

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL)	
AND PROFESSIONAL REGULATION)	
Of the State of Illinois,)	
Complainant)	
)	
vs.)	No. 2006-12566
)	
HICHAM KHALIL RIBA, D.D.S.)	
License Nos. 019-024373)	
021-00184)	
137-000432)	
319.013001)	
Respondent.)	

ORDER IN CONTRAVENTION OF THE BOARD

I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION, DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, hereby file with the Secretary of State this Order which is contrary, in part, to the Recommendation of the Board of Dentistry of the Department of Financial and Professional Regulation of the State of Illinois ("Board") pursuant to Section 29 of the Illinois Dental Practice Act, which states:

In all instances under this Act in which the Board has rendered a recommendation to the Director with respect to a particular person, the Director shall, to the extent that he disagrees with or takes action contrary to the recommendation of the Board, file with the Board and the Secretary of State his specific written reasons of disagreement. Such reasons shall be filed within 30 days after the Director has taken the contrary position.

The Board recommended that Respondent's license for General Dentistry be suspended for six months, whereas the Order suspends Respondent's license for General Dentistry for 18 months. The reasons for this disagreement are set forth in the Order attached herewith.

DATED THIS 24th DAY OF MAY, 2007.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of the State of Illinois;
DEAN MARTINEZ, SECRETARY

DIVISION OF PROFESSIONAL REGULATION



DANIEL E. BLUTHARDT
Director of Professional Regulation

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ORDER OF THE DIRECTOR

This matter having come before the Administrative Law Judge for formal hearing, the Administrative Law Judge having tendered his Report and Recommendation to the Illinois Board of Dentistry ("Board") of the Department of Financial and Professional Regulation of the State of Illinois; and the Board having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director; and the Department having complied with all required notices, and the Respondent having filed a written Motion for Rehearing, styled as a Motion for Action Contrary to the Recommendation of the Illinois Board of Dentistry, Department having filed a Response thereto, and Respondent filing a Reply thereto;

NOW THEREFORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION, DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, FIND:

1. That I have jurisdiction of the parties and the subject matter herein;

2. That Respondent has failed to allege any new evidence or legal arguments in his Motion for Rehearing to warrant a rehearing; furthermore, the arguments set forth in the Department's Response thereto are persuasive;
3. That oral argument on the Motion for Rehearing is not necessary for a clear understanding of the issues presented; and
4. That substantial justice has been done in this case.

IT IS THEREFORE ORDERED that the Motion for Rehearing, styled as a Motion for Action Contrary to the Recommendation of the Illinois Board of Dentistry, is DENIED.

FURTHERMORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION, DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, after careful review of the entire record of these proceedings including the Report and Recommendation of the Administrative Law Judge and the Findings of Fact, Conclusions of Law, and Recommendation of the Board, do hereby adopt the Findings and Fact and Conclusions of Law of the Board;

FURTHERMORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION, DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois do hereby adopt the Board's Recommendation regarding Respondent's Specialty License, No. 021-00184, Respondent's Conscious Sedation Permit A, No. 137-000432, and Respondent's Controlled Substance License, No. 317-013001, for those reasons set forth in the Board's Recommendation;

FURTHERMORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION, DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois do hereby reject the Board's Recommendation and adopt the Recommendation of the Administrative Law Judge regarding Respondent's General Dentistry

License, No. 019-024373 for the reasons set forth in the Administrative Law Judge's Report and Recommendation as well as the following reasons:

1. Respondent's conduct in exceeding the scope of his sedation permit which has been proven by clear and convincing evidence reflects poorly upon his professional character and ability to practice any kind of dentistry.
2. The practice of General Dentistry includes all aspects of a dentist's practice, including maintaining proper records, ensuring proper training of staff, and being able to practice dentistry, in a specialty or otherwise, in a safe and professional manner.
3. The record reveals that the records kept by Respondent relating to this incident were incomplete and in some instances contradicted with the testimony given by Respondent at hearing.
4. The record demonstrates that Respondent failed to ensure that his staff was adequately trained to provide preoperative, intra-operative, and post-operative care to the patient, and Respondent, knowing these assistants were inadequately trained, chose utilize these assistants to perform these duties.
5. Finally, a Dental Permit A for conscious sedation, a Specialty License for pedodontics, and a Controlled Substance License are not independent licenses, but are dependent upon a dentist holding a license in General Dentistry; therefore, all the inadequacies demonstrated by Respondent in this case reflect poorly upon his ability to practice general dentistry.

IT IS THEREFORE ORDERED that the Dental License, No. 019-024373 issued to Hicham K. Riba be Indefinitely Suspended for a minimum of 18 months; said suspension shall be effective from the date of the Temporary Suspension of Respondent's Dental License, September 29, 2006, rather than, as recommended by the Administrative Law Judge, the date of this Order due to the length of time which has passed since that date;

IT IS THEREFORE ORDERED that the Specialty License, No. 021-00184, issued to Hicham K. Riba, be Indefinitely Suspended for a minimum of 3 years;

IT IS THEREFORE ORDERED that the Controlled Substances License, No. 319-013001, issued to Hicham K. Riba be Indefinitely Suspended for a minimum of 5 years, and

IT IS THEREFORE ORDERED that the Conscious Sedation Permit A, No. 137-000432 issued to Hicham K. Riba, be Revoked.

IT IS FURTHER ORDERED that, given the serious nature of the violations of the Dental Practice Act committed by Respondent and the death of a child that resulted from those violations, a fine in the amount of \$10,000, the maximum fine for a violation of the Dental Practice Act, to be paid within 60 days of the date of this Order.

DATED THIS 2nd DAY OF MAY, 2007

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of the State of Illinois;
DEAN MARTINEZ, SECRETARY

DIVISION OF PROFESSIONAL REGULATION



DANIEL E. BLUTHARDT
Director of Professional Regulation