

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

CASE NO. 2015-DB-0043D

JOHN MAROULIS, DDS,

Respondent.

CONSENT DECREE AND ORDER

The West Virginia Board of Dentistry (“the Board”) commenced an investigation involving John Maroulis, DDS (hereinafter referred to as “the Respondent”) following the receipt of a complaint by a former patient (hereinafter referred to as “IG”) alleging that Respondent’s conduct, practices and acts may have failed to meet professional standards and, therefore, were in violation of the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1, *et seq.* The parties have reached an agreement as to the appropriate disposition of this matter, with consideration given to necessary safeguards for protection of the public, as follows:

WHEREAS, the Respondent acknowledges that the Board may file 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 CSR §§ 5-5-1, *et seq.*, which acts, if proven to be true, would constitute professional negligence and a departure from, and 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.

WHEREAS, the parties mutually desire to settle the issues 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 having 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. The West Virginia Board of Dentistry is the state entity created by W. Va. Code §§ 30-4-1, *et seq.*, that is empowered to regulate the practice of dentistry in West Virginia.

2. The Respondent, at all times relevant to this matter, was a licensee of the Board, possessing License No. 3119, and is subject to the licensing requirements of the Board.

3. On or about August 20, 2015, the Board received a complaint from IG, an 84-year-old former patient of Respondent, alleging the following:

(a) That the Respondent had placed several mini implants in IG's mouth sometime between 2008 and 2010;

(b) That the implants were to support a partial set of dentures but have never functioned as they were supposed to. IG's last appointment with the Respondent was in April 2012;

(c) That four of the implants have penetrated the floor of IG's sinus and nose and are barely penetrating the gum line, thereby preventing the implants from being used for the purpose intended, as further alleged by IG;

(d) That one implant is completely loose in her sinus, and x-rays performed by an oral surgeon in mid-2015 showed that the loose implant had completely flipped from one end to the other since the last x-ray and was in need of surgical removal;

(e) That the oral surgeon who was going to remove the implants needed to know what brand they were and IG wrote to the Respondent in July 2015 requesting that information but the Respondent never answered her letter; and

(f) That the implants were surgically removed by the oral surgeon on August 7, 2015, causing IG significant pain and further causing her to incur out-of-pocket expenses for the surgery and postoperative care totaling \$4,100.00.

4. On or about September 18, 2015, the Respondent filed a response to IG's complaint with the Board. In his response, the Respondent expressed regret that IG was having complications with her implants and agreed to help in any way possible to allow for the full evaluation of his involvement in her current situation. The Respondent acknowledged that the last full set of x-rays he had taken of IG were more than five years old and admitted that his office did not take x-rays at IG's last office visit in April 2012. The Respondent further acknowledged receiving IG's letter of July 2015 but failed to read it before misplacing it.

5. The complaint was referred to one of the Board's complaint committees for review and recommendations.

6. The Complaint Committee reviewed the Respondent's x-rays and other records regarding his treatment of IG, as well as the x-rays and treatment records of the oral surgeon who removed the implants.

7. Based upon the foregoing, the Complaint Committee found that probable cause exists to establish that the Respondent may have violated the standards of acceptable and

prevailing care in dental practice and ethics in the dental profession, in violation of W. Va. Code §§ 30-1-8(a), 30-4-19(g)(12).

8. The Respondent denies that he violated the standards of care and ethics of the dental profession, however, the Respondent is agreeable to resolving this matter without proceeding on a Statement of Charges and with a formal hearing on the matter.

CONCLUSIONS OF LAW:

1. The Board has jurisdiction to take disciplinary action against the Respondent.
2. Pursuant to W. Va. Code §§ 30-4-1, *et seq.*, the Board may revoke a license, suspend a license, restrict a license, reprimand a licensee or take other disciplinary action for violation of applicable laws, rules, and regulations.
3. The Respondent is a licensee of the Board and is subject to its licensing requirements.
4. Based on the findings of act set forth herein, the Board has probable cause to issue a Complaint and/or Statement of Charges against the Respondent for one or more violations of the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1, *et seq.*, and any regulations promulgated thereunder, with regard to the complaint at issue in this matter.

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 negotiated 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 negotiated 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 by the public in accordance with the provisions set forth in 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.

6. Respondent acknowledges that this Consent Decree and Order will be 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.

7. Respondent consents to the entry of this Order affecting his license in the State of West Virginia.

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

ORDER

The Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree entered between the Board and Respondent, John Maroulis, DDS, and hereby ORDERS as follows:

1. Within thirty (30) days of the date of this Consent Decree and Order, the Respondent shall reimburse IG the sum of \$4,100.00, constituting the total costs incurred by her to have the implants surgically removed and for her postoperative care. The payment shall be by a certified or cashier's check made payable to the complainant and mailed to the Dental Board. The Board will process and forward the payment to the complainant.

2. Within sixty (60) days of the date of this Consent Decree and Order, the Respondent shall reimburse the Board the sum of \$1,500.00, for costs it has incurred to investigate and prosecute this matter.

3. Within six (6) months of the date of this Consent Decree and Order, the Respondent shall enroll in and successfully complete a minimum of twenty (20) hours of professional education in the area of dental implants, which must be pre-approved by the Board. The Respondent shall submit written verification to the Board of his enrollment in and successful completion of the coursework. Until such time that the Respondent has completed the professional education requirements of this paragraph and verified his completion of the same to the Board, the Respondent shall not practice in the area of dental implants in any form or to any degree.

4. The professional education requirements outlined in paragraph 2 above are in addition to the Board's biennial continuing education requirements for licensed dentists as set forth in W. Va. Code R. § 5-11-3.

5. The Respondent's failure to comply with the terms and conditions of this Consent Decree and Order hereby imposed shall be deemed a violation of this Consent Decree and Order. If the Respondent violates any of the terms of this Consent Decree and Order, the Board may immediately suspend the Respondent's license.

6. The Respondent shall obey all laws of the United States, the State of West Virginia and its political subdivisions. The Respondent shall comply with the West Virginia Dental Practice Act and its rules and regulations.

7. This Consent Decree and Order shall remain in effect until the restitution is paid to the complainant and the professional education obligations set forth in paragraph 2 of this Order are fulfilled.

Entered this 22 of January, 2016.

WEST VIRGINIA BOARD OF DENTISTRY:

By: C. Richard Gerber, P.D.S.
C. RICHARD GERBER, President

ORDER PREPARED BY:

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INSPECTED AND AGREED TO BY:

John Maroulis 1/11/16
John Maroulis, DDS
Respondent

Counsel for the Respondent