

**BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY**

**WEST VIRGINIA BOARD OF  
DENTISTRY,**

**Complainant,**

**v.**

**Case No. 2021-DB-0006D**

**JONATHAN RAY PYLE, DDS,  
License No. 3872 and  
MOUNTAINEER DENTAL COMPANY,  
Corporation No. C-360,**

**Respondents.**

**ORDER COMMANDING MOUNTAINEER DENTAL COMPANY  
TO CEASE AND DESIST PROVIDING DENTAL CARE TO THE PUBLIC**

This matter came for consideration before the West Virginia Board of Dentistry (“the Board”) at a properly noticed board meeting on the 1st day of April 2022. This matter was considered by the Board following the continued and willful failure of Jonathan Ray Pyle, DDS (“Dr. Pyle”) and Mountaineer Dental Company (“Mountaineer Dental”) to comply with the Board’s December 17, 2021 order that reprimanded and penalized the Respondents for their extended failure to adhere to the Board’s laws and regulations. For the reasons detailed below, the Respondents are hereby ordered to immediately cease and desist providing dental services to the public as Mountaineer Dental Company.

**I. PARTIES**

Respondent Jonathan Ray Pyle, DDS is a licensee of the Board, holding License No. 3872, which license is presently active until February 1, 2023. Respondent Mountaineer Dental Company, located at 6 Columbia Street, Philippi, West Virginia, is owned and operated by Dr. Pyle. The Board is a state entity created and governed by West Virginia Code

§§ 30-4-1 *et seq.*, and is empowered to regulate the practice of dentistry in the State of West Virginia.

## II. PROCEDURAL HISTORY

On February 16, 2021, after multiple informal and formal attempts to obtain Respondents' compliance in renewing Mountaineer Dental Company's Certificate of Authorization, which is required by West Virginia Code R. § 5-6-1, *et seq.*, the Executive Director of the West Virginia Board of Dentistry filed a Complaint against the Respondents. The Complaint outlined in detail the Respondents' noncompliance and notified the Respondents to cease and desist rendering dental services in this State. The Respondents failed to respond to the Complaint and failed to come into compliance with the Board's laws and rules.

On April 9, 2021, having investigated the Complaint and the Respondents' continued dereliction of law, the Board found probable cause to pursue disciplinary action against the Respondents. Thereafter, on August 16, 2021, pursuant to West Virginia Code § 29A-5-1, *et seq.* and West Virginia Code R. § 5-1-1, *et seq.*, an evidentiary hearing was conducted in which Dr. Pyle fully participated. Following receipt of a recommended decision from the Hearing Examiner, the Board entered its *Final Order Following Hearing* on December 16, 2021. In addition to adopting the findings of fact and conclusions of law in the Hearing Examiner's Recommended Decision, the Board ordered the following:

1. That Respondent Dr. Pyle be reprimanded for his willful and extended non-compliance;

2. That the Respondents Dr. Pyle and Mountaineer Dental have thirty (30) calendar days from the date of entry of the Board's decision in this matter to submit all materials necessary to process Mountaineer Dental's Annual Registration for Dental Corporation. This should include the following:
  - a. The proper and complete submission of the Annual Registration for Dental Corporation form;
  - b. The payment of \$150.00 registration fees for delinquent filings due on June 30, 2019, June 30, 2020, and June 30, 2021, (totaling \$450.00);
  - c. The payment of \$150.00 late fees for delinquent filings due on June 30, 2019, June 30, 2020, and June 30, 2021, (totaling \$450.00); and
  - d. The provision to the Board of Mountaineer Dental's annual reports filed with the WVSOS for 2019, 2020 and 2021.
3. Should the Respondents fail to comply with submitting all of the above-delineated materials within thirty (30) days from the entry of the Board's decision in this matter, the Respondents shall immediately cease and desist providing services to the public as Mountaineer Dental;
4. That the Respondents be collectively fined \$10,000.00 to be paid in full by July 1, 2022; and
5. That the Respondents shall reimburse by July 1, 2022 the Dental Board in the amount of \$3,399.43 for its costs in prosecuting this matter.

*See Final Order Following Hearing* at 2-3 (Attached as Exhibit A). The Respondents did not appeal the Board's *Final Order*.

As of this date, the Respondents have failed to comply with the *Final Order* in multiple regards. Specifically, the Respondents have failed to submit the materials necessary to process Mountaineer Dental's Annual Registration for Dental Corporation despite being ordered to do so within thirty (30) days from the entry of the Board's decision, which equated to a deadline of Monday, January 17, 2022.

West Virginia Code § 30-4-16(c) provides that “[n]o corporation may practice dentistry, or any of its branches, or hold itself out as being capable of doing so without a certificate of authorization from the board.” Providing and offering to provide dental services to the public without a valid Certificate of Authorization is a violation of the West Virginia Dental Practice Act and the rules promulgated thereunder. *See* W. Va. Code §§ 30-4-16, 30-4-19(g)(4), 30-4-19(g)(12)(I), 30-4-19(g)(12)(O) and W. Va. Code R. § 5-6-5. West Virginia Code R. § 5-6-5 specifically provides that “[i]f the Board determines that a dental corporation is not in compliance with all the provisions of W. Va. Code § 30-4-1 *et. seq.*, and this rule, the Board shall notify the corporation in writing, and upon receipt of the written notice, the corporation shall cease rendering dental services in the State.”

The Respondents have failed to comply with the mandates in the December 17, 2021 Final Order. Further, the Board's order unequivocally provided that “[s]hould the Respondents fail to comply with submitting all of the above-delineated materials within thirty (30) days from the entry of the Board's decision in this matter, the Respondents shall immediately cease and desist providing services to the public as Mountaineer Dental...” Upon information belief, the Respondents are still providing dental care to the public as

Mountaineer Dental Company, which is wholly inconsistent with the laws and rules governing the practice of dentistry and the operation of a dental corporation.

### **III. CEASE AND DESIST ORDER**

**WHEREAS**, based upon the Respondents' failure to comply with the Board's December 17, 2021 order and the Respondents' extended failure to adhere to the laws and rules governing the practice of dentistry and the operation of a dental corporation, **IT IS HEREBY ORDERED** that:

1. Jonathan Ray Pyle, DDS and Mountaineer Dental Company shall immediately cease and desist providing services to the public as Mountaineer Dental Company.
2. This cease and desist shall remain effective until the Respondents have complied with the mandates delineated in the December 17, 2021 Final Order.
3. This Order is effective immediately upon service to the Respondents and shall remain in effect unless set aside, limited, or suspended by the Board or upon court order after review under West Virginia law.

If the Respondents fail to comply with this Order within thirty (30) days of service, the Board is prepared to take whatever action necessary to enforce, including but not limited to, instituting a civil action in the courts of the state and pursuing additional disciplinary action.

### **NOTICE OF RIGHT TO APPEAL**

If you are adversely affected by this Final Order, you have a right to appeal it to the Circuit Court of the County in which you reside within thirty (30) days from the date

you receive the Final Order. The petition for review must name the WEST VIRGINIA BOARD OF DENTISTRY as the respondent. Before presenting your petition to the court, you must mail copies of your petition to the President and to the Executive Secretary of the West Virginia Board of Dentistry at 1319 Robert C. Byrd Drive, Crab Orchard, West Virginia, 25827. The filing of an appeal as described above does not stay or supersede the Board's Final Order; therefore, you must comply with the terms of the Board's Final Order until such time as your appeal is decided. Reference may be made to West Virginia Code § 30-1-9 for a more complete description of the appeal process.

DATE ENTERED: April 1 2022

WEST VIRGINIA BOARD OF DENTISTRY

By:   
SAMUEL V. VELTRI, DDS  
President