

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WEST VIRGINIA BOARD OF
DENTAL EXAMINERS,

Plaintiff,

v.

Civil Action No. 2009-DB-0044D

TREVOR GRAY, DDS,

Defendant.

CONSENT DECREE AND ORDER

On this day came the West Virginia Board of Dental Examiners (Board) and Trevor Gray, DDS, (Respondent) and entered into the following Consent Decree and Order for protection of the public.

FINDINGS OF FACT

1. The Board is a state entity created by West Virginia Code § 30-4-1 *et seq.* and is charged with the regulation of the practice of dentistry in this State.
2. That the Respondent is a licensee of the West Virginia Board of Dental Examiners and subject to license requirements of that Board.
3. The Respondent's license has been summary suspended based on the allegation of the Board that the Respondent failed to conform to the minimal acceptable and

prevailing standards of the practice of dentistry as it relates to the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Association (OSHA).

4. That the Respondent and the Board desire to resolve all matters pending before the Board.

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. Respondent has been given the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without compulsion or duress and is mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to enter into this Consent Decree and Order other than as set forth herein.

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

4. Respondent expressly acknowledges that the entire agreement is contained in this Consent Decree and Order and no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Decree and Order.

5. Respondent acknowledges 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 agencies, professional Boards or other organizations.

6. Respondent waives any defense of laches, statute of limitations, estoppel and waiver that he may have otherwise claimed as a condition of this Consent Decree and Order.

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

8. Respondent consents to the entry of the following Order affecting his license in the State of West Virginia.

9. 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

Based on the foregoing Findings of Facts and Conclusions of Law, it is hereby ORDERED as follows:

1. That the license of the Respondent shall be restored to an active and in good standing status, pending a satisfactory inspection report of his office, as it relates to

compliance with the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Association (OSHA).

2. That the Respondent, his staff and his office shall conform to the minimal acceptable and prevailing standards of the practice of dentistry as it relates to the Centers for Disease Control and Prevention (CDC) and Occupational Safety and Health Association (OSHA).

3. The Board or its designee may conduct unannounced office inspections of the office of the Respondent until September 1, 2012 as the Board deems necessary.

4. That the inspections shall be for the purpose to determine that the Respondent is in compliance with the CDC and OSHA.

5. That the Respondent shall be responsible for any expenses associated with the unannounced office inspections of his practice as well as any expenses associated with written reports, records or verifications of actions that may be required by the Board. Any office inspections shall be performed in a manner that is the least disruptive of the Respondent's practice as possible.

6. The Respondent shall enroll in and successfully complete two (2) hours of infection control each and every year for the next three years. These courses shall be *pre-approved* by the Board and the final results shall be sent directly to the Board from the educational institution. Completion of these classes shall not count as credit for regular

continuing education hours required by law. The Respondent shall be responsible for all costs incurred for these courses.

7. The Respondent shall pay a fine in the amount of Five Hundred Dollars (\$500.00) to be paid on or before December 31, 2010.

8. The Respondent shall reimburse the Board the amount of One Thousand Two-Hundred Fifty dollars (\$1,250.00) for all costs incurred by the Board in the investigation and disposition of this case. Said cost shall be paid on or before December 31, 2010.

9. Further, the Board shall send copies of this Order to:

Erwin L. Conrad, Esquire
CONRAD & CONRAD
P.O. Drawer 958
Fayetteville, WV 25840

and

Darlene Ratliff-Thomas, Esquire
Office of the Attorney General
State Capitol, Room E-26
Charleston, West Virginia 25305

WEST VIRGINIA BOARD
OF DENTAL EXAMINERS

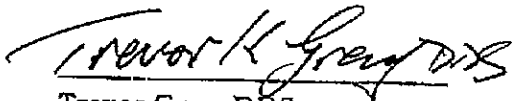
BY:




Richard D. Smith, DDS
Board President

9-1-2010

Inspected and Agreed to by:


Trevor Gray, DDS
Respondent


Erwin L. Conrad, Esquire
CONRAD & CONRAD
P.O. Drawer 958
Fayetteville, WV 25840
Counsel for Respondent