

SINGAPORE DENTAL COUNCIL
DISCIPLINARY INQUIRY FOR DR TEO EU GENE ON 12 APRIL 2021

Disciplinary Committee:

Dr Long Benjamin Charles (Chairman)
Dr Seah Tian Ee
Dr Lai Wen Pui Bien
Ms Yeap Lay Huay (Observer)

Legal Assessor:

Mr Lim Yee Ming
(Kelvin Chia Partnership)

Counsel for the SDC:

Mr Philip Fong
Mr Koh Xian Wei, Jeffrey
(Harry Elias Partnership LLP)

Counsel for the Respondent:

Mr Lee Teck Leng
(Legal Clinic LLC)

DECISION OF THE DISCIPLINARY COMMITTEE

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

Introduction

1. The Respondent, Dr Teo Eu Gene (“**the Respondent**”), is a registered dental practitioner who was practicing at Phoenix Dental Surgery at the material time. Prior to starting Phoenix Dental Surgery in 2014, the Respondent practiced at Institution A and Dental Group B.

2. Phoenix Dental Surgery was a dental chain consisting of two clinics, one at Ang Mo Kio and another at Marine Parade. The clinic at Ang Mo Kio was operated under a limited exempt private company Phoenix Dental Surgery Pte Ltd, while the clinic at Marine Parade was operated under another limited exempt private company Phoenix Dental Surgery (Marine Parade Central) Pte Ltd. Both the Respondent and his wife were the directors and shareholders of these companies since their incorporation in 2014. Both companies were struck off in 2018.

Criminal Convictions in the State Courts

3. On 3 June 2020, the Respondent was convicted in the State Courts of Singapore of twenty-five (25) offences (“Convicted Offences”) under Section 420 of the Penal Code (Cap. 224, 2008 Rev Ed) (“Penal Code”), with thirty-five (35) other offences taken into consideration.
4. The Convicted Offences related to the Respondent’s submission of false Community Health Assist Scheme (“**CHAS**”) claims to dishonestly induce the Polyclinics to disburse monies to Phoenix Dental Surgery (“**Dishonest Inducement Charges**”).
5. On 3 June 2020, the Respondent was sentenced to **forty-six (46)** weeks’ imprisonment for the Convicted Offences. The Respondent was one of the first people in Singapore to be charged for such offences relating to CHAS claims, and was the first person to receive a custodial sentence for committing the same.

Reference to the Disciplinary Committee

6. In view of the Respondent’s criminal convictions for the Convicted Offences, and by virtue of Section 34(3) of the Dental Registration Act (Cap. 76, 2009 Rev Ed) (“**DRA**”), the Singapore Dental Council (“**SDC**”) referred him to a Disciplinary Committee for a formal inquiry pursuant to Section 37 of the DRA.

The Charges

7. Pursuant to the matters stated above, a Notice of Inquiry dated 1 December 2020 (“**NOI**”) was served on the Respondent. He faced **twenty-five (25)** charges of having been convicted in Singapore of an offence involving fraud or dishonesty under Section 40(1)(a) of the DRA, punishable under Section 40(2) of the DRA (collectively, the “**DRA Charges**”).
8. The substratum of the present charges against the Respondent is his criminal convictions for the Convicted Offences, which are summarised in Table A:

Table A

DRA Charge	District Arrest Case ("DAC") No.	Date of CHAS claim	Description of procedures wrongfully claimed for	CHAS subsidy per procedure	Amount of wrongful loss caused
1	929188/2019	2/9/2015	a. 10 tooth-coloured fillings b. 6 curettages	a. \$78.50 b. \$30.50	\$968
2	929189/2019	28/5/2015	a. 9 extractions b. 9 curettages	a. \$68.50 b. \$20.50	\$801
3	929190/2019	8/7/2015	a. 9 extractions b. 9 curettages	a. \$68.50 b. \$20.50	\$801
4	929191/2019	13/9/2015	a. 11 tooth-coloured fillings	a. \$35	\$385
5	929192/2019	20/9/2015	a. 12 tooth-coloured fillings	a. \$35	\$420
6	929193/2019	19/10/2015	a. 12 tooth-coloured fillings	a. \$35	\$420
7	929194/2019	13/9/2015	a. 12 tooth-coloured fillings	a. \$35	\$420
8	929195/2019	20/9/2015	a. 12 tooth-coloured fillings	a. \$35	\$420
9	929196/2019	19/10/2015	a. 12 tooth-coloured fillings	a. \$35	\$420
10	929197/2019	23/8/2015	a. 7 extractions b. 7 curretages c. 1 denture repair d. 1 denture reline	b. \$78.50 c. \$30.50 d. \$53 e. \$108	\$924

DRA Charge	District Arrest Case ("DAC") No.	Date of CHAS claim	Description of procedures wrongfully claimed for	CHAS subsidy per procedure	Amount of wrongful loss caused
11	929198/2019	25/9/2015	a. 8 tooth-coloured fillings	a. \$45	\$360
12	929199/2019	26/7/2015	a. 8 tooth-coloured fillings b. 1 denture repair c. 1 denture reline	a. \$68.50 b. \$43 c. \$93	\$684
13	929200/2019	16/3/2015	a. 21 tooth-coloured fillings	a. \$68.50	\$1,438.50
14	929201/2019	1/8/2015	a. 11 tooth-coloured fillings	a. \$68.50	\$753.50
15	929202/2019	6/8/2015	a. 12 tooth-coloured fillings	a. \$68.50	\$822
16	929203/2019	7/9/2015	a. 10 tooth-coloured fillings	a. \$68.50	\$685
17	929204/2019	25/7/2015	a. 18 tooth-coloured fillings	a. \$68.50	\$1,233
18	929205/2019	1/8/2015	a. 12 tooth-coloured fillings	a. \$68.50	\$822
19	929206/2019	3/9/2015	a. 11 tooth-coloured fillings	a. \$68.50	\$753.50
20	929207/2019	5/9/2015	a. 9 tooth-coloured fillings	a. \$68.50	\$616.50
21	929209/2019	6/11/2014	a. 16 extractions	a. \$78.50	\$1,256

DRA Charge	District Arrest Case ("DAC") No.	Date of CHAS claim	Description of procedures wrongfully claimed for	CHAS subsidy per procedure	Amount of wrongful loss caused
22	929210/2019	3/9/2014	a. 16 extractions	a. \$78.50	\$1,256
23	929212/2019	12/1/2015	a. 4 extractions	a. \$78.50	\$314
24	929214/2019	13/12/2014	a. 7 extractions	a. \$78.50	\$549.50
25	929215/2019	10/8/2014	a. 1 extraction	a. \$68.50	\$68.50
Total amount of wrongful loss caused					\$17,591

9. By virtue of his convictions for the Convicted Offences, the Respondent is guilty of having been convicted in Singapore of **twenty-five (25)** offences involving fraud or dishonesty under Section 40(1)(a) of the DRA, punishable under Section 40(2) of the DRA.

Background of the CHAS

10. The CHAS was first introduced in 2000, and aimed to enable all needy Singapore Citizens to receive subsidies for medical and/or dental care at participating general practitioner clinics and dental clinics.
11. Since its introduction, the scheme has been enhanced and expanded to include more Singaporeans, including members of the Pioneer Generation and the Merdeka Generation. On 1 January 2014, the qualifying age for CHAS was removed, thereby enabling all Singaporeans in lower- and middle-income households to benefit from the scheme.
12. Between 2014 and 2015, the patients who were eligible to receive CHAS subsidies were those holding valid Health Assist cardholders (Blue and Orange), Public Assistance cardholders, and Pioneer Generation cardholders.

13. On behalf of the Ministry of Health (“**MOH**”), two polyclinic groups, SingHealth Polyclinics and National Healthcare Group Polyclinics, process and reimburse CHAS claims from participating clinics. Both of Phoenix Dental Surgery’s clinics were participating clinics under the CHAS.
14. Investigations revealed that approximately 60% of the Respondent’s patients paid for their treatment at Phoenix Dental Surgery using CHAS.

Dental subsidies under the CHAS

15. Under CHAS, patients undergoing selected dental treatments at participating dental clinics are entitled to subsidies, which vary depending on the complexity of the procedures.
16. There is no limit on the number of procedures or total amount per CHAS dental claim. There are also no limits on the number of claims for procedures such as filling, curettage, and extraction. However, restrictions are imposed on the number of claims for procedures such as polishing, scaling and works relating to dentures.

CHAS claim process

17. Participating dental clinics are required to submit their CHAS claims through the eCHAS online portal, or their own Clinical Management System linked to the eCHAS, within one month of the patient’s visit. The clinics are required to provide clinical and financial details of the CHAS-related visits in the online claim form, which include the date of visit, the patient’s NRIC number, the number and type of procedures performed, as well as the cost of each procedure before subsidy.
18. Participating dental clinics are not required to provide supporting documents as part of the claim process, as both MOH and the polyclinics assume that the information furnished by them is true and accurate. MOH also conducts regular and periodic retrospective audits of CHAS claims, to ensure that the procedures claimed are consistent with the patient’s clinical notes, and that the CHAS subsidy is used in accordance with the CHAS guidelines.
19. After a claim is submitted, the eCHAS online portal assesses it against specific criterion, including whether the patient is eligible for CHAS subsidies, whether the claim was

submitted within one month from date of visit and whether the procedure claimed has already reached its cap. If the claim satisfies the specific criterion, it would be approved.

20. The polyclinics will then extract and consolidate all approved claims, and make payment of the same to the respective clinic's bank account. This typically occurs one month after the receipt of the clinics' CHAS claims.

Facts surrounding the DRA Charges

21. The Respondent was Phoenix Dental Surgery's liaison with the MOH. Unlike other dentists practicing at Phoenix Dental Surgery, the Respondent submitted his own claims under the CHAS. This was unlike Phoenix Dental Surgery's other dentists who did not perform administrative work, which was handled by the clinic staff.
22. On or about 22 April 2016, MOH made a Police Report alleging that the Respondent and another dentist of Phoenix Dental Surgery had cheated the polyclinics into disbursing subsidies under the CHAS. MOH alleged that the Respondent and the other dentist did not perform some of the procedures for their patients as submitted in their CHAS claims.
23. Formal investigations revealed that the Respondent had submitted fictitious CHAS claims to the polyclinics for procedures that he did not perform on his patients. In addition, the Respondent had also inflated the number of procedures he had actually performed, specifically for tooth-coloured fillings, curettage, extractions, denture repair and denture reline. To avoid detection, the Respondent substantiated his inflated claims by adding false dental procedures into his patients' medical case notes. A summary of claims comprising the Convicted Offences is set out in Table A above.
24. In doing so, the Respondent dishonestly submitted false CHAS claims to deceive the polyclinics into believing that he had performed dental procedures when he had not, and by such deception dishonestly induced the polyclinics to deliver the sum claimed of \$31,583 to Phoenix Dental Surgery, which it otherwise would not have. Of this, \$17,591 constituted wrongful loss. The Respondent has since made restitution of \$31,583 to the polyclinics.

The Disciplinary Proceedings and Hearing

25. In the circumstances, the Respondent admitted that he has been convicted of the Convicted Offences which are offences that involve fraud and dishonesty, and pleaded guilty to the DRA Charges against him as set out in the NOI. He also admitted to the particulars set out in the Agreed Statement of Facts tendered by SDC's counsel without qualification; these particulars are substantially set out above.
26. The Disciplinary Committee accordingly found the Respondent guilty and convicted him of all 25 DRA charges.
27. SDC's counsel tendered Submissions on Sentencing, and a Bundle of Authorities. He asked that the Respondent's name be removed from the Register of Dentists, and that the Respondent pay the costs and expenses of and incidental to the disciplinary proceedings, including the costs of counsel to the SDC and the Legal Assessor, and such reasonable expenses as were necessary for the conduct of the proceedings.
28. The Respondent's counsel similarly tendered the Respondent's Submission on sentencing, together with authorities and a number of documents, in particular a character testimony from the CEO of a dental clinic the Respondent had been employed at from July 2016 to December 2020. He urged the Disciplinary Committee to show leniency to the Respondent, and to impose the maximum suspension, instead of removal from the Register.

Submissions on Sentencing

29. SDC's counsel submitted that "it is crucial that a clear and strong message be sent to members of the dental profession that a strong stance is taken against any form of dishonest abuse and/or exploitation of the CHAS, a scheme that was created with the sole objective of enabling needy Singaporeans to receive subsidies for medical and/or dental care. If indeed such dishonest abuse and/or exploitation of the CHAS fails to attract a sanction with sufficient bite, this would severely undermine the standing of the dental profession as a whole."
30. He submitted that previous Disciplinary Committees, for instance the inquiries into Dr Ang Kiam Hau Steven and Dr Liew Yaoxiang Daniel, had adopted the principles laid down by the Court of 3 Judges in *Wong Meng Hang v Singapore Medical Council* [2019]

3 SLR 526 (“**Wong Meng Hang**”), in the case of dentists, and that it would be consistent for this DC to apply the same principles to the inquiry herein.

31. SDC’s counsel quoted the Court of 3 Judges at [23]:-]:-

*“Disciplinary proceedings enable the profession to enforce its standards and to underscore to its members the values and ethos which undergird its work. In such proceedings, **broader public interest considerations are paramount and will commonly be at the forefront when determining the appropriate sentence that should be imposed in each case. Vital public interest considerations include the need to uphold the standing and reputation of the profession, as well as to prevent an erosion of public confidence in the trustworthiness and competence of its members.**”* [Emphasis added]

32. He further highlighted the Court’s observation at [71]-[72]:-

“...the time-honoured values of honour, integrity and honesty are... integral to the ethos of the medical profession... we observed that the commitment of lawyers to the values of truth, honesty and ethics is shared with members of the medical profession.
*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... This would typically be the case where dishonesty is integral to the commission of a criminal offence of which the doctor has been convicted...***
In our judgment, exceptional circumstances would have to be shown to avoid its imposition in such circumstances.” [Emphasis added]

33. The Respondent’s counsel acknowledged this sentencing approach, but nonetheless urged the Disciplinary Committee to show leniency to the Respondent, and to impose the maximum suspension, instead of removal from the Register.

34. In essence, as the Court of 3 Judges held in *Wong Meng Hang* that “*exceptional circumstances would have to be shown...*” to avoid removal from the Register, Respondent’s counsel implicitly submitted that the circumstances in this case were indeed exceptional. The Disciplinary Committee therefore considered whether each of the various factors raised by Respondent’s counsel was indeed exceptional, or if collectively they gave rise to exceptional circumstances.

35. The following were factors raised by the Respondent's Counsel:-
- (a) The circumstances which led the Respondent to commit the offences.
 - (b) The manner in which the offences were committed was not aggravated.
 - (c) The amounts and losses involved were not large.
 - (d) Full and early restitution.
 - (e) Genuine remorse shown by the Respondent.
 - (f) Testimonial from the Respondent's last employer.
36. Each was considered in turn by the Disciplinary Committee.

(a) The circumstances which led the Respondent to commit the offences.

37. Respondent's counsel submitted that the Respondent had not committed the offences out of greed, but had wanted to provide CHAS patients with a level of service equivalent to/commensurate with that received by full-paying patients. Respondent's counsel submitted that the Respondent had observed that CHAS patients had received inferior care from other nearby dental clinics, as they had been treated differently by dentists at those clinics compared to full-paying patients.
38. At the same time, Respondent's counsel also submitted that the Respondent was merely trying to keep his dental practice afloat. Respondent's counsel submitted that numerous patients had told the Respondent that other dental clinics provided "freebies", and that if he did not match the other dental clinics, he would lose business to those clinics. The Respondent had also overstretched himself by opening a second clinic too soon.
39. The Disciplinary Committee noted that regardless of the background, the offences were committed with a view towards financial gain, and to make more money, even if they were to simply "stay afloat", and not with a view towards "getting rich", i.e. not out of greed, as Respondent's counsel submitted. There was also no evidence that CHAS patients were in fact receiving inferior care to full-paying patients at other dental clinics. As such, this was not a mitigating factor, let alone an exceptional circumstance.

(b) The manner in which the offences were committed was not aggravated.

40. Respondent's counsel submitted that the manner of the cheating offences was not aggravated, in that the CHAS claims were not completely false (i.e. the patient did

receive some dental services, rather than none at all), the offences were not elaborate or sophisticated, the Respondent had acted alone and there was no conspiracy with anyone else, the offences were not wide-scale, and the offences were not pre-meditated but were random and opportunistic.

41. The Disciplinary Committee noted that even if these factors could be said to show that the offences were not aggravated, in any event these were not mitigating factors either, nor would they be exceptional circumstances.

(c) The amounts and losses involved were not large.

42. The amount of actual loss was \$17,591.00, arising out of claims amounting to \$31,583.00. While the Disciplinary Committee agreed that the amount was not large, it also noted this merely showed the offences were not aggravated, and was not a mitigating factor either, and was not an exceptional circumstance.

(d) Full and early restitution.

43. The Disciplinary Committee noted that while full and early restitution was a modest mitigating factor, it did not amount to exceptional circumstances, bearing in mind that, as SDC's counsel pointed out, legal proceedings could have been commenced to recover the sum.

(e) Genuine remorse shown by the Respondent.

44. Respondents' counsel submitted that the Respondent's full cooperation with MOH's audit, admission that some of his CHAS claims were inflated, and that he pleaded guilty to the criminal proceedings, as well as in these disciplinary proceedings, showed his remorse. The Disciplinary Committee noted that while full cooperation with the authorities, as well as pleading guilty, were modest mitigating factors, they did not amount to exceptional circumstances.
45. Respondent's counsel also submitted that the Respondent had voluntarily closed his clinics, thereby suffering substantial financial loss in forfeiting his rental deposits to his landlord, having to write off the renovations to the clinics, and selling his dental equipment at a substantial loss.

46. The Disciplinary Committee took the view that these were simply the consequences of having committed the offences in the first place, and were not mitigating factors at all, let alone exceptional circumstances.

(f) Testimonial from the Respondent's last employer.

47. Respondent's counsel referred the Disciplinary Committee to a testimonial from the Respondent's last employer, at which he continued to practise dentistry after he closed his own clinics until he commenced serving his prison sentence, and even after his early release from prison on home detention. It was, admittedly, a glowing reference.
48. While this was a possible mitigating factor, and may be relevant to any future application the Respondent may make to be registered again, in possibly showing that the Respondent has learned his lesson and may have been reformed, at this time, the Disciplinary Committee noted that its duty was to consider the correct sanction for the offences involving dishonesty that had been committed by the Respondent, and whether the matters highlighted in the reference amounted to "exceptional circumstances". The Committee was therefore of the view that the matters in the reference did not amount to exceptional circumstances, as required in *Wong Meng Hang*. This was the same position taken by the Disciplinary Committee in *Dr Ang Kiam Hau Steven*.

Conclusion

49. The Disciplinary Committee therefore concluded that, having considered all the circumstances on the case, and the submissions from both SDC's counsel as well as the Respondent's counsel, the primary concern and duty of this Disciplinary Committee is to the profession. The Respondent's dishonest conduct and convictions seriously impinge upon the reputation of the profession, and betrayed the trust reposed in him by MOH when he abused the Community Health Assist Scheme, which was meant to assist needy Singaporeans: instead he committed the offences for financial gain.
50. The Disciplinary Committee also noted that this was apparently the first case brought before a Disciplinary Committee involving cheating offences relating to the Community Health Assist Scheme. It was therefore also imperative that this Committee set the appropriate benchmark, consistent with and in accordance with *Wong Meng Hang*, in emphasising that such cases must be dealt with severely.

51. In this context, the Committee notes that upon conviction of an offence involving dishonesty, striking off the register is invariably the appropriate order. "Exceptional circumstances" must be shown to avoid striking off. The Committee has considered the various points in mitigation raised by the Respondent, and is of the view that none of these factors constitutes an exceptional circumstance.
52. Accordingly, the Disciplinary Committee is of the view that the appropriate sentence, 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 to be taxed if not agreed;
 - (c) 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.
53. The hearing is thereby concluded.

Dated this 14th day of May, 2021.

**Dr Long Benjamin Charles
(Chairperson)**

**Dr Seah Tian Ee
(Member)**

**Dr Lai Wen Pui Bien
(Member)**

**Ms Yeap Lay Huay
(Observer)**