

BEFORE THE WEST VIRGINIA BOARD OF DENTISTRY

**WEST VIRGINIA BOARD OF
DENTISTRY,**

COMPLAINANT,

V.

CASE No. 2019-DB-0024D

**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 April 4, 2019, the Board received a written complaint and supporting documentation from an individual identified herein as "D.S." regarding the dental care that she received at Aspen Dental on and after July 21, 2018. More particularly, D.S. complained that a crown was not placed properly on her tooth (number 18), that this caused several problems including nerve pain, and that follow-up visits to Aspen Dental did not correct these problems. D.S. reports having to see a different dental professional for treatment, who x-rayed the subject tooth and confirmed the crown was not properly placed, and having to undergo oral surgery to have the tooth removed and replaced by an implant.

3. By letter to Aspen Dental dated April 9, 2019, the Board transmitted a copy of D.S.'s complaint and requested that a written response be submitted to the Board within 30 days.

4. On or about May 3, 2019, the Board received a written response from Respondent, which included certain of D.S.'s patient records. In her response, Respondent detailed D.S.'s presentment and treatment at her office during the time period of July to October 2018, which included placement of a crown on September 25, 2018. Respondent stated, "I take full responsibility for any restorations I do and agree this crown was misplaced." Respondent further stated, "Apparently, the only option she has now is the extraction and eventual implant. This

necessary treatment is a direct result of a failed restoration and I will do what is needed to rectify this with the patient.”

5. The Board also requested, and received, records from the dental professionals who treated D.S. subsequent to her care at Aspen Dental.

6. The Board’s Complaint Committee reviewed D.S.’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 treating D.S., in violation of W. Va. Code § 30-4-19(g)(3),(12), W. Va. Code R. § 5-5-4, and *American Dental Association Principles of Ethics & Code of Professional Conduct* § 2.

7. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on May 30, 2020, 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 Dollars (\$1,000.00).
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. Within six (6) months from the date of entry of this Order, Respondent shall reimburse D.S. the cost of her crown procedure performed at Aspen Dental.
5. Within six (6) months from the date of entry of this Order, Respondent shall complete six (6) hours of continuing education on the subject of crown/bridge work and submit to the Board proof of successful completion. Such professional education shall not count towards the minimum number of hours required for licensure renewal.
6. Respondent shall at all times cooperate with the Board and any of its agents or employees.
7. 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.
8. This Consent Agreement and Order shall remain in effect until all of its terms have been completed and the professional education obligations set forth herein are fulfilled.

9. 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.

10. 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.

11. 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:

 DDS
Samuel V. Veltri, DDS, President

Entered:

10/14/2020
Date

REVIEWED AND AGREED TO BY:


Helen D. Rymer, DDS
Respondent

09/22/2020
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 22nd day of September, 2020.

My Commission expires: 9-19-2022

Linda L. McClung
Notary Public

