

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD OF  
DENTISTRY,**

**COMPLAINANT,**

**v.**

**CASE No. 2023-DB-0021H**

**WENDY E. GIBSON,  
LICENSE No. 2593,**

**RESPONDENT.**

**CONSENT AGREEMENT AND ORDER**

NOW COME the West Virginia Board of Dentistry (“Board”) and Wendy Gibson (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-4-1 *et seq.* and W. Va. Code R. §§ 5-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

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

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

**FINDINGS OF FACT**

1. Respondent is a licensee of the Board, holding License No. 2593, and formerly practiced as a dental hygienist in Parkersburg, West Virginia.
2. On June 13, 2020, Respondent was arrested while traveling in Ventura, California and subsequently charged with Conspiracy to Commit a Crime in violation of California Penal Code § 182(a)(1), a felony, and with Possession of Marijuana for Sale in violation of California Health & Safety Code § 11359(b), a misdemeanor.
3. On July 7, 2023, Respondent pled guilty in the Superior Court of California, County of Ventura, to the misdemeanor offense of Possession of Marijuana for Sale in violation of the aforementioned law.
4. Upon recommendation of the Complaint Committee, the Board, at its meeting on July 20, 2023, voted to file a complaint in this matter.
5. By letter dated September 18, 2023, the Board informed Respondent that it had opened a complaint against Respondent concerning her conviction as noted above. The Board requested that Respondent file a written response to the complaint within thirty (30) days. The Board further requested that Respondent address the circumstances regarding her arrest and conviction, as well as what Respondent has done to rehabilitate herself since her arrest.
6. On October 10, 2023, the Board received a response from Respondent. Along with her response, Respondent provided a letter from an attorney who represented her in her criminal

case in Ventura County, California, a letter from a licensed professional counselor whom Respondent saw for therapy, and a letter from a medical doctor who treats Respondent.

7. In response to the complaint, Respondent asserted that she was traveling with two people in the summer of 2020 who were arrested with her and subsequently charged with and convicted of criminal offenses, as well. Respondent maintained that she “was never, before, during, or after this incident involved in any way in the purchasing, selling, or trafficking of any type of illegal substance.” Respondent stated that she had permitted one of her co-travelers to use her phone on several occasions during their trip, and that his messages sent from her phone incriminated her in illegal dealings about which she had no knowledge. Respondent asserted that she followed her attorney’s advice and pled guilty “because I had no other choice, not because I actually was guilty.”

8. Respondent explained the effect that her experience had on her. Respondent stated that although she has not worked as a dental hygienist since the incident by her choice, she would like to return to work as a dental hygienist in the future. Respondent explained that she sought treatment from her medical doctor who prescribed medication for her, and that she sought treatment from a counselor, as well.

9. The Board’s Complaint Committee reviewed Respondent’s response to the Board initiated complaint, and the other documents submitted therewith and obtained during investigation.

10. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on October 26, 2023, found probable cause to believe that Respondent failed to meet the applicable standard of care by being convicted of a misdemeanor crime related to the practice of dentistry or dental hygiene in violation of W. Va. Code § 30-4-19(g)(2) and W. Va. Code R. §

5-5-4. Accordingly, the Board determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

### **CONCLUSIONS OF LAW**

1. Respondent is a licensee of the Board, holding License No. 2593, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-4-1 *et seq.* and is empowered to regulate the practice of dentistry and dental hygiene in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice dentistry or dental hygiene under the authority granted to it by W. Va. Code §§ 30-4-5 and 30-4-19 and W. Va. Code R. §§ 5-1-4, 5-4-1 *et seq.*, and 5-5-1 *et seq.*

4. The Board acknowledges that Respondent's agreement to enter into this Consent Agreement is not an admission of guilt or liability and Respondent acknowledges the Findings of Fact set forth above, admits that there is probable cause to conclude that the violations set forth above, in the Conclusions of Law, may have occurred, and consents to the following Order.

5. While disputed by Respondent, the Board finds that the conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-4-19 and W. Va. Code R. § 5-5-4. Such conduct is therefore grounds for disciplinary action.

### **CONSENT OF LICENSEE**

I, Wendy E. Gibson, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. The entire agreement is contained in this Consent Agreement and Order, and no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Wendy E. Gibson, by affixing her signature hereto, agrees to the following Order:

### **ORDER**

Based on the foregoing, and in lieu of further prosecution of this matter, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within sixty (60) days from the date of entry of this Order, Respondent shall pay a fine in the amount of Two Hundred Fifty Dollars (\$250.00).
3. Within sixty (60) days from the date of entry of this Order, Respondent shall successfully complete a minimum of six (6) hours of professional education in the area of dental

ethics, which must be pre-approved by the Board. The six (6) hours of professional education are in addition to the Board's biennial continuing education requirements for licensed dental hygienists as set forth in W. Va. Code R. § 5-11-3.

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

5. Respondent shall comply with the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1 *et seq.*, and the rules and regulations promulgated thereunder.

6. This Consent Agreement and Order shall remain in effect until all of its terms have been completed and the obligations set forth herein have been fulfilled.

7. Any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice dentistry in the State of West Virginia.

8. This document is a public record available for inspection by the public in accordance with the provisions of the West Virginia Freedom of Information Act, W. Va. Code §§ 29B-1-1 *et seq.*, and may be reported to other governmental agencies, professional boards, or other organizations.

9. This Consent Agreement and Order constitutes the entire agreement between the parties.

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In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF DENTISTRY

By:   
John E. Bogers, DDS, President

Entered: 2/22/2024  
Date

REVIEWED AND AGREED TO BY:

  
Wendy E. Gibson  
Respondent

2/8/24  
Date

This day personally appeared before me, Wendy E. Gibson, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 8<sup>th</sup> day of February, 2024.

My Commission expires: 10-24-2028

  
Garrett Ford Napier  
Notary Public

