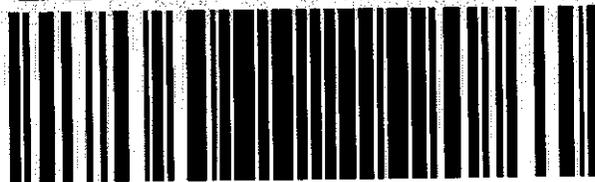


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location	Collection-99 Final Order of Dental
summary	Licensure 04/21/2005
author	Tracy Steel
expiration_date	04/21/2070
max_versions	4
title	Abdur Rahim Shabibudheen License Pending Abdur Rahim Shabibudheen
document	License Pending
keywords	
dsclass	Document
description	

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

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IN THE MATTER OF THE APPLICATION :  
FOR LICENSURE OF :  
: Administrative Action  
**SHABIBUDHEEN ABDUR-RAHIM, D.D.S.** :  
: FINAL ORDER OF  
: DENIAL OF LICENSURE  
TO PRACTICE DENTISTRY :  
IN THE STATE OF NEW JERSEY :  
:

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The New Jersey State Board of Dentistry ("Board") entered a Provisional Order of Denial of Licensure on August 26, 2004 (filed September 1, 2004) provisionally denying the application for licensure of Shabibudheen Abdur-Rahim ("respondent") to practice dentistry in this State. The order was based on the action taken by the State of Illinois related to his professional and occupational misconduct in that State and based on his conviction for battery in that State, as well as his failure to answer accurately a question on his application for licensure in this State. N.J.S.A. 45:1-21 (b), (e), (f), and (g). The provisional order found respondent's history of misconduct with his patients supported denial of his application for licensure in accord with N.J.S.A. 45:1-21(e) in that respondent engaged in inappropriate sexual contact with three different female patients while rendering

dental services. Further, the order found denial was appropriate pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by failing to comply with the Illinois Dental Board's ordered counseling and treatment. Based on the Illinois action and on the conviction, the Board has the authority to deny respondent licensure in the State of New Jersey.

Respondent has a history of sexual misconduct as indicated by his entering into the August 2, 1999 Stipulation and Recommendation for Settlement with the Illinois Department of Professional Regulation. This settlement agreement was based on a complaint filed against respondent alleging improper, unprofessional, or dishonorable conduct in that he fondled the breasts of two female patients during dental treatments. An order imposing the terms of the Stipulation and Recommendation was entered on November 2, 1999. In this settlement agreement, respondent admitted the allegations in the complaint and agreed to a three week suspension of his license to practice dentistry. Following this period of suspension, respondent was subject to an 18 month period of probation. This agreement was conditioned on the agreement that respondent would have a female employee present in the operatory when treating female patients and his attending monthly (minimum) counseling by an approved licensed psychologist experienced in providing sex offender counseling. The therapist was to provide a

written report every six months. Finally, respondent agreed to complete six hours of continuing education in the area of professional ethics.

On March 10, 2000, respondent was arrested and charged with Criminal Sexual Abuse in the State of Illinois for repeatedly grabbing a female patient's breasts in the examining room of his dental office on February 28, 2000. This arrest led to the temporary suspension of respondent's license. At the time of this incident no female personnel were present in the operatory in violation of the November 2, 1999 order. Additionally, respondent violated the Stipulation by failing to provide the Department of Regulation with the name of licensed therapist who would perform a sex offender evaluation of respondent. According to the Stipulation, respondent was not to resume practicing dentistry until the sex offender evaluation was completed. Despite signing the Stipulation, respondent failed to take any steps to locate an approved sex offender therapist, nor did he propose a sex offender treatment program. The petition concluded by alleging that respondent had engaged in a pattern of lying to the department and that his continued practice of dentistry would constitute an immediate danger to the public.

This arrest led to a conviction of battery on October 23, 2000. The conviction was based on his conduct while providing the previously cited dental services. Respondent received a

conditional discharge, was ordered to avoid all contact with the patient, and was required to complete a sex offender evaluation and follow all treatment recommendations.

On January 11, 2002, respondent entered into a second Stipulation and Recommendation for Settlement with the Department of Professional Regulation. In this Stipulation, respondent admitted to violating the conditions of the previous order by practicing dentistry during his period of suspension, failing to employ a female employee to monitor his treatment of female patients and failing to engage in sex offender treatment. Respondent agreed to an indefinite suspension of his license for a minimum period of five years. Prior to reinstatement, the stipulation required that respondent participate in a pre-approved sex offender evaluation and treatment program. He was also required to present a report indicating that he had successfully completed the program and no longer posed a risk, and demonstrate that he had completed six hours of continuing education in record keeping, six hours in office management, and six hours in risk management. Finally, according to the Stipulation, respondent was required to complete a clinical skills exam and appear before the full board prior to returning to practice. The terms of this Stipulation were made effective by an order dated March 29, 2002.

On July 10, 2002, less than four months after agreeing to not seek reinstatement of his license in Illinois for five years,

respondent filed an application for licensure to practice dentistry in the State of New Jersey. As part of that application, respondent was required to complete an Affidavit of Good Moral Character. On this affidavit, respondent indicated that he had not been formally charged or indicted for the commission of any crime or offense, including offenses categorized as misdemeanors, high misdemeanors or felonies. Respondent also indicated that there was no action pending against him by a regulatory agency such as a professional licensing agency, including the Illinois Dental Board.

Respondent appeared before the Board in connection with his application July 23, 2003. Respondent testified that after he entered the August 2, 1999 Stipulation and Recommendation for Settlement, he did not begin sex offender therapy until January 2000 and then only attended for one month. Additionally, respondent admitted that he treated the patient whom he was convicted of assaulting on February 28, 2000 and three other patients while his license to practice dentistry in Illinois was suspended. With regard to the false information contained in the Affidavit of Good Moral Character, respondent indicated that he misunderstood the questions and believed that they only referred to whether such action had occurred in New Jersey.

Following respondent's appearance, the Board issued a provisional order denying respondent's application for licensure in the State of New Jersey. The provisional order afforded respondent

thirty days to request a modification or dismissal. On September 22, 2004, respondent submitted a letter to the Board.

In his letter, respondent offered his mitigation asserting that he is an honest person and was raised with a different cultural and religious background in India. Respondent admitted to committing a "real offense" on February 28, 2000. At that time, he was temporarily living in Illinois with his family in order to complete the remaining probationary period of his license. He stated he was then engaged in psychological treatment with a group called East Central Illinois Humanistics. He stated he was benefitting from this therapy and gaining awareness as to "why this offense happened and how to avoid creating any more victims."

Despite his involvement with a treatment group, it appears to the Board that the respondent has yet to understand the gravity of his actions and the impact on his victims. Respondent engaged in professional or occupational misconduct by engaging in inappropriate sexual contact with three different female patients while rendering dental services. Although respondent now attempts to refute the allegations of two of those three acts, he entered into a Stipulation with the Illinois Department of Professional Regulation related to these two offenses. That Stipulation states: "Respondent admits the allegations as set forth by the Department in the complaint, but offers as mitigation that he was found not guilty in the related criminal charges." Having admitted to these

charges in the Illinois Stipulation, the Board is not persuaded by respondent's current denial of these allegations. In signing the August 2, 1999 Stipulation, respondent not only admitted to having committed the offenses, he also agreed that he was in need of treatment. These facts provide a basis for denial pursuant to N.J.S.A. 45:1-21(e).

Additionally, respondent was provisionally denied licensure based on a finding that he was convicted for acts constituting a crime involving moral turpitude and relating adversely to the activity regulated by the Board, pursuant to N.J.S.A. 45:1-21(f). This finding is based upon the conviction for battery in Illinois relating to his inappropriate sexual contact with patients. Respondent has failed to submit any evidence to refute or to mitigate this offense other than to admit to the misconduct with a caveat that the patient "added too many things which I did not do." The Board finds that respondent has been convicted of a crime of moral turpitude or relating adversely to an activity regulated by the Board, which conviction provides a basis for denial of licensure.

Moreover, respondent had his license to practice dentistry in Illinois suspended indefinitely. This also provides a basis to deny respondent's application for licensure pursuant to N.J.S.A. 45:1-21(g), in that respondent had his authority to engage in the

activity regulated by the Board suspended by another state, agency or authority.

With regard to provisional finding that respondent's license should be denied pursuant to N.J.S.A. 45:1-21(b), for engaging in the use or employment of dishonesty, fraud, deception or misrepresentation, because he falsely indicated on his Affidavit of Good Moral Character that he had not been formally charged or convicted of any crime or offense and that there was never any disciplinary action taken against him by a professional licensing authority, the Board will not adopt that provisional finding of fact. Respondent testified that a cover letter was sent with his application detailing his past disciplinary actions and convictions. This letter disclosed the Illinois conviction and his history of disciplinary actions regarding his dental license. As a result of this letter, the Board has determined that respondent's disclosure of those actions in the letter accompanying his application ameliorates the asserted inaccurate answer to the questions asked on the application. The Board's denial of the application, therefore, is not based on the inaccurate answer.

#### CONCLUSIONS OF LAW

1. The disciplinary action taken by the State of Illinois establishes conclusive proof of conduct which provides grounds for refusal to license respondent to practice dentistry in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that respondent has

engaged in professional or occupational misconduct as determined by the Board whereby respondent engaged in inappropriate sexual contact with three different female patients while rendering dental services.

2. The admissions by respondent during the July 23, 2003 Board appearance provide an adequate basis for refusal to license respondent to practice dentistry in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct as determined by the Board whereby respondent admitted that he only attended sex offender therapy for one month. Additionally, respondent testified that he treated four patients while suspended from the practice of dentistry in Illinois. Respondent admitted these actions directly violated the August 2, 1999 Stipulation entered into with the Illinois Department of Professional Regulation.

3. Respondent's conviction for battery relating to inappropriate sexual contact with patients while providing dental services in Illinois also provides grounds for refusal to license respondent to practice dentistry in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that respondent has been convicted or engaged in acts constituting a crime involving moral turpitude or relating adversely to the activity regulated by the Board.

4. The Illinois disciplinary actions also provide grounds for refusal to license respondent to practice dentistry in New

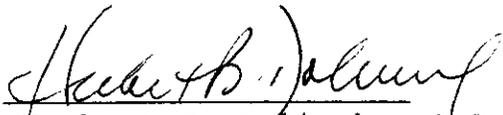
Jersey pursuant to N.J.S.A. 45:1-21(g), in that respondent has had his authority to engage in the activity regulated by the Board suspended by any other state, agency or authority whereby respondent's license to practice dentistry in Illinois is indefinitely suspended following the entry of an order on March 29, 2002.

THEREFORE, IT IS ON THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2005

ORDERED:

1. Respondent's application to be licensed to practice dentistry in New Jersey is hereby denied.
2. Any practice of dentistry by respondent in this State prior to formal approval by the Board of any future application that may be made shall be deemed the unlicensed practice of dentistry and shall render respondent subject to civil and criminal penalties.

NEW JERSEY STATE BOARD  
OF DENTISTRY

By:   
Herbert B. Dolinsky, D.D.S.  
Board President