

SINGAPORE DENTAL COUNCIL
DISCIPLINARY INQUIRY AGAINST MR MUHAMMAD HAFIZ B RUSLAN
ON 2 AND 3 APRIL 2019

Disciplinary Committee:

Dr. Leung Wing Hung Dominic (Chairman)

Mr. Ong Ming Da

Dr. Lee Pheng Hean Bryce

Mr. Mansoor Hassanbhai (Layperson)

Legal Assessor:

Mr. Giam Chin Toon, SC (M/s. Wee Swee Teow LLP)

Prosecution Counsel (M/s. Drew & Napier LLC):

Mr. Chia Voon Viet

Ms. Grace Lim Rui Si

Respondent:

In Person

DECISION OF THE DISCIPLINARY COMMITTEE

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

1. On 6 December 2017, the Singapore Dental Council (“SDC”) lodged a complaint against Mr. Muhammad Hafiz B Ruslan (“the Respondent”) pursuant to section 34 of the Dental Registration Act (Cap. 76) (“DRA”).

2. As a result of the complaint, three (3) charges were preferred against the Respondent.

Amended 1st Charge

That you, Mr. Muhammad Hafiz B Ruslan, a registered Oral Health Therapist under the Dental Registration Act (Cap. 76) are charged that you, whilst practising at WH

Dental Surgeons located at No. 1 Hougang Street 91, #01-16/17 Hougang 1, Singapore 538692 ("WH Dental"), did practise dentistry beyond the scope of work statutorily permitted by section 22(1A) of the Dental Registration Act (Cap. 76, 2009 Rev Ed) read with Regulation 40A of the Dental Registration Regulations (Cap. 76, Rg 1, 2009 Rev Ed), in that one occasion on June 2015, you had fixed separators for a patient, E ("the Patient").

Particulars

- a) You fixed the separators for the Patient on one occasion on June 2015 at WH Dental;
- b) The fixing of separators for patients is an orthodontic procedure and should only be performed by a person registered to practise dentistry;
- c) You are not a registered dentist and are not legally permitted to undertake the task of fixing separators for patients;
- d) in relation to the facts alleged, your aforesaid conduct amounts to an intentional, deliberate departure from standards observed or approved by members of the profession misconduct under section 40(1) of the Dental Registration Act (Cap. 76, 2009 Rev Ed).

Amended 2nd Charge

That you, Mr. Muhammad Hafiz B Ruslan, a registered Oral Health Therapist under the Dental Registration Act (Cap. 76) are charged that you, whilst practising at WH Dental Surgeons located at No. 1 Hougang Street 91, #01-16/17 Hougang 1, Singapore 538692 ("WH Dental"), did practise dentistry beyond the scope of work statutorily permitted by section 22(1A) of the Dental Registration Act (Cap. 76, 2009 Rev Ed) read with Regulation 40A of the Dental Registration Regulations (Cap. 76, Rg 1, 2009 Rev Ed), in that between June 2015 and September 2015, you had applied elastic modules for a patient, E ("the Patient").

Particulars

- a) You applied elastic modules for the Patient on one or more occasions over the period from June 2015 to September 2015 at WH Dental;
- b) The application of elastic modules for patients is an orthodontic procedure and should only be performed by a person registered to practise dentistry;
- c) You are not a registered dentist and are not legally permitted to undertake the task of applying elastic modules for patients;

and that, in relation to the facts alleged, your aforesaid conduct amounts to an intentional, deliberate departure from standards observed or approved by members of the profession of good repute and competency, and that you are thereby guilty of professional misconduct under section 40(1)(d) of the Dental Registration Act (Cap. 76, 2009 Rev Ed).

3rd Charge

That you, Mr. Muhammad Hafiz B Ruslan, a registered Oral Health Therapist under the Dental Registration Act (Cap. 76) are charged that you, whilst practising at WH Dental Surgeons located at No. 1 Hougang Street 91, #01-16/17 Hougang 1, Singapore 538692 ("WH Dental"), did practise dentistry beyond the scope of work statutorily permitted by section 22(1A) of the Dental Registration Act (Cap. 76, 2009 Rev Ed) read with Regulation 40A of the Dental Registration Regulations (Cap. 76, Rg 1, 2009 Rev Ed), in that between June 2015 and June 2016, you had removed elastic modules for a patient, E ("the Patient").

Particulars

- a) You removed elastic modules for the Patient on one or more occasions over the period from June 2015 to June 2016 at WH Dental;
- b) The removal of elastic modules for patients is an orthodontic procedure and should only be performed by a person registered to practise dentistry;
- c) You are not a registered dentist and are not legally permitted to undertake the task of removing elastic modules for patients;

and that, in relation to the facts alleged, your aforesaid conduct amounts to an intentional, deliberate departure from standards observed or approved by members of the profession of good repute and competency, and that you are thereby guilty of misconduct under section 40(1)(d) of the Dental Registration Act (Cap. 76, 2009 Rev Ed).

- 3. At the hearing before us, the Respondent pleaded guilty to the abovesaid three (3) charges.

FACTS

- 4. The Respondent is a registered oral health therapist ("OHT") who was employed to work at WH Dental Surgeons ("WH Dental") located at 1 Hougang Street 91 #01-16/17, Hougang 1, Singapore 538692.
- 5. He was issued a practising certificate under Section 22(1A) of the DRA read with Regulations 40A of the Dental Registration Regulations ("DRR") which prescribed the scope of practice the Respondent is permitted to perform as an oral health therapist. It does not extend to the performing of orthodontic procedures.

6. He practised under the supervision of Dr. X who is a dentist registered under Section 14 of the Dental Registration Act (“DRA”) during the period the Respondent was employed by WH Dental between August 2014 and June 2016.
7. On 27 June 2015, E (“the Patient”) and his father first visited WH Dental to consult Dr. X about getting braces.
8. From June 2015 to June 2016, the Respondent attended to the Patient when he visited WH Dental for his regular appointments. During these visits, the Respondent had on one or more occasions upon the instructions of Dr. X, performed the following orthodontic procedures (“Orthodontic Procedures”) on the Patient.
 - a) Fixing of separators on the Patient’s first permanent molars on one occasion in June 2015;
 - b) Application of elastic modules for the Patient on one or more occasions between June 2015 and September 2015;
 - c) Removal of elastic modules for the Patient on one or more occasions over the period of June 2015 to June 2016.
9. After the Respondent had performed these Orthodontic Procedures on the Patient, Dr. X would assess the Patient before discharging him.
10. It is not disputed that all the Orthodontic Procedures carried out above were not within the permitted scope of the Respondent’s license irrespective of whether they were performed under the supervision of Dr. X or not.

PROSECUTION'S CASE

11. Prosecution submits that the Respondent's practice of dentistry that had gone beyond the permitted scope of work is a serious offence. The Respondent's actions not only directly affected the quality of orthodontic treatment received by the Patient but also put the latter's oral health and safety at risk.
12. First, it should be emphasized that orthodontic treatment, if not properly done, can give rise to serious and damaging side effects. It should not be carried out by unauthorized and/or unqualified persons. This is the reason an OHT's permitted scope of practice is clearly prescribed and set out in Regulation 40A read with the Fourth Schedule of the DRR. Only registered dentists are permitted to perform any procedure that falls outside the statutorily prescribed scope of practice of an OHT.
13. Second, the Respondent's conduct also exploited the fact that the Patient, as a layperson, had entrusted his oral health with Dr. X and the Respondent. He was unaware that the Respondent was not licensed to carry out the Orthodontic Procedures on him.
14. Thus, the Respondent's errant conduct fell short of the standard of care, integrity and conduct expected of dental practitioners and undermines the unequivocal trust which the public places in the dental profession. If the dental profession is to continue to preserve its reputation and standing in society, such professional lapses must be painstakingly policed and effectively deterred.
15. Finally, it bears mention that there is a real possibility that except in the case of the separators, the Respondent had administered each of the other Orthodontic Procedures on more than one occasion, over the period from June 2015 to June

2016 when the Patient visited WH Dental for his regular appointments. According to the Respondent, Dr. X's appointments were always double or triple booked and his patients had to wait very long. This caused some patients to create a scene. Hence, whenever the Respondent had no patients to attend to at the material time, Dr. X would request that he attend to these patients. This suggests that the Respondent's unauthorized administration of the Orthodontic Procedures on the Patient was possibly a routine occurrence.

16. In view of the seriousness of the Respondent's acts, the Prosecution submits that the Disciplinary Committee should consider imposing the following sentence on him:
- a) The registration of the Respondent in the Register of Oral Health Therapists be suspended for a period of three (3) months;
 - b) A fine of \$6,000.00 be imposed on the Respondent;
 - c) The Respondent be censured;
 - d) The Respondent provide a written undertaking to SDC that he will not engage in the conduct complained of or any similar conduct in the future; and
 - e) The Respondent pay the costs and expenses of and incidental to these proceedings, including the costs of solicitors to the SDC and the Legal Assessor.

RESPONDENT'S MITIGATION

17. The Respondent's mitigation is set out in the three (3) letters he had written to the SDC:
- a) Letter addressed to A dated 28 October 2017.
 - b) Letter addressed to B dated 28 July 2017.
 - c) Letter addressed to Singapore Medical Council Tribunal (wrongly addressed) dated 1 February 2019.

18. The Respondent's case contained in the three (3) said letters can be summarised as follows:
- a) He was instructed by his supervisor, Dr. X, to do the procedures which he was not permitted to do under the DRA. He received no personal or financial benefit from it.
 - b) Dr. X regularly overbooks his consultation appointments with patients. Whenever patients create a scene for having to wait, the Respondent's help was enlisted. Dr. X assured him that he would check after the Respondent had performed the procedures. As he had trusted Dr. X to do the right thing, the Respondent did not realise that he had breached the conditions of his license.
 - c) Further, when he joined WH Dental, he was assured that it strictly follows SDC's Guidelines for OHTs and will perform chair-side assistant tasks for him whenever required.
 - d) He was obliged to do as requested by Dr. X as he did not wish to have negative remarks in the supervisory report which would lead to a delay and/or rejection of his application for his Part I OHT Registration.

DECISION

19. The Disciplinary Committee agrees with the submissions of the Prosecution that the offences committed were serious as set out in paragraphs 11 to 14 hereinabove.
20. The Respondent is expected to be fully aware of the restrictions imposed by his license. Any directions or requests issued to him whether by his superior or anyone else to perform work in breach of the said restrictions would not release or absolve him of his responsibility of complying with the professional standards imposed.

21. We take into consideration however that the Respondent has shown genuine remorse and admitted the offences at the first opportunity when he responded to the queries of the SDC and chose to plead guilty to the charge he is facing before the Disciplinary Committee.
22. The Prosecution had submitted authorities listed in the Prosecution's Bundle of Authorities to the proposed sentence they asked for in paragraph 16 above for the consideration of the Disciplinary Committee.
23. We considered the said authorities presented and the mitigation of the Respondent.
24. We accept the Respondent's claim that he had not personally benefited whether financially or otherwise from the acts complained of and the fact that no harm was caused to the patient in this case. We accept also that he was placed in a difficult position to refuse the request of Dr. X who was his superior at WH Dental.
25. It should be borne in mind however, that the sentence imposed should be sufficiently felt as a deterrent to maintain high standard of the dental profession for the protection of the public. We are fully in agreement with the Prosecution that a period of suspension would be appropriate for this purpose.
26. In this case, we would impose the minimum period of three (3) months suspension in respect of each of the three (3) charges with the suspension ordered to run concurrently.
27. As regards the Prosecution's submission that a fine of \$6,000.00 should be separately imposed, we are of the view that on the facts before us, the suspension of three (3) months for each of the charge would be sufficient punishment and that a fine additionally imposed against the Respondent serves no useful purpose.

28. In any event, the Respondent would have to pay costs and expenses of the proceedings including costs of the counsels for SDC and Legal Assessor which we intend to order against him.
29. In the circumstances, the Disciplinary Committee orders as follows:
- a) The Respondent be suspended for a period of three (3) months on each of the three (3) charges, the suspensions to run concurrently;
 - b) The Respondent be censured;
 - c) The Respondent gives a written undertaking to SDC that he will not engage in the conduct complained of; and
 - d) The Respondent pays the costs and expenses including costs of the counsels to SDC and the Legal Assessor for proceedings before the Disciplinary Committee.
30. The grounds of our decision may be published for the benefit of the public pursuant to Regulation 25 of the DRR.
31. The hearing is hereby concluded.

Dated this 3rd day of April 2019.

Dr. Leung Wing Hung Dominic

Chairperson, Disciplinary Committee

Mr. Ong Ming Da

Member, Disciplinary Committee

Dr. Lee Pheng Hean Bryce

Member, Disciplinary Committee

Mr. Mansoor Hassanbhai

Layperson, Disciplinary Committee