

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

IN THE MATTER OF GINA R. CROSTON
LICENSE NO. 2148

CASE NO. 2012-DB-0039H

CONSENT DECREE AND ORDER

Now comes Gina R. Croston and the West Virginia Board of Dentistry (hereinafter the Board), for the purpose of agreeing to what disciplinary action should be taken against Gina R. Croston by the Board pursuant to W. Va. Code §§ 30-4-1, *et seq.*, and W. Va. Code R. §§ 5-11-1, *et seq.* As reflected in this document, Ms. Croston and the Board have reached an agreement as to the proper disposition of this matter, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That the Board is a State entity created by W. Va. Code §§ 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry.
2. The Board issued Gina R. Croston a license to practice dental hygiene in the State of West Virginia on September 15, 1997.
3. Ms. Croston holds license No. 2148 and is subject to license requirements of the Board.

4. Pursuant to W. Va. Code R. § 5-11-3.1.2, each licensed dental hygienist shall complete biennially not less than twenty hours of continuing education. Further, pursuant to W. Va. Code R. § 5-11-3.4.3, a licensee shall report all continuing education courses on the form provided by the Board.

5. By letter dated February 9, 2012, the Board notified Ms. Croston that she had failed to report the required continuing education credits and was given six months to comply.

6. Ms. Croston failed to respond to the February 9, 2012 notice.

7. On August 22, 2012, the Board again contacted Ms. Croston reminding her of her deficiency in reporting the required continuing education. Again, Ms. Croston failed to respond.

8. On January 28, 2013, Ms. Croston communicated with the Board and acknowledged her failure to comply with the mandatory continuing education requirements.

9. This matter was presented to a complaint committee of the Board at its January 17 & 18, 2013, Board meeting. The Board voted to issue a cease and desist to Ms. Croston.

11. On March 15, 2013, Ms. Croston was issued a cease and desist from practicing as a dental hygienist.

12. Subsequent thereto, Ms. Croston contacted the Board office and Board counsel desiring to have the cease and desist lifted.

13. On April 17, 2013, Board counsel at the time, Mr. James Casey, sent Ms. Croston a proposed Consent Decree and Order.

14. Pursuant to a discussion with Ms. Croston on May 8, 2013, then-Board counsel sent Ms. Croston an amended Consent Decree and Order. Ms. Croston never returned a signed Consent Decree and her license lapsed.

15. Ms. Croston now desires to have her hygiene license reinstated and resolve this matter.

CONCLUSIONS OF LAW

1. Pursuant to W. Va. Code §§ 30-4-1 *et seq.*, the Board is the duly constituted state entity empowered to regulate the practice of dentistry and dental hygiene in the State of West Virginia.

2. Pursuant to W. Va. Code R. § 5-11-3.1.2, each licensed dental hygienist shall complete biennially not less than twenty hours of continuing education. Further, pursuant to W. Va. Code R. § 5-11-3.4.3, a licensee shall report all continuing education courses on the form provided by the Board.

3. Gina R. Croston is a licensee of the Board, is subject to its licensing requirements and, therefore, the Board has jurisdiction to take disciplinary action regarding her license.

4. Pursuant to W. Va. Code § 30-4-19(g), the Board may deny, refuse to renew, suspend, restrict, or revoke a license, certificate or permit of, or impose probationary conditions upon or take disciplinary action against, any licensee, certificate holder or permittee for violations of the Dental Practice Act, including violations of the ADA principles of ethics and professional conduct.

5. Disciplinary action may include (1) reprimand; (2) probation; (3) restrictions; (4) suspension; (5) revocation; (6) administrative fine, not to exceed \$1,000 per day per violation; (7) mandatory attendance at continuing education seminars or other training; (8) practicing under supervision or other restrictions; or (9) requiring the licensee or permittee to report to the Board for periodic interviews for a specified period of time. W. Va. Code § 30-4-19(h).

6. In addition to any other sanction imposed, the Board may require a licensee or permittee to pay the costs of the proceeding. W. Va. Code § 30-4-19(i).

CONSENT OF LICENSEE

Gina R. Croston, by affixing her signature hereon, consents and agrees to the following terms and conditions:

1. That she 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. That she expressly acknowledges that the entire agreement is contained herein and no representations, promises, or inducements have been made than as it appears in this Consent Decree and Order.
3. That she acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.
4. That she acknowledges that the execution of this document constitutes disciplinary action by the Board. It is therefore considered to be a public document, available for inspection at any time by any member of the public under the Freedom of Information Act, W. Va. Code §§ 29B-1-1, *et. seq.*, and may be reported to other governmental or professional Boards or organizations.
5. That she waives any defense of laches, statute of limitations, estoppel and waiver that she may have otherwise claimed as a condition of this Consent Decree and Order.

ACCEPTANCE BY THE BOARD

1. Ms. Croston understands that the Board is free to accept or reject this Consent Decree and Order and, if rejected by the Board, a formal disciplinary hearing against her may be scheduled with notice under W. Va. Code §§ 29A-1-1, *et seq.* Ms. Croston hereby agrees to waive any right that she might have to challenge the impartiality of the Board to hear the disciplinary matter, based solely upon the presentation of this Consent Decree and Order, if after review by the Board this Consent Decree and Order is not accepted.

2. If the Consent Decree and Order is not accepted by the Board, it shall be regarded as null and void. Admissions by Ms. Croston in this Consent Decree will not be regarded as evidence against her at any subsequent disciplinary hearing. Ms. Croston will be free to defend and no inferences against her will be made from her willingness to have entered into this Consent Decree and Order.

3. This Consent Decree and Order will not be submitted for Board consideration until after it has been agreed to and executed by Ms. Croston. The Consent Decree and Order shall not become effective until it has been approved by a majority of the Board.

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, the Board hereby ORDERS the following:

1. Gina R. Croston shall be assessed a fine in the amount of One Hundred Dollars (\$100.00), which is due within sixty days of the effective date of this Consent Decree.

2. Gina R. Croston shall reimburse the Board in the amount of Two Hundred Fifty Dollars (\$250.00) for costs incurred by the Board in the disposition of this case, which is due within sixty days of the effective date of this Consent Decree.

3. Gina R. Croston shall pay the late CE reporting fees in the amount totaling Sixty-Five Dollars (\$65.00), which is due within sixty days of the effective date of this Consent Decree.

4. Gina R. Croston shall report to the Board 20 hours of continuing education credits, including the specific mandatory subjects, for the reporting period of February 1, 2010 through January 31, 2012, within sixty days of entry of this Consent Decree.

5. Gina R. Croston shall report to the Board 40 hours of continuing education credits, including a current CPR card and the specific mandatory subjects, for the past two reporting periods of February 1, 2012, through January 31, 2014, and February 1, 2014, through January 31, 2016, by May 1, 2017. Further, Ms. Croston shall comply with any future continuing education requirements in a timely manner.

6. Gina R. Croston shall comply with the West Virginia Dental Practice Act and its rules and regulations.

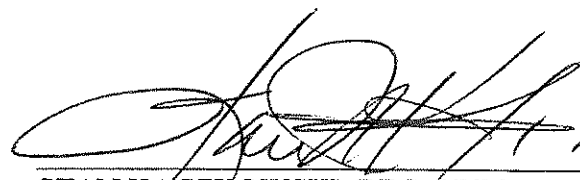
7. Gina R. Croston shall obey all laws of the United States, the State of West Virginia and its political subdivisions.

8. Upon entry of this Consent Decree by the Board, pending completion of her reinstatement application, Ms. Croston's hygiene license will be reinstated.

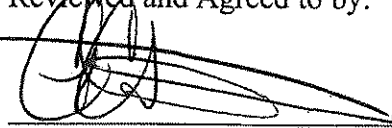
9. Failure to comply with the terms and conditions of this Consent Decree will result in further sanctions and disciplinary actions.

Entered this 28 day of OCTOBER 2016.




STAN KACZKOWSKI, DDS, PRESIDENT
WEST VIRGINIA BOARD OF DENTISTRY

Reviewed and Agreed to by:

 9-19-2016

Gina R. Croston
License No.: 2148