

WEST VIRGINIA BOARD OF DENTISTRY

MINUTES - EMERGENCY MEETING

Dates: September 3, 2015

Location: WV Board of Dentistry
1319 Robert C Byrd Drive
Crab Orchard, WV 25827

Members Present: C. Richard Gerber, DDS, President
George D. Conard, Jr., DDS , Secretary
L. Edward Eckley, DDS
Mr. William E. Ford, III
Stanley W. Kaczkowski, DDS
Mary Beth Shea, RDH
Beverly L. Stevens, COMSA

Staff Present: Mrs. Susan M. Combs, Executive Secretary
Dr. John C. Dixon, Investigator

Board Counsel: Ms. Betty A. Pullin, Assistant Attorney General

September 3, 2015

The Board Executive Staff, Board Counsel and the Complaint Committee for two investigations concluded that an emergency meeting of the Board was necessary to discuss and vote on whether recent evidence of substance abuse impairment of two licensees was to such a degree that they posed an immediate danger to the public if the licensees were to continue practicing dentistry and whether their licenses should be immediately suspended.

The Board's President, Dr. Gerber, determined this emergency meeting was properly noticed with the Secretary of State's office and a sufficient number of Board members were in attendance to constitute a quorum. The quorum was determined by the presence of Dr. Gerber, Dr. Conard, Dr. Eckley, Mr. Ford, Dr. Kaczkowski, Mrs. Shea, & Mrs. Stevens. Therefore, the meeting of the West Virginia Board of Dentistry was called to order.

The first order of business was the meeting notice to the Secretary of State which was distributed for information purposes only.

At this time the President announced the need for an Executive Session to consider matters under provisions contained in Chapter 6, Article 9A, Section 4, not limited to, but primarily for those contained in Subsections (4) and (6). Specifically to consider possible summary disciplinary actions pursuant to W. Va. Code §§ 30-4-19(g)(h) and 30-1-8(e)(1).

Upon motion by Mrs. Beverly L. Stevens, and properly seconded by Mr. William E. Ford, and unanimously passed, the Board went into an Executive Session. Thereafter, the Board

came back into a general session upon motion by Dr. L. Edward Eckley, properly seconded by Mrs. MaryBeth Shea, and unanimously passing.

The next order of business was Case No. 2010-DB-0036D. Board Secretary Susan Combs summarized information provided to her by a former employee (dental hygienist) of the licensee regarding the licensee's alcohol abuse and its effect on patients and staff including, but not limited to, injuries to patients and verbal and emotional abuse of staff. Thereafter, Board Investigator John Dixon advised the Board of the results of his investigation which included, among other things, an interview of the licensee who confirmed his alcohol abuse. After the Board had the opportunity to ask questions, Dr. George D. Conard, Jr., made a motion that the Board make a finding that the licensee's continuation in practice would constitute an immediate danger to the public. Mrs. MaryBeth Shea seconded the motion. The motion passed with a majority vote. Dr. Stanley W. Kaczkowski abstained from the vote.

Further, in Case No. 2010-DB-0036D, Mrs. Beverly L. Stevens made a motion to immediately suspend the licensee from practicing dentistry in the State of West Virginia until further Order of the Board, for the licensee to cease and desist the practice of dentistry immediately, and to give Board Counsel the authority to negotiate an appropriate Consent Decree to resolve the matter to include, but not be limited to, the licensee entering into a contract with the West Virginia Dental Recovery Network and any additional terms which would provide for continued supervision. Mrs. MaryBeth Shea seconded the motion. The motion passed with a majority vote. Dr. Stanley W. Kaczkowski abstained from the vote.

The next order of business was Case No. 2014-DB-0022D. Dr. George D. Conard, Jr., summarized the background of the case from a prior substance abuse complaint made in 2014 and then summarized the recent complaint of possible substance abuse made by another dentist. Following Dr. Conard's summary of the allegations and after the Board had the opportunity to ask questions, Dr. Conard made a motion that the Board make a finding that the licensee's continuation in practice would constitute an immediate danger to the public. Mrs. MaryBeth Shea seconded the motion. The motion passed with a unanimous vote.

Further, in Case No. 2014-DB-0022D, Mrs. MaryBeth Shea made a motion to immediately suspend the licensee from practicing dentistry in the State of West Virginia, for him to cease and desist the practice of dentistry immediately and for Board Counsel to be given the authority to negotiate an appropriate Consent Decree to resolve this matter to include, but not be limited to, the licensee entering into a contract with the West Virginia Dental Recovery Network and any additional terms which would provide for continued supervision. Dr. Stanley W. Kaczkowski seconded the motion. The motion passed with a unanimous vote.

At this time the meeting was adjourned upon motion by Dr. Stanley W. Kaczkowski, and properly seconded by Mrs. Beverly L. Stevens, and unanimously passing.