

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

**WEST VIRGINIA BOARD OF
DENTISTRY,**

COMPLAINANT,

v.

CASE No. 2020-DB-0023D

**HELEN D. RYMER, DDS,
LICENSE No. 2938,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Dentistry (“Board”) and Helen D. Rymer, DDS (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree 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.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-4-1 *et seq.* and W. Va. Code R. §§ 5-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, 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, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 2938, and at all times relevant, practiced dentistry at Aspen Dental in Vienna, West Virginia.

2. On or about August 28, 2020, the Board received a written complaint and supporting documentation from an individual identified herein as "T.M." regarding the dental care that she received from Respondent on and after April 18, 2018. More particularly, T.M. complained about the root canals and crown work performed by Respondent on teeth nos. 12 and 13. T.M. returned to Aspen Dental on three separate occasions, beginning in December 2018, complaining of pain at the site of Respondent's work. On June 3, 2020, Respondent removed the crown at tooth no. 12 and replaced it with a temporary. T.M. alleges in the complaint that x-rays "clearly show inadequate fill of root canals on 12 & 13 as well as decay under crown on #12 and periapical abscesses." T.M. continues, stating that "due to severity of decay/abscesses both 12 & 13 had to be extracted and bridge was done to replace teeth."

3. By letter to Respondent dated September 11, 2020, the Board transmitted a copy of T.M.'s complaint and requested that a written response be submitted to the Board within 30 days.

4. On or about October 30, 2020, after granting an extension of time, the Board received a written response from Respondent, which included certain of T.M.'s patient records. In her response, Respondent detailed T.M.'s presentment and treatment during the time period of

March 19, 2018 to June 30, 2020, which included endodontic treatment of, and placement of crowns on, teeth nos. 12 and 13. Respondent described the endodontic procedure as “extremely difficult and tedious.” During a visit on August 15, 2019, Respondent discussed with T.M. “her clinical situation” regarding the subject teeth. T.M. declined to schedule a follow-up appointment to further discuss those particular teeth, but did return twice for other problems. Respondent reports that, on July 1, 2020, she was abruptly terminated from employment with Aspen Dental after being informed her office was sold to a new owner. Respondent further reports that T.M. was refunded her costs of treatment and that Respondent “was never consulted about my care and treatment of the patient and did not speak with [the new owner or] any other clinician about the patient’s history.” Respondent denies T.M.’s allegations that she would not listen to her and that she was rough and uncaring towards her.

5. The Board’s Complaint Committee reviewed T.M.’s complaint, Respondent’s response thereto, and the medical records and other documents submitted therewith and obtained during investigation, and found probable cause to believe that Respondent failed to meet the applicable standard of care in her endodontic treatment of T.M., in violation of W. Va. Code § 30-4-19(g)(3),(12), W. Va. Code R. § 5-5-4, and the *American Dental Association Principles of Ethics & Code of Professional Conduct* § 2.

6. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on January 23, 2021, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 2938, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-4-1 *et seq.*, and is empowered to regulate the practice of dentistry in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice dentistry under the authority granted to it by W. Va. Code §§ 30-4-5 and 30-4-19 and W. Va. Code R. §§ 5-1-4, 5-4-1 *et seq.*, and 5-5-1 *et seq.*

4. Respondent does not contest that the Board has probable cause to charge her with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-4-19, W. Va. Code R. § 5-5-4, and the *American Dental Association Principles of Ethics & Code of Professional Conduct*. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Helen D. Rymer, DDS, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. The entire agreement is contained in this Consent Agreement and Order, and no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Helen D. Rymer, DDS, by affixing her signature hereto, agrees to the following Order:

ORDER

Based on the foregoing, and in lieu of further prosecution of this matter, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within sixty (60) days from the date of entry of this Order, Respondent shall pay a fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00).
3. Within sixty (60) days from the date of entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including, but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
4. Respondent shall at all times cooperate with the Board and any of its agents or employees.
5. Respondent shall comply with the West Virginia Dental Practice Act, W. Va. Code §§ 30-4-1 *et seq.*, and the rules and regulations promulgated thereunder.

6. This Consent Agreement and Order shall remain in effect until all of its terms have been completed.

7. Any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice dentistry in the State of West Virginia.

8. This document is a public record available for inspection by the public in accordance with the provisions of 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.

9. This Consent Agreement and Order constitutes the entire agreement between the parties.

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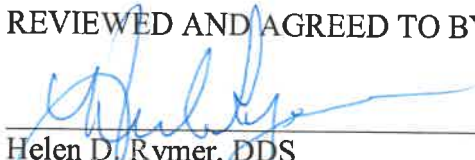
In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF DENTISTRY

By: 
Samuel V. Veltri, DDS, President

Entered: 4/9/2021
Date


REVIEWED AND AGREED TO BY:


Helen D. Rymer, DDS
Respondent
3/8/2021
Date

This day personally appeared before me, Helen D. Rymer, DDS, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 8th day of March, 2021.

My Commission expires: 9/19/2022


Notary Public

