

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

IN RE: The Petition for Restoration of)
)
Hisham S. Sadek, M.D.,)
License No. 036-087679,)
Petitioner.)

ORDER

This matter comes before the Director of the Division of Professional Regulation ("Director") of the Department of Financial and Professional Regulation ("Department") on the Medical Disciplinary Board's ("Board") Findings of Fact, Conclusions of Law and Recommendation to the Director ("Board Findings") issued on December 21, 2016, following a formal hearing on the Petition for Restoration of Physician and Surgeon License filed by Hisham S. Sadek ("Petitioner"). On February 17, 2017, Petitioner filed his Exceptions and Motion for Rehearing and Reconsideration, and on March 17, 2017, the Department filed its Response in opposition.

In February 2011, the Department filed a formal complaint against Petitioner alleging violations of the Illinois Medical Practice Act of 1987 ("Act"). To resolve that matter, in October 2011 Petitioner entered into a Consent Order with the Department whereby he agreed to placement of his Illinois Physician and Surgeon License on Indefinite Probation for a minimum of three (3) years with conditions, including that Petitioner request the department chairperson at any health-care institution where Petitioner held admitting privileges to submit quarterly reports to the Department. (Department Exhibit B).

In February 2013, the Department filed a complaint against Petitioner alleging that Petitioner had submitted inaccurate reports to the Probation Compliance Unit in violation of probation conditions set forth in the 2011 Consent Order. To resolve this matter, in October 2013, Petitioner entered into a second Consent Order with the Department whereby he agreed to placement of his

Physician and Surgeon License on Indefinite Probation for a period of four (4) years, with conditions. Specifically, Petitioner agreed to taking and passing the Ethics and Boundaries Post-License Essay Examination (hereinafter "E&B Essay Exam") within twelve (12) months of said Probation, subject to automatic suspension for violation of the 2013 Consent Order's terms. (Department Exhibit C).

In November 2014, the previous Director entered an order indefinitely suspending Petitioner's Physician and Surgeon License for a minimum of twelve (12) months after receipt of an affidavit from the Department's probation compliance monitor that Petitioner was in violation of the 2013 Consent Order because he had not passed the E&B essay exam as required. (Department Exhibit A). In November 2015, Petitioner filed a Petition for Restoration of his Physician and Surgeon License from suspended status. Following a formal hearing held in September 2016, Administrative Law Judge Erik D. Gruber ("ALJ") issued a Report ("ALJ Report") detailing his Findings of Fact and Conclusions of Law, and recommended that Petitioner's Petition for Restoration of his Physician and Surgeon license be denied based upon failure to demonstrate sufficient rehabilitation to warrant the public trust. The ALJ summarized his findings by stating "Petitioner's failure to pass that exam and his activities surrounding that exam strongly indicate that Petitioner has not yet been rehabilitated such that his Physician License should be restored at this time." (ALJ Report Pg. 19). The activities surrounding the exam included testimony from the Petitioner himself stating that although he had twelve (12) months to pass the exam, he did not attempt to take it until he had only two months remaining. (Tr. Pg. 84). Moreover, Petitioner testified he scored higher than his examination results indicate. (Tr. Pg. 88 and Department Exhibit D). It is noted that the Department allowed Petitioner additional time after the initial twelve (12) months had elapsed to take the exam prior to initiating formal proceedings for violation of probation.

In December 2016, the Medical Disciplinary Board (“Board”) deliberated on this matter and adopted the Findings of Facts, Conclusions of Law, and Recommendation contained in the ALJ Report, recommending that the Petitioner’s Petition for Restoration of his Physician and Surgeon License be denied. On January 9, 2017, the Department issued a 20-Day Notice and attached the ALJ Report and Board’s Findings of Fact, Conclusions of Law and Recommendation to the Director. Following the filing of the 20-Day Notice, on February 17, 2017, Petitioner filed his Exceptions and Motion for Rehearing and Reconsideration which included argument that although the Consent Order was per se violated, that the condition itself, namely the condition that Petitioner pass the E & B essay exam was not fair nor a requirement to reinstatement of licensure. The Department filed its Response on March 17, 2017, claiming that Petitioner by his own volition accepted the second Consent Order that contained the automatic suspension language for violation of any of its provisions, and further, failed to prove by a preponderance of the evidence that he has been sufficiently rehabilitated to warrant the public trust such that his Physician and Surgeon License should be restored.

NOW THEREFORE, I, Jessica Baer, Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, after a review of the record and consideration of the Petitioner’s Petition for Restoration and Exceptions and Motion for Rehearing and Reconsideration, have determined the following:

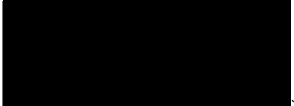
1. I have jurisdiction over the parties and the subject matter herein;
2. I accept the Findings of Fact, Conclusions of Law, and Recommendation as set forth in the ALJ Report and subsequently adopted by the Board.
3. That oral arguments on Petitioner’s Exceptions and Motion for Rehearing and Reconsideration are not necessary for a clearer understanding of the issues presented;
4. That substantial justice has been done in this case;

WHEREFORE, IT IS HEREBY ORDERED that Petitioner's Exceptions and Motion for Rehearing and Reconsideration be DENIED.

IT IS FURTHER ORDERED, that Petitioner's Petition for Restoration be DENIED. Should Petitioner request to re-take the EBAS essay examination, the Department will authorize his re-take of the examination.

DATED THIS 10 DAY OF October, 2017.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the
State of Illinois; Bryan A. Schneider, Secretary
Division of Professional Regulation



JLS/GA/BAER
Director

License No. 036-087679;
Case No. 2010-01187-2

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
)
v.) 201001187
)
Hisham S Sadek, MD Respondent)

NOTICE


TO: Hisham S Sadek, MD


PLEASE TAKE NOTICE that the Director of the Division of Professional Regulation signed the attached Order. This Order is a Final Order, and no further motion or request for reconsideration is required.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the Code of Civil Procedure, Administrative Review Law, 735 ILCS 5/3-103, and all amendments and modifications thereof, and the rules adopted pursuant thereto. Any action filed pursuant to the Administrative Review Law shall name the following parties as Defendants at the specified address: Illinois Department of Financial and Professional Regulation and Jessica A. Baer as Director of the Division of Professional Regulation, 100 West Randolph Street, 9th Floor, Chicago, Illinois 60601.

The Order of the Director of the Division of Professional Regulation will be implemented as of the date of the Order unless otherwise stated.

DIVISION OF PROFESSIONAL REGULATION
of the State of Illinois

By: 
Clerk for the Department

All inquiries should be
Directed to:
Chicago Office: 312-814-4504
PERCs only: 217-785-0820

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned Certifies that I caused copies of the attached NOTICE AND CONSENT OR ORDER, to be deposited in the United States mail, by certified mail at 320 W. Washington, Springfield, Illinois 62786, before 5:00 p.m. with proper postage prepaid on the 20th day of October, 2017 all parties at the addresses listed on the attached documents.

A solid black rectangular box redacting the signature of the affiant.

AFFIANT