

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

WEST VIRGINIA BOARD OF DENTISTRY,

Complainant,

v.

CASE NO. 2018-DB-0042D

WILLIAM A. REYNOLDS, III, DDS,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Board of Dentistry (hereinafter referred to as “the Board”) and William A. Reynolds, III, DDS (hereinafter referred to as “the Respondent”), *pro se*, for the purpose of agreeing to disciplinary action which shall be taken against the Respondent by the Board.

WHEREAS, the Respondent acknowledges that the Board may file a Statement of Charges against his license, alleging that he has violated certain provisions of W. Va. Code §§ 30-4-1, *et seq.*, and W. Va. Code R. §§ 5-5-1, *et seq.*, which acts if proven to be true, would constitute violations of the standards of acceptable and prevailing dental practice and the ethics of the dental profession and would be grounds for disciplinary action.

WHEREAS, the Respondent hereby waives the filing of a formal Statement of Charges and 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 Board is a state entity created by W. Va. Code §§ 30-4-1, *et seq.* (Dental Practice Act), and is empowered to regulate the practice of dentistry in the State of West Virginia.

2. At all times relevant to this investigation, the Respondent was a licensee of the Board, holding License No. 3538. As a result, the Respondent is subject to the licensing and regulatory requirements of the Board.

3. The Respondent maintains an office in Cross Lanes, Kanawha County, West Virginia.

4. In the Fall of 2018, the Board initiated an investigation of the Respondent after the United States Drug Enforcement Administration (DEA) executed an administrative warrant on his dental practice and the Respondent surrendered his DEA registration. The Respondent notified the Board of the execution of the warrant by DEA and informed the Board that it was in relation to Schedule II orders he had placed with a pharmaceutical distributor. The Respondent acknowledged that he had substance abuse issues in the past.

5. Based on the information provided by the Respondent, the Board obtained and reviewed the Respondent's purchasing and prescribing histories with the pharmaceutical distributor and the West Virginia Board of Pharmacy for at least 2015 through 2018. Those

records support allegations that the Respondent may have had a substance abuse issue during that time and was self-prescribing controlled substances and using them.

6. The Board hereby finds that the acts described in paragraph 5 above demonstrate that the Respondent violated the Dental Practice Act and its legislative rules including, but not limited to, the following:

(a) By engaging in conduct constituting a willful departure from the accepted standards of professional practice and the *American Dental Association's Principles of Ethics and Code of Professional Conduct* (hereinafter "the *ADA Code*"), including but not limited to:

(1) purchasing controlled substances for personal use;

(2) self-prescribing such controlled substances without a valid prescription and without the knowledge of his personal care physician; and/or

(3) self-prescribing such controlled substances for medical or psychological conditions outside the scope of the practice of dentistry.

All of which are in violation of W. Va. Code § 30-4-19(g)(12)(C) and W. Va. Code R. § 5-5-4.

CONCLUSIONS OF LAW:

1. The Respondent is a licensee of the Board and is subject to its licensing requirements.

2. The Board has jurisdiction to take disciplinary action against the Respondent.

3. It is a violation of the Dental Practice Act for a licensee to engage in conduct that is a willful departure from the accepted standards of professional practice and the *ADA Code*. W. Va. Code § 30-4-19(g)(12) and W. Va. Code R. § 5-5-4.

4. The Respondent does not contest that the Board has established probable cause to charge him with one or more violations of the Dental Practice Act with regard to the allegations at issue in this matter.

5. Pursuant to W. Va. Code § 30-4-19(g), the Board may deny, refuse to renew, suspend, restrict, or revoke a license, certificate or permit of, or impose probationary conditions upon or to take disciplinary action against, any licensee, certificate holder or permittee for violations of the Dental Practice Act, including violations of the *ADA Code*.

6. Disciplinary action may include (1) reprimand; (2) probation; (3) restrictions; (4) suspension; (5) revocation; (6) administrative fine not to exceed \$1,000 per day per violation; (7) mandatory attendance at continuing education seminars or other training; (8) practicing under supervision or other restrictions; or (9) requiring the licensee or permittee to report to the Board for periodic interviews. W. Va. Code § 30-4-19(i).

7. In addition to any other sanctions imposed, the Board may require a licensee or permittee to pay the costs of the proceeding. W. Va. Code § 30-4-19(j).

8. As a means of compromise, the Board and the Respondent have hereby agreed 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.

CONSENT OF LICENSEE:

The Respondent, by affixing his signature hereto, acknowledges the following:

1. Respondent has been provided 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 the 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 the 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 government 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.

7. 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. This 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.

8. Respondent, by affixing his signature hereon, consents and agrees to the entry of the following Order affecting his license in the State of West Virginia.

ORDER

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

1. The Respondent shall receive a reprimand.
2. The Respondent shall comply with all federal and state laws and regulations regarding the purchase, storage, recordkeeping, distributing, dispensing and prescribing of controlled substances.
3. The Respondent shall abstain from purchasing, dispensing and prescribing controlled and non-controlled substances for his own consumption.
4. The Respondent shall report to the West Virginia Dental Recovery Network or similar program, within 30 days from the date of entry of this Consent Order for an evaluation (if he has not already done so). The Respondent agrees to abide by and fulfill any recommendations made for him by such program.
5. The Respondent shall pay a fine in the amount of Two Thousand Dollars (\$2,000.00).
6. The Respondent shall reimburse the Board for all costs it has incurred in the investigation and disposition of this case, not to exceed the sum of \$1,000.
7. The fine and costs of investigation shall be paid to the Board in full within sixty (60) days of the date of entry of this Order, by two separate cashier's checks, each made payable to the West Virginia Board of Dentistry.
8. 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.

9. Should the Respondent fail to comply with any part of this Consent Decree and Order, the Board may issue a Statement of Charges against the Respondent and proceed with disciplinary action against the Respondent on the original allegations, as well as any additional violations that may arise as a result of violating the terms of this Consent Order.

10. This Consent Decree and Order shall remain in effect until all its terms have been completed and the fine and costs set forth in paragraphs 5 and 6 are paid.

ENTERED this 17 day of January, ~~2019~~₂₀₂₀.


WEST VIRGINIA BOARD OF DENTISTRY

By:



SAMUEL V. VELTRI, DDS, President

INSPECTED AND AGREED TO BY:



WILLIAM A. REYNOLDS, III, DDS
Respondent