

BEFORE THE WEST VIRGINIA BOARD OF DENTAL EXAMINERS

WEST VIRGINIA BOARD  
OF DENTAL EXAMINERS,

Complainant,

CASE No.: 2008-DB-0027D

v.

THANE FARMER, DDS,

Respondent.

**CONSENT DECREE AND ORDER**

Now comes the West Virginia Board of Dental Examiners (hereinafter the Board) and Thane Farmer, DDS, (hereinafter the Respondent), for the purpose of agreeing to disciplinary action which shall be taken against the Respondent by the Board.

Whereas, the Board filed a Statement of Charges and Notice of Hearing against the Respondent.

Whereas, the Respondent, acknowledges that the Board has filed a Statement of Charges against his license alleging that he has violated certain acts of West Virginia Code § 30-4-1 *et seq.*, and West Virginia Code R. § 5-5-1 *et seq.*, which acts, if proven to be true, would constitute professional negligence as well as a departure from, and a failure to conform to, the standards of acceptable and prevailing dental practice and the ethics of the dental profession, which would be grounds for disciplinary action.

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Whereas, the parties mutually desire to settle this issue without further prosecution and a formal hearing.

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

It is hereby stipulated and agreed between the undersigned parties that this matter be settled and resolved, the parties have reached an understanding concerning the proper disposition of the matter in controversy. The Board, approving such an agreement 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.* (Dental Practice Act) and is empowered to regulate the practice of dentistry.
2. That the Respondent is a licensee of the Board, possessing license number 2521 and is subject to the license requirements of the Board.
3. The Board conducted an investigation into the controlled substance pharmaceutical prescription writing practices of the Respondent.
4. The Respondent desires to surrender his license in response to this complaint.

### 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. The parties mutually agree to resolve this pending matter without further prosecution.

### CONSENT OF LICENSEE

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

1. That he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Dental Examiners; the right to reasonable notice of said hearing; the right to be represented by counsel at his own expense; and the right to cross examine witnesses against him.
2. That he waives all rights to such a hearing.
3. That he has had the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without coercion or duress and is mindful that it has legal consequences.

4. That no person or entity has made any promise or given any inducement whatsoever to encourage him to enter into this Decree other than as set forth herein.

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

6. That he waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that he may have otherwise claimed as a condition of this Decree.

7. That he acknowledges that the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Consent Decree have been met to the satisfaction of the Board.

8. That he 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.

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

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

### ACCEPTANCE BY THE BOARD

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

### ORDER

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

1. The Board shall accept the surrender of the license of the Respondent to practice or engage in the profession of dentistry in the State of West Virginia.
2. The Respondent's license to practice dentistry in the State of West Virginia is hereby NULL and VOID.
3. The Respondent shall not practice or engage in the profession of dentistry in the State of West Virginia.
4. That should the Respondent desires to practice dentistry in the State of West Virginia then he shall submit an application for licensure and comply with all the licensure requirements of West Virginia Code § 30-4-1 *et seq.* and/or the legislative rules promulgated thereunder;
5. Further, in the event that the Respondent applies for licensure, the Board reserves the right to review, consider and use any and all materials relating to his fitness for

practice, including, but not limited to, all documents, statements and complaints currently contained within the Board's file on the Respondent. The Board specifically reserves the right to consider the facts, statements and allegations relating to the above-styled complaint number, including the entry of this consent decree, in any future determination of the Respondent's fitness for practice.

6. That the Respondent shall reimburse the Board the sum of One Thousand Five Hundred Dollars (\$1,500.00) for the costs incurred by the Board associated with the investigation and prosecution of this matter. Such payment shall be paid to the Board in full within thirty (30) days of the date of entry of this Order; and

7. Should the Respondent fail to comply with any part of the Consent Decree and Order, the Board may reinstate its Statement of Charges against Respondent.

Entered this <sup>27<sup>th</sup></sup> ~~26~~ day of May 2010.



David G. Edwards, DDS, President  
WEST VIRGINIA BOARD OF  
DENTAL EXAMINERS

Reviewed and Approved by:



THAME FARMER, DDS  
Respondent