

Before the West Virginia Board of Dentistry

West Virginia Board of Dentistry

and

Application No. 2017-014

Bethaniel S. Jefferson, DDS

Applicant

Order Denying Licensure Application

The West Virginia Board of Dentistry (“the Board”) received an application for a license to practice dentistry from Dr. Bethaniel Sheba Jefferson on or about April 17, 2017. Dr. Jefferson submitted requested documentation and information to the Board for consideration as part of the application process. On or about July 19, 2017, Dr. Jefferson interviewed with the Board to address the circumstances leading to the revocation of her license to practice dentistry in Texas.

Based on the foregoing, the Board hereby **DENIES** Dr. Jefferson’s application.

1. The Board is the state entity created by W. Va. Code § 30-4 *et seq.* (Dental Practice Act), and is empowered to regulate the practice of dentistry in West Virginia.
2. The Board is empowered to review and act upon applications for licensure pursuant to W. Va. Code § 30-1-6(f), W. Va. Code § 30-4-5(3), W. Va. Code § 30-4-8, W. Va. Code § 30-4-19, and W. Va. Code R. § 5-5-4.
3. The Board may deny an application for licensure to practice dentistry in West Virginia if an applicant’s authorization to practice in another jurisdiction has been revoked. See W. Va. Code § 30-4-19(g)(5).

4. Pursuant to W. Va. Code R. § 5-5-4, the Board may deny an application for licensure upon satisfactory proof that the applicant, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of W. Va. Code §§ 30-1 *et seq.*, 30-4 *et seq.*, and/or the rules of the Board.

5. By Final Order of the Texas State Board of Dental Examiners (“Texas Dental Board”) dated November 18, 2016, Dr. Jefferson’s Texas Dental License, No. 2130, was revoked.

6. The revocation of Dr. Jefferson’s Texas Dental License was based on the Proposal for Decision dated August 12, 2016, issued by Administrative Law Judge (“ALJ”) Holly Vandrovec of the Texas Office of Administrative Hearings.¹

7. A hearing before ALJ Vandrovec took place on May 23, 2016.

8. Dr. Jefferson was represented by legal counsel during the hearing and thereafter.

9. The issue presented was whether Dr. Jefferson fell below the minimum standard of care in the treatment of two minor patients.

10. After considering the evidence and arguments presented, ALJ Vandrovec concluded that Dr. Jefferson fell below the minimum standard of care, failed to uphold the duty of fair dealing, and committed dishonorable conduct when providing dental care to patient #1 in violation of the Texas Occupations Code and Texas Administrative Code.

¹ ALJ’s Vandrovec’s Proposal for Decision is hereby incorporated by reference.

11. ALJ Vandrovec concluded that Dr. Jefferson fell below the minimum standard of care, engaged in dishonorable conduct, and was negligent in her treatment of patient #2 in violation of the Texas Occupations Code and Texas Administrative Code.

12. ALJ Vandrovec further concluded that based on the serious harm to patient #2, aggravating factors identified in Texas Administrative Code should be applied when considering appropriate disciplinary action.

13. ALJ Vandrovec concluded that based on Dr. Jefferson's prior disciplinary history, aggravating factors identified in Texas Administrative Code should be applied when considering appropriate disciplinary action.

14. ALJ Vandrovec did note that Dr. Jefferson acknowledged wrongdoing, which is a mitigating factor identified in Texas Administrative Code.

15. ALJ Vandrovec recommended that Dr. Jefferson's license to practice dentistry in Texas be revoked.

16. The Texas Dental Board adopted all of the Findings of Fact and Conclusions of Law set forth in the Proposal for Decision issued by ALJ Vandrovec and ordered that Dr. Jefferson's license to practice dentistry be revoked.

17. Because Dr. Jefferson had her license to practice dentistry revoked in Texas, and taking into consideration ALJ Vandrovec's Findings of Fact and Conclusions of Law set forth in the Proposal for Decision, this Board denied Dr. Jefferson's application for licensure pursuant to W. Va. Code § 30-1-6(f); W. Va. Code § 30-4-19(g)(5); and W. Va. Code R. §5-5-4.

Pursuant to W. Va. Code R. § 5-4-6 and W. Va. Code § 30-1-6(f), Dr. Jefferson is entitled to a hearing on the action denying her licensure application upon presenting a written demand for a hearing to the Board within 30 days of the denial.

Entered this 16th of August, 2017.

WEST VIRGINIA BOARD OF DENTISTRY:

By: 

Stan W. Kaczkowski, President
WV Board of Dentistry
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827
(304) 252-8266
wvbd@suddenlinkmail.com
Facsimile (304) 253-9454