibly to help E.
27. What is more alarming in the present case is the fact that unlike Dr Sng's case, the extent of deception here is much more aggravating. Apart from the false claims made in respect of an actual patient E, the Respondent also issued Letters of Certification which included bogus or non-existent treatment on Y. It is not in dispute that there is no treatment plan or clinical record in respect of the treatments described in the claims of Y's alleged treatments.
28. The above points are relevant to address the Respondent's argument that he had an altruistic motive in respect of his conduct underlying the Charges. It is evident to this Committee that the Respondent had wilfully elected to shun his duty as an approved medical practitioner under the Medisave Scheme in preference to assisting E to defraud the CPF Board.
29. In this regard, we are of the view that the Respondent's conduct is deplorable. His conduct has undermined the standing of the dental profession. We are of the view that a strong signal must be sent to the dental profession that a strong stance is taken against

deception being practised to obtain unauthorised withdrawals of Medisave monies. We agree that there is a need for general deterrence and to uphold the standing of the dental profession (see paragraph 89 of *Ang Peng Tiam v Singapore Medical Council & another matter* [2017] SGHC 143), especially since this is the first case involving deception to obtain unauthorised Medisave withdrawals.

30. One of the Respondent's points raised in mitigation is that there was no wrongful gain by him. We disagree. The Respondent had made it possible for E to make payment of the large sum of \$22,100 to him by using Y's Medisave monies, which he would not have been able to achieve but for the deception. The fact that subsequently he had refunded the monies to E and Y does not detract from the fact that the act of deception was in fact carried out.
31. We next turn to the question of the good character of the Respondent. While we are prepared to accept that there is some mitigation value in this regard, we are constrained by the statements of the Court of 3 Judges in the *Ang Peng Tiam* decision where it was held that this is not a mitigating factor. However, we are still prepared to accord some credit to the Respondent on the fact that he does not have any prior antecedents. Nonetheless, against this is the fact that the Respondent is a senior practitioner of some 22 years' standing, which is an aggravating factor according to the *Ang Peng Tiam* case.
32. We next turn to the question whether there was any harm to E and/or loss suffered by E. On the evidence before this Committee, as E withdrew the treatment by the Respondent some 2 months after she consulted him. there is insufficient evidence to state one way or another whether she had suffered any medical harm or financial loss



arising from her consultation with the Respondent. In any case, compared to the main point of the deceit being practiced on the CPF Board, these are relatively minor factors.

33. In respect of the monetary refund made by the Respondent to E, we note the timing of it, and accept that it is a mitigating factor in favour of the Respondent.

34. We next turn to the question whether the Respondent is remorseful and the effect of his plea of guilt. Firstly, we note that the Respondent did not plead guilty at the earliest opportunity. As stated above, this inquiry was fixed to be heard on a contested basis with the Respondent indicating his desire to plead guilty only a few weeks prior to the commencement of the inquiry. In this regard, we are unable to accept that the Respondent's plea of guilt is a mitigating factor.

35. Secondly, we are not convinced that the Respondent is remorseful. Apart from the fact that the Respondent did not evince any intention to plead guilty at the earliest opportunity, we note that the Respondent had also applied to stay this inquiry pending the adjudication of criminal proceedings against him. While we accept that he may well have embarked on this course of action upon legal advice, we are unable to see how any remorse had been demonstrated by the Respondent's conduct of these proceedings.

36. For the reasons as set out above, this Committee is of the view that the appropriate sentence has to involve a period of suspension of the registration of the Respondent. To only impose a fine would be unduly lenient and will not achieve the deterrent effect that is necessary, bearing in mind the difficulty in detecting such fraudulent claims without audits by the MOH, which is tedious and involves substantial resources. This

approach is also consistent with the existing cases where sentences involving suspension were imposed for cases where there were wrongful certifications by medical practitioners.

#### SDC's request for costs of more than 1 solicitor

37. We will now turn to the request of Counsel for the SDC that costs for more than 1 solicitor be awarded to the SDC. The basis for this request is that there is no similar antecedent in respect of the present conduct of the Respondent.

38. While this may be so, we had taken advice from the Legal Assessor that such costs are awarded in situations where the issues in the proceedings are of such complexity that warrants the imposition of such costs. Having heard both Counsel on the submissions on sentencing, this Committee does not take the view that the issues are so complex such that the requested order is warranted. We accordingly decline to award costs for more than 1 solicitor to the SDC.

#### The sentences imposed

39. In light of all of the circumstances, and after due consideration of the facts and factors in this case, as stated above, this Committee is of the view that a substantial period of suspension is warranted, given the gravity of the misconduct and the fact that there was a systematic deception involving 4 Letters of Certification. Further, we are of the view that the imposition of a fine is also warranted because the purpose of the Respondent's

deception was to seek a monetary gain by obtaining payment of Medisave monies. The maximum fine allowed is \$50,000.

40. Having regard to all of the relevant factors, this Committee takes the view that the sentence recommended by Counsel for the SDC is appropriate to address the professional misconduct of the Respondent. Accordingly, we order that the sentence be as follows:

- (1) That the Respondent's registration in the Register of Dentists be suspended for a period of 12 months;
- (2) that the Respondent shall be fined the amount of \$25,000. In default of payment of this fine, a further period of 3 months for the suspension of the registration of the Respondent in the Register of Dentists shall be imposed;
- (3) that the Respondent shall give a written undertaking to the SDC that he will not engage in the conduct complained of or any similar conduct;
- (4) that the Respondent shall be censured; and
- (5) that the Respondent shall pay the costs and expenses of and incidental to these proceedings, including the costs of Counsel to the SDC and the Legal Assessor, and such reasonable expenses as are necessary for the conduct of these proceedings, to be taxed if not agreed.

41. Pursuant to Regulation 25 of the Dental Registration Regulations, we order that the grounds of our decision be published, for the benefit of the public and to raise the standard of the dental profession.
  
42. This hearing is hereby concluded.

Dated this 5<sup>th</sup> day of April 2018.

Dr. Leung Wing Hung Dominic (Chairman)

Dr. Aw Kian-Li Andrew

Dr. Kaan Sheung Kin

Mrs Noor Quek (Lay-observer)