

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD OF
DENTAL EXAMINERS,

Complainant,

v.

Case No.: 2009-DB-0041D

RIAD HANNA,

Respondent.

CONSENT DECREE AND ORDER

The West Virginia Board of Dental Examiners (hereinafter referenced as the Board) has initiated a complaint against Riad Hanna, (hereinafter referenced as the Respondent) alleging that he has engaged in conduct, practices and acts that do not meet professional standards and that may pose a risk to members of the public.

The Board and the Respondent have reached an agreement as to an appropriate disposition of the complaint, with consideration to appropriate safeguards for protection of the public.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by the Respondent.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, the Board does hereby Find and Order as follows:

FINDINGS OF FACT

1. That the Board is the State entity created by West Virginia Code § 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. That the Respondent, Riad Hanna, is a licensee of the Board with license No. 3248, and is subject to the jurisdiction of this Board.
3. That the Board alleges that the Respondent failed to properly diagnose and/or treatment various dental conditions for Patient DLA. His conduct “indicated a lack of knowledge of, an inability to apply or the negligent application of principles or skill of dentistry”. W. Va. Code § 30-4-20(4).
4. Further the Board alleges that the Respondents engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct.

CONCLUSION OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.
2. That pursuant to West Virginia Code § 30-4-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the West Virginia Board of Dental Examiners and is subject to license requirements of the Board.

4. Based on the investigation conducted, the Complaint Committee of the Board believes that there is substantial evidence to demonstrate that the Respondent has violated the Practice Act, West Virginia Code § 30-4-1 *et seq.*

CONSENT OF LICENSEE

The Respondent by affixing his signature hereto, acknowledges the following:

1. Respondent has been given the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to enter this Consent Decree and Order other than as set forth herein.

3. Respondent acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

4. Respondent acknowledges that he is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the

public under Chapter 29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

5. Respondent waives any defense of laches, statute of limitations, estoppel and waiver that he may have otherwise claimed as a condition of this Consent Decree and Order.

6. The Respondent acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical but no later than next scheduled meeting of the Board, with a recommendation for approval from the Complaint Committee.

7. The Respondent, by affixing his signature hereon, consents and agrees to the following terms and conditions.

ORDER

That the Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree between the Board and Respondent, Riad Hanna, DDS as follows:

1. That the Respondent shall receive a written reprimand.
2. That the Respondent shall be on probation for two years following the entry of this Consent Decree and Order.
3. Within one year of the date of this Consent Order, the Respondent shall enroll in and successfully complete fifteen hours of course work as it relates to fixed prosthodontics, said course hours shall be pre-approved by the Board. The final results of

the course work shall be sent directly to the Board from the educational institution. Completion of these course hours shall be over and above the regular continuing education hours required by the rules and regulations of the Board.

4. The Respondent shall reimburse the Patient DLA in an amount up to but not exceeding the sum of Nine Thousand Dollars (\$9,000.00) for corrective dental treatment which is directly related to the treatment giving rise to this complaint. Further Respondent, shall submit proof to the Board of such reimbursement.

5. The Respondent shall reimburse the Board costs associated with this case in the amount of Two Thousand Sixty and 62/100 Dollars (\$2,060.62); Said payment shall be paid to the Board in full within thirty (30) days of the date of entry of this Order.

6. The Respondent shall pay a fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to be paid on or before March 31, 2011.

7. That the Respondent shall at all times cooperate with the Board, any of its agents or employees.

8. That the Respondent's failure to fully comply with the terms and conditions of this Consent Order hereby imposed shall be deemed a violation of this Consent Order, and that if the Respondent violates any of the terms of this Consent Order, the Board may immediately suspend the Respondent's license without prior notice.

9. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.

10. Further, the Board shall send copies of this Order to:

David L. Shuman, Esquire
SHUMAN, MCCUSKEY & SLICER, PLLC
ATTORNEYS AT LAW
1411 Virginia Street East Suite 200
Charleston, West Virginia 25301, and

Darlene Ratliff-Thomas, Esquire
Senior Assistant Attorney General
Office of the Attorney General
State Capitol, Room E-26
Charleston, West Virginia 25305

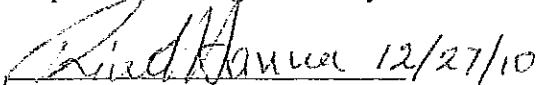
Entered this 15 day of April 2011.

West Virginia Board of
Dental Examiners:



Richard D. Smith, DDS
President

Inspected and Agreed to by:



Riad Hanna, DDS Date
Respondent



David L. Shuman, Esquire
1411 Virginia Street East Suite 200
Charleston, West Virginia 25301
Counsel for Respondent